



Town of Maine Minutes

**Monday, March 9, 2015
Board of Supervisor Meeting**

**Town of Maine Town Hall
6111 N. 44th Avenue
Wausau, WI 54401**

The Board of Supervisors of the Town of Maine held a regular monthly meeting at the Town of Maine Town Hall on Monday, March 9, 2015. Accounts Payable were reviewed at 6:30 p.m. with General Business at 7:30 p.m.

Agenda

1. Call meeting to order at 6:30 p.m. – Tad Schult, Town Chairman
2. Review Accounts Payable
3. 7:30 p.m. – General Business
4. Pledge of Allegiance to the Flag
5. Motion to approve accounts payable
6. Clerk's Report
 - A. Motion to dispense of the reading of the minutes from the February 9, 2015 Board Meeting, the February 23, 2015 Special Board Meeting/Closed Session, the February 25, 2015 Special Board Meeting, the February 26, 2015 Special Board Meeting/Closed Session, and the March 5, 2015 Special Board Meeting/Closed Session and approval of those minutes.
7. Town Attorney's Brief Status Update on Brokaw
8. Chairman's Report
9. Supervisor's Report
10. Treasurer's Report
11. Zoning Administrator's Report
12. Fire Department Report
13. Other Business:
 - A. Discussion and possible action on policy addressing horse / dog waste on Town roads.
 - B. Discussion and possible action to approve Fire Department Inspector.
 - C. Discussion and possible action to amend the Fire Department By-laws to include a Fire Department Engineer position and job description.
14. The next Board of Supervisor Meeting will be April 13, 2015.
15. Town Board will review, discuss and edit the proposed Assessor contract
16. Town Board will review, discuss and edit the proposed Fire Inspector contract
17. Adjournment

Notice & agenda of this meeting was posted at the Red Granite Bar & Grill, Richard's Restaurant & Bar, Schmidt's Bar & the Town of Maine Town Hall, 6111 N. 44th Avenue, Wausau, WI on March 6, 2015.

Tina M. Meverden

Town of Maine Clerk

Monday, March 9, 2015 Board of Supervisor Meeting

The Board of Supervisors of the Town of Maine held a regular monthly meeting at the Town of Maine Town Hall on Monday, March 9, 2015 at 6:30 p.m.

Chairman Schult called the meeting to order at 6:30 p.m.

Review Accounts Payable

Present were Chairman Tad Schult, Supervisor Keith Rusch, Supervisor Betty Hoenisch, Clerk Tina Meverden, Treasurer Marilyn Grunenwald, Town Attorney Randy Frokjer, and community members. Zoning Administrator / Building Inspector Rich Grefe was absent due to illness.

Pledge of Allegiance to the Flag

Motion to approve accounts payable bills

Chairman Schult called for a motion to approve the accounts payable bills. Supervisor Rusch made a motion to approve the accounts payable bills, seconded by Supervisor Hoenisch. Motion carried.

Clerk's Report:

Chairman Schult called for a motion to dispense of the reading of the minutes from the February 9, 2015 Board Meeting, the February 23, 2015 Special Board Meeting/Closed Session, the February 25, 2015 Special Board Meeting, the February 26, 2015 Special Board Meeting/Closed Session, and the March 5, 2015 Special Board Meeting/Closed Session and approval of those minutes.

Motion by Supervisor Rusch to dispense of the reading and approve the minutes from the February 9, 2015 Board Meeting, the February 23, 2015 Special Board Meeting/Closed Session, the February 25, 2015 Special Board Meeting, the February 26, 2015 Special Board Meeting/Closed Session, and the March 5, 2015 Special Board Meeting/Closed Session, seconded by Supervisor Hoenisch. Motion carried.

Town Attorney's Brief Status Update on Brokaw

Attorney Frokjer stated that the Town of Maine in conjunction with the Town of Texas will conduct an updated status meeting on the situation with Brokaw at 7:00 p.m. on March 30, 2015 at the Town of Maine Town Hall. He stated that the Town does not have all the information it needs at the present time, but Maine and Texas Supervisors will be available to answer any questions the public may have and to provide an update of the situation.

Attorney Frokjer explained that the Town of Maine and the Town of Texas are working cooperatively together. He believes that both townships seem to possess the same thought pattern regarding the matter. In contrast, Attorney Frokjer senses that the Village of Brokaw and the City of Wausau appear to have different ideas concerning the direction the Village of Brokaw should go.

Attorney Frokjer stated that the matter is complex – something not easily grasped in a meeting or two. He also shared that the Town has struggled to obtain information on Brokaw, and to date, still does not have all the information it needs. Attorney Frokjer ended by informing community members that no plans of action have been formulated yet.

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When asked how the public will be informed of the informational meeting, Attorney Frokjer explained that the public will be notified via the website and by publication notice. Supervisor Hoenisch added that a notice will most likely be placed in the Buyer's Guide (as that is more cost effective than a mailer). She continued that the meeting information will also be placed on the Town's digital sign as well as the Town's website.

Attorney Frokjer clarified that the meeting will NOT be a public hearing pursuant to a provision in a statute, but rather simply an informational meeting provided by the Town for community members to keep abreast of the situation.

Chairman's Report:

Chairman Schult reported that the past month has been both tiring and frustrating, as he has been attempting to contact people to obtain guidance and help with the Brokaw matter. He also shared that he has spent much of the past month reading material on the status and history of Brokaw.

Supervisor's report:

Supervisor Rusch reported that the Town received from its previous assessor a letter informing the Town of legislation that is proposing to move assessment services from the local municipal level to the County level. He shared that the Town would be impacted financially as the current cost to the Town for assessment services is roughly \$14,000 per year. If the County takes control of assessments, the cost for the Town would skyrocket to approximately \$68,000 annually.

Supervisor Rusch continued by explaining that those who have the most knowledge of properties in the Town would be taken out of the equation, as those at the County level would do the assessment work. He stated that the Open Book and Board of Review proceedings would all be held at times and places less convenient for community members, thus making it more difficult for property owner to rectify any issues they may have with their assessments.

Supervisor Rusch stated that the Town's previous assessor is encouraging community members to contact their legislators if the proposed legislation on changing assessment services is disagreeable to them. Supervisor Rusch offered to copy list of legislators to be contacted for those interested in voicing their opinions.

Supervisor Hoenisch provided history on another piece of legislation that failed; the failed legislation was regarding assessments controlled at the state level. She also informed audience members that they could email clerk@townofmaine.com or office@townofmaine.com and request the list of legislators to contact.

Supervisor Hoenisch reported that the month was filled with the following: 1) Attending to the Brokaw matter; 2) Arranging hall rentals for the spring and summer months; 3) Providing townspeople with building packets; and 4) Sending out fifty-two letters to prospective assessors and then interviewing four assessor candidates.

Supervisor Hoenisch reported that three of the four assessor candidates that were interviewed were highly qualified. Although the decision was a difficult one, the Town Board approved an assessor for the Town on February 26, 2015.

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Supervisor Hoenisch stated that obtaining the assessment records from the Town's previous assessor was difficult, but after some effort the Town will be receiving them tomorrow. She added that the Town will save money for assessment services in 2015 as well as the following three years, if the Town chooses to continue its contract with the new assessor.

Bob Pound asked about the contract with the new assessor – more specifically, if it will include language to prevent difficulties with the return of assessment records in the future. The Board members explained that the issues with the return of records were not the result of problems with the language of the previous assessor contract, as it clearly stated that the assessment records are the property of the town.

Treasurer's Report – February 2015

Town Accounts:

Town of Maine Checking Account February 28, 2015 - \$5,468.81

Garbage and Recycling Special Assessment Certificate of Deposit Account – \$35,938.40

Money Market Account Balance January 31, 2015 - \$1,509,025.26

Money Market Account Deposits and Interest February 2015 - \$521,595.76

Money Market Account Disbursements February 2015 - \$1,289,305.50

Money Market Balance February 28, 2015 - \$741,315.52

Maine Fire Department Accounts:

FD Equipment Outlay Account February 28, 2015 - \$58,932.95

FD Money Market for Memorials and Special Donations February 28, 2015 - \$24,984.36

FD Petty Cash Checking Account February 28, 2015 - \$6.43

Chairman Schult called for a motion to approve the Treasurer's report. Supervisor Rusch made a motion to approve Treasurer's report, seconded by Supervisor Hoenisch. Motion carried.

Zoning Administrator's Report – February 2015

Zoning Administrator / Building Inspector Rich Grefe was not present due to illness.

Fire Department Report:

Clerk Meverden read a report submitted by Interim Chief Joe Bozinski concerning the status of Maine Fire Department for February 2015. To view the report as read by Clerk Meverden, see the concluding pages of these minutes.

Other Business:

A. Discussion and possible action on policy addressing horse / dog waste on Town roads.

Sherry Messerschmidt stated that she has a problem with horse waste being kicked from the road down into the ditch and onto her grassy lawn. She would prefer not to have to mow through the waste or encounter it when using the string trimmer. She added that horse waste has been deposited on the entrance to her driveway as well.

Ms. Messerschmidt explained that the neighborhood in which she lives is a residential area and that all her neighbors mow their lawns right up to the blacktopped road. She believes the manicured lawns add to the aesthetics of the neighborhood, but she also wonders if it would be better to let the ditches go unmowed.

Supervisor Hoenisch asked the Messerschmidts if they have spoken to the owners of the horses. Ken Messerschmidt replied that he has addressed the issue with the woman who boards the horses, and she has taken care of the issue every time. Mr. Messerschmidt wonders, however, how long it will take before the horse boarder becomes tired of his calls. He believes the responsibility to clean up the waste belongs to the horse riders not the boarder.

Sherry Messerschmidt explained that the horse riders are young teenage girls who do not reside in the area. She recalled one particular incident where a large amount of waste was dropped and a phone call to the horse boarder was made. The woman boarding the horses made the teenage girls clean up the waste. Ms. Messerschmidt thought that incident would perhaps stop the teenage girls from repeating the behavior, but that has not been the case.

The Messerschmidts shared other areas where they have noticed the horse droppings – more specifically, on the Maine Elementary School playground and on the nature trail.

Sherry Messerschmidt stated that she does not mind having the horses walk through the neighborhood, but she believes she should not have to be responsible to clean up after them – especially the waste deposited on her lawn. She offered the Town Board pictures documenting the problem in her neighborhood.

Supervisor Rusch volunteered to contact the horse boarder to see if he could help resolve the matter.

Chairman Schult stated that he also rides horses, but noted that his area is more agricultural. He explained that when horse waste is dropped on the road, it either dries up and blows away or gets washed away by the rain. He ended by saying that he understands, however, how the horse waste could be problematic in a residential setting such as is the case here.

When Supervisor Hoenisch suggested the use of horse diapers, Chairman Schult stated they would not work well because not all horses might cooperate.

Attorney Frokjer explained that it is the responsibility of the stable operator to address the issue with her customers. Ken Messerschmidt stated that the stable operator has always been cooperative and that he doesn't have an issue with her, but she is not always aware of what her customers are doing once they leave her property with the horses to ride.

Pamela Mootz explained that the horse waste problem occurs almost every time the teenage girls ride – and that is on a weekly basis.

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Supervisor Hoenisch asked Attorney Frokjer if he knew of any ordinances from other townships that addressed the issue at hand. Attorney Frokjer replied that State Statute does give horses the right to be on the roads the same as a car or a bicycle, and thus the Town cannot say that horses cannot be on Town roads. He continued by noting that the Town does have authority over maintaining the roads and any obstructions on the roads – however, he has not heard of any towns taking the position that horse manure is an obstruction on the roads.

Supervisor Hoenisch mentioned a County ordinance regarding manure on roads. In response, Attorney Frokjer stated that the Town Board has wide authority to pass ordinances to keep the roads maintained, but advised that going that route can be cumbersome and costly for the Town.

Supervisor Rusch confirmed that he would make a phone call to the stable operator.

Chairman Schult stated that if nothing else, maybe the stable operator can go out after rides and pick up what it deposited on the roads. Sherry Messerschmidt replied she is okay with the waste on the roads, but asks that the horse riders do not kick the droppings into her lawn.

Discussion continued on picking up animal waste from roads so that residents do not have to walk and/or drive through it and as a result have the waste carried into their garages and homes.

B. Discussion and possible action to approve Fire Department Inspector.

Chairman Schult stated that the Town has found a competent individual by the name of Jeff Pollard to serve as Fire Department Inspector. He explained that Mr. Pollard has been recommended by the Town of Maine's former Fire Inspector, Jim Binkowski.

Chairman Schult noted the fact that Mr. Pollard is not a resident of the Town of Maine – something he believes is a positive. He also stated that Mr. Pollard has been interviewed several times.

Supervisor Rusch reported that the Town Board has received a recommendation from the Maine Fire Department to hire Mr. Pollard for the Fire Department Inspector.

Gary Zernicke inquired if there were any other applicants considered for the position of Fire Inspector. Chairman Schult replied by stating that there were other people considered for the position.

Gary Zernicke asked how many interviews were conducted for the Fire Inspector position. Chairman Schult explained that only one candidate was interviewed. He continued by saying that the Town Board was not willing to consider applicants who lived within the Town of Maine (the one other applicant resides within the Town of Maine).

Chairman Schult explained that choosing not to hire a Fire Inspector who resides within the Town will protect the Town and the resident applicant.

Gary Zernicke asked where Mr. Pollard resides, to which Supervisor Hoensich replied that he lives in Freedom, Wisconsin.

Gary Zernicke then asked if the Town is paying Mr. Pollard mileage to and from Freedom to complete the Town's inspections. Supervisor Hoenisch replied that he Town is paying for Mr. Pollard's mileage from Freedom, Wisconsin to the Town one-way, not round trip.

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Supervisor Rusch explained that the other applicant for the Fire Inspector position was a builder, and if he was hired, he would be completing inspections not only on buildings he constructed but also on buildings constructed by competitors – and therein may lie a conflict of interest.

Mr. Zernicke commented that having an individual who is a firefighter on the Maine Fire Department would be of benefit, for he would be concerned that the buildings he inspects are safe.

Chairman Schult explained that Mr. Pollard will build on what Mr. Binkowski had done. He stated that Mr. Pollard will document mapping of facilities for firefighters to access through a computer.

Supervisor Hoenisch noted that Mr. Pollard will act as a sub-contractor of the town rather than be an employee of the Town like Mr. Binkowski was. As an employee, the Town had to pay FICA on Mr. Binkowski's payroll as well as carry insurance on him. As a sub-contractor to the Town, the Town will save substantially.

Supervisor Hoenisch added another savings the Town will benefit from – more specifically that Mr. Pollard will not charge the Town an additional fee if he has to return a second time to an establishment because he was not granted access on his first attempt to inspect.

Supervisor Rusch stated that Mr. Pollard was more qualified than the other applicant. He also explained that the Town Board contacted the State Fire Prevention Coordinator because of its concerns with the other applicant possibly inspecting structures he built and structures built by his competitors. The State Fire Prevention Coordinator recommended the applicant in question not be hired for the position of Fire Inspector.

Gary Zernicke asked if the other applicant for the Fire Inspector position was informed as to why he did not receive an interview. Betty Hoenisch explained that just because an applicant applies for a position does not necessarily guarantee that applicant an interview. She listed other positions, such as Town Assessor and Public Works employee, where not all applicants were interviewed for the job opening.

Supervisor Hoenisch gave some history of a former Town Fire Inspector who was also a member of Maine's Fire Department and a resident of the Town – an individual who former Fire Chief Ohrmundt asked be terminated because he performed his job duties poorly. John Ohrmundt confirmed that Supervisor Hoenisch's statement was accurate and then added that the problem was managed and corrected.

Chairman Schult stated that the Town Board does not possess any records during the time the Town and former Fire Chief Ohrmundt were experiencing difficulties with the former Fire Inspector / firefighter / Town resident. Former Chief Ohrmundt replied by stating that he has the records from that period of time. When questioned by Chairman Schult as to why the Town does not possess the records, Mr. Ohrmundt replied that he does not know why and that he has copies of the records.

Supervisor Hoenisch commented that the Town Board went into closed session to terminate the former Fire Inspector/Firefighter/Town Resident but never received the fire inspection records. Chairman Schult added that Mr. Ohrmundt signed the 2% Fire Dues during the time period in question. Mr. Ohrmundt replied with "Yea, I know fraudulently. Because I was lied to by the Fire Inspector."

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Mr. Ohrmundt stated that the former Fire Inspector lied – he lied to Mr. Ohrmundt and the state of Wisconsin; he falsified an affidavit. He continued by saying that the Fire Inspector took all the fire records home, and he would not bring them back. Mr. Ohrmundt added that he and two or three other firefighters went to the former fire inspector's home to retrieve the records on several occasions, and the former inspector never opened the door.

Supervisor Hoensich gave history on problems the Town has had in the past with a local Town Assessor, a local Town Zoning Administrator, a local Town Building Inspector, and a local Fire Inspector. She stated that it is the Town's discretion to hire who it would like based on the applicant's qualifications. Supervisor Hoenisch noted that Mr. Pollard is an instructor for fire inspections and therefore have the qualifications to do an outstanding job for the Town.

Chairman Schult explained that Brec Ohrmundt is a tremendous firefighter and has helped the Town with his services, but added that he does not want to put him into a situation where he is inspecting the buildings he has constructed and competitor's buildings.

Gary Zernicke asked if the Town Board has discussed this information with Brec. Chairman Schult replied that the Town Board explained it to him during the meeting with the Fire Department the other night.

John Ohrmundt commented that there are 896 fire departments in the State of Wisconsin and the vast majority of those inspect from within the department. He then asked who the Town Board contacted from the State to receive advice on the matter. Supervisor Rusch replied by offering the name of Carl Frisk. Mr. Ohrmundt also acknowledged that the Town Board has the authority to hire who they wish.

Supervisor Rusch reiterated the reason the Board chose not to hire Brec. Again, because he is a builder and has constructed buildings in the Town, if hired he would be called upon to inspect those buildings as well as buildings constructed by competitors. Brec could possibly be put in a potential situation where someone might make an accusation, even if it was not true.

Supervisor Hoenisch stated that because of what happened with the Town's former Fire Department Inspector, Jim Binkowski was shocked that the Department of Safety and Commerce did not do an audit of the Town of Maine books and demand all of the 2% Fire Dues back – an substantial amount of money.

John Ohrmundt responded by saying the matter was addressed with the former Fire Inspector immediately upon notification. Supervisor Hoenisch argued that Mr. Ohrmundt's facts were not correct.

Supervisor Rusch made a motion to approve Jeff Pollard as the Town of Maine Fire Inspector, seconded by Supervisor Hoenisch. Motion carried.

C. Discussion and possible action to amend the Fire Department By-laws to include a Fire department Engineer position and job description.

Chairman Schult asked Interim Fire Chief Bozinski if he wanted to comment on the matter. Interim Chief Bozinski stated that the Fire Department looked at creating the position of Fire Department Engineer because of the Fire Department's aging apparatus that is requiring more attention. He commented that

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Maine Fire Department has been in a more reactive mode than a proactive mode and creating the engineer position will help the department better keep up with maintenance on its equipment.

Interim Chief Bozinski explained that the Fire Department Engineer would not necessarily be the individual to “turn the wrench” but rather be responsible to contact and arrange work on apparatus when needed.

Attorney Frokjer stated that he has created a resolution to amend the Fire Department By-laws using the information Interim Chief Bozinski has provided. The Town Board then spent a few minutes reviewing the resolution to amend the Fire Department By-laws provided by Attorney Frokjer.

Supervisor Hoenisch made a motion to approve the resolution to amend the Fire Department By-laws to include the position of Fire Department Engineer, seconded by Supervisor Rusch. Motion carried.

Schedule next monthly Board of Supervisor Meeting for Monday, April 13, 2015 with bill approval at 6:30 p.m. and general business at 7:30 p.m.

Chairman Schult informed community members that before adjournment the Town Board will be reviewing , discussing, and editing both the proposed Assessor contract and the proposed Fire Inspector contract. Supervisor Rusch added that community members are welcome to stay if they would like to observe the process.

Attorney Frokjer addressed a question Bob Pound had; he stated that the Town Assessor contract does specifically state that the ownership of assessor records belongs to the Town.

The Town Board took a moment to sign multiple copies of the resolution to amend the Fire Department By-laws to include the position of Fire Department Engineer.

Town Board will review, discuss, and edit the proposed Assessor contract.

Attorney Frokjer stated that he sees no problems with the Assessor contract. He simply questioned the time period listed in the contract for Assessor services.

Supervisor Hoensich replied that because the Town had experienced difficulties with its previous assessor, it has decided to test out an assessor for one year before deciding to extend his contract. She then explained the reason why the Board chose Mr. Zacharias as its next Town Assessor – 1) because his contracted price was reasonable and 2) because he uses the computer software called Market Drive.

The Town Board then explained to Attorney Frokjer the fee Mr. Zacharias is charging the Town for the first year of assessment work (\$5,000) and stated that the quote for the following years from Mr. Zacharias is consistent with many of the other quotes received from other assessors.

The Town Supervisors then gave Attorney Frokjer additional information on Mr. Zacharias and some history on the difficulties they have had with former Assessor Todd Anderson.

Supervisor Rusch made a motion to approve the proposed Assessor contract, seconded from Supervisor Hoenisch. Motion carried.

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Town Board will review, discuss, and edit the proposed Fire Inspector contract.

The Town Board decided that Attorney Frokjer should draft a simplified contract, as Mr. Pollard provided a lengthy proposed agreement.

Supervisor Rusch made a motion to enter into contract with Jeff Pollard as an independent contractor under the general terms proposed by Mr. Pollard in the Fire Inspector contract he provided upon receiving an updated contract from the Town's attorney, seconded by Supervisor Hoenisch. Motion carried.

Discussion continued as to the dates of the Informational Meeting set for March 30, 2015 at 7:00 p.m. and the Annual Meeting which will be held on April 21, 2015.

Adjournment.

Chairman Schult called for a motion to adjourn. Supervisor Rusch made a motion to adjourn at 8:40 p.m., seconded by Supervisor Hoenisch. Motion carried.

Respectfully submitted and approved on April 13, 2015.

Tina M. Meverden

Town of Maine Clerk