

**SPECIAL VILLAGE OF WALWORTH AND TOWN OF WALWORTH
BOARD MEETING**

**Wednesday, October 30, 2019, 6:00 p.m.
Village Hall, 227 N. Main St., Walworth, Wisconsin**

MINUTES

Call to Order: President Connelly called the meeting to order at 6:00 p.m.

Roll Call: Present: Village of Walworth President Tom Connelly, Jr., Trustees Louise Czaja, Dan Mizialko, Kristi Reiersen, Pat McMahon. Absent: Trustee Randy Maynard. Present: Town of Walworth Chairperson David Rowbotham, Supervisor #1 Steve Santeler, Supervisor #2 Bill Pearce.

Also Present: Town of Walworth Clerk Treasurer Marie Baker, Village of Walworth Clerk Treasurer Sabrina Waswo, Village of Walworth Fire/Rescue Chief David Austin, Village of Walworth Police Chief Ryan Milligan.

Pledge of Allegiance

Discussion on the Village of Walworth and the Town of Walworth Contracts for Fire and Rescue Services. President Connelly explained the Town has approached the Village regarding the current contracts. The Village would like to hear the Town's concerns. Town Chairman Rowbotham stated he was on the Village Board for a number of years and in that time the Village and Town were partners. Now, the Town is considered a customer. The Village Board will have to discuss if they want the Town as a customer or partner. As customers, equipment purchased should be built into the Town's fixed costs. He's concerned the Township has to buy a truck. He is also concerned about the costs being based on a 3 year rolling call volume and feels a rolling 5 year would be more accurate. In speaking with Chief Austin, he has internally been working as one department. The contracts are two separate departments. The Town would like to see it be one entity, the Walworth Fire Rescue, not two separate entities. They would like the calls counted differently and provided an example of two separate calls for one fire. He questioned if it's one fire call, why does it matter if one apparatus goes or 10. It seems the calls are based on the number of apparatus that go.

Town Chair Rowbotham stated the Township is requesting allocation of the donations received by the Fire Rescue Departments. We know there are Village and Town residents who have left estate donations. In the past those funds have been mainly used for nonbudgeted items. He had a Town resident state they wanted to leave money from their estate to the Fire/Rescue and questioned if that money will affect the Town taxes or the Village residents. If we are customers versus partners this affects donations as well. He is not familiar with how MABAS charges and questioned the contract language. Rowbotham also had questions about an audit. Chief Austin said anytime you want to go over our expenses you are more than welcome too. Rowbotham noted in the past, a previous chairman was denied. We want to move forward. He pointed out some Fire Departments are now leasing trucks and wondered if that would be a possibility.

Rowbotham stated in the past he had worked on a joint services agreement with Fontana that fell through. He knows the Fire Rescue Chief is talking about joint services with Sharon and Darien. He likes the idea of a satellite station. With these joint services, he's concerned the Village would be brought in as a partner, but the Town would be the only customer involved. The Village of Sharon and the Town of Sharon are partners.

He stressed that they have heard no complaints of the service and are very satisfied with the service. The only question he has received is why are the volunteer fire fighters paid. He tells them because they are willing to put their lives on the line and get up at 2:00 a.m. and they deserve it. This whole negotiation has to do with the Fire & Rescue, but we are elected as the officials and we have to hammer out the numbers.

Bill Pearce stated he just got on the board when the contract started. He wasn't aware of what was going on at the time. Larry Austin was instrumental in helping get both sides back together. We are representing the Town people and their taxes. There is not enough money to go around, we can't do what they do in the city. He has attended a few of the County meetings and doesn't think they will get anywhere with it. It's good they are talking with Darien and Sharon. It would be nice if everyone would be able to work together. He feels down the road, this is what will happen. He would like to see the Village and Town work it out and make everyone happy.

Steve Santeler stated as a freshman on the Board, he would like to reduce costs for the taxpayers, make sure we have something in the contract in regard to averages and costs, and he really doesn't want to buy a truck. Rowbotham said he has heard rumors the Village wants to build a new Fire/Police station, move the Clerk's office into the Police Department office, and turn the old Clerk's office into the Municipal Judge's office. He is wondering where the funding would come from for that as well as the configuration of the new building. How would space be allocated for what is Township versus Village use. He knows the building here is not up to current standards. The trucks that are being built now are much larger, and tanks hold more water. The companies that build the trucks have expanded. To buy a new vehicle we have to buy a shorter truck to fit into the building. This is a special-order truck. We would pay more for a special order truck that may not be as efficient. It might not be the prettiest solution but maybe we could bump out the back of the current building to get a bigger truck. Small departments do not have the manpower. A new engine/pumper could potentially eliminate the need for an extra truck and can hold more people. The main goal is saving lives.

The Town and Village have a contract through December 31, 2020 and we have until August 30, 2020 to break that contract. He knows the Village wants to merge the departments. Rowbotham stated a baby step would be making an addendum to the contracts to allow the Fire and Rescue Departments to be merged. The big question is do we want to be customers or partners. Once the departments are merged, a call is a call.

President Connelly noted we have to get through the process of redoing the bylaws. We really wanted to hear from the Town regarding your concerns and what you would like to see as a new agreement. This was more of a listening session for the Village to understand the Town's position. President Connelly noted Larry Austin and Pat Hubertz were instrumental in developing the current contract. None of the current board members were around when these contracts were negotiated. Connelly would like to put this to committee first. We have finished plans from Scherrer for an Emergency Services building on Outlot 1 next to Mecum. The costs are substantial but when you look at what it was in 2004 versus now, there is a big difference. We have moved the new building discussions to the Plan Commission. Connelly suggested waiting two months to meet again to give the Village time to get things through committee and discuss. After that we can have one meeting a month or one meeting every other month. The Town will pick some dates two months out and pass along to the Village to see what works with scheduling.

Chief Austin stated the last time the board were together was in 2001 or 2002. Meetings followed and this contract was born out of that. The Walworth Fire Department was formed in 1901. Often in that time, the Fire Department was a charitable organization. They raised money and operated independently. Even now, a lot of them are incorporated and operate as their own entity. They contract with the municipality. Most of them have merged into village departments but still carry on past practices. This department has jointly covered both the Village and Township, and, for a portion of time, Linn Township and Fontana. The organization has always been known as the Walworth Fire Department. Trustee Czaja remembers there being a contract in the 1970's. Chief David Austin joined the department in 1992, at that time we operated under an intergovernmental agreement and then it changed to the current contract. Connelly said we have gotten burned on IGA's with Fontana. IGA's can work against you too. The village will talk about that and compare to other operating agreements to see what makes the most sense. Bill Pearce asked about discussing a tiered cost system and would like to get the politics out of it. Connelly is open to looking at the costs to see if there is an equal or better way. Chief Austin agrees as long as the crews are paid appropriately. Rowbotham said the Town's first and foremost goal is the safety of our residents, but they also have a fiscal responsibility to the residents. The Village of Sharon received a grant, but the Town of Sharon cannot get a grant because they are considered a

customer. Rowbotham questioned if the Village gets a grant, does that take the average cost down for everyone. As a customer, providing a vehicle doesn't make sense as they are not eligible for grants as a provider of the service would be.

Steve Santeler feels being a customer makes it cleaner. Rowbotham is open to working with Fontana; however, a previous Fontana board made it seem like they were open to it, and then voted to stay on their own. Connelly is not in a hurry to work with Fontana but is not taking it off the table either. He does not feel it will materialize. Connelly pointed out call volumes are up, and expenses are up in almost every category. Renegotiating will potentially cost more, especially if the Village purchases all the equipment and passes that cost on through a shared contract. Rowbotham replied they fully understand costs and calls are increasing. Santeler stated he did not mean the Town would save money; he knows there are certain costs involved and would like to see how the costs are applied. Connelly feels our current algorithm is difficult to follow. He would like to find an easier mechanism to determine the costs. The Village and Town agreed to meet again after the holidays.

Chief Austin explained the Mutual Aid Box Alarm System (MABAS). MABAS is an organization of all Fire Departments within a certain jurisdiction. It is an agreement we have all entered into to provide resources to each other. There is not an office with a secretary; it's an association of Fire Departments. You must have an organization that provides your baseline services. When that is overwhelmed, MABAS comes into effect. A municipality can't just use them in place of having services. When we request a MABAS box, it doesn't cost the Town or Village anything. It allows us to bring in services (aid) from other municipalities. He will look into how exactly those get billed to the Town, but noted we can't charge another municipality for providing MABAS services. The Chief feels we receive more MABAS services than we put in. We might send 4 guys here, 6 guys there, but when we have a fire and need 50 guys, we can get them, and apparatus as well. We've done mutual aid for years. Instead of pulling all resources from one municipality leaving them vulnerable, we can pull small amounts from more communities. Likewise, when we go, we take one or two apparatus. We still always maintain a fire engine and personnel to provide for our next call. Years ago, we never had back to back calls; this year we have had 15.

Chief explained the question regarding a multiple calls to the same address. An example being one call was for an unconscious person, and the ambulance responded, treated them, and transported them. Then an investigation was initiated, and that was a standby call. This would be the same if we had two calls to the high school: one for a medical issue and another for a fire alarm. This would be two different calls but at the same location.

Chief Austin explained auditing the Fire Department's books. As mentioned before there was a generally accepted practice in the past that the Fire/Rescue fundraise and keep those funds in a separate bank Fire/Rescue account. When he came in as a Chief, he had five checkbooks. That was huge a responsibility and liability on him. We have since migrated all that fundraised money to the Village as custodian. CT Waswo added those funds are restricted to its intended use, the Village cannot take it and use it for other things. Chief Austin said he takes the trust of the community very important. We are supported very well through fundraising, wills, and estates. He can't really say if it benefits the Village or Town more than the other because we operate our organization as the Walworth Fire Department. Just prior to him becoming Chief, they purchased a new grass rig and outfitted it. No tax dollars were used. The Village does not have a high need for a grass rig, but the Township does. We take it seriously and debate heavily on what we are going to spend our money on. We mostly purchase equipment to keep our budget low. Sometimes those funds are used for other things, not fire hose or Band-Aids, but t-shirts for the guys. This is to keep morale up, increase our public image in the community, and increase recruitment.

Chief Austin explained the joint services plan they are working on that will be rolled out shortly. It is not a merger of departments. Departments would jointly provide staffing. There is no interest with any communities to merge departments. They use the term volunteer very loosely as they do receive volunteer pay. The auditors consider the members employees of the Village, and they receive an on call pay. He spoke to vehicle design

and spec, explaining with manpower shrinking we may have to adjust our apparatus, such as a remote-control water cannon that one person can operate instead of a manual one that needs four people. Leasing trucks is something he has never looked at. He would have to look at the cost with turnover as we use our trucks for 20 years or more.

Discussion/Action on Lake Petite Drainage Issues and Engineering Study

The Village ordered a study of Lake Petite and the entire southern drainage way through the Village of Walworth. We had water draining into the Oak Knolls retaining area every day since September 13, 2019. The first three or four weeks, it was coming in faster than we could move the water out. Fifteen homes were affected, the worst had 6 feet of water. One house flooded 7 times in 20 years, five of those times were this year. There is no outflow, Oak Knolls acts as a dam for Lake Petite. Lake Petite is a natural basin. Connelly stated the cost of the study is \$16,000 and asked if the Town would like to be part of that. There have been 3 major events in the time Connelly has lived there: 2000, 2008, 2019. There were also minor events in 2003, 2009, 2013, 2017. With this most recent event on September 13, people left for work in the morning, and when they came back for lunch, they something needed to be done. In five hours, the retention area was full. The Great Lakes Basin is higher than it has ever been. Something needs to be done. We need to offer people relief otherwise we will have a blighted subdivision. As the study will include Lake Petite, which is located in the Town, Connelly asked if the Town wants to contribute. The Village will share the results of the study with the Town regardless. He was open to any thoughts or suggestions. The County puts out a Hazardous Mitigation Plan and we are the textbook case for flooding, which has been the case for the last 15 years. In 2008 or 2009 the engineer provided 5 solutions, but the Village did not act on any of them. Now, we have purchased a pump so we can respond as soon as there is an issue. In the past we were renting and sometimes it could take half a day to obtain the pump. Flooding is significant and remains significant today, dormant springs have opened up, and we are concerned about what happens during the next event, which we are almost certain will be in the spring as everything is super-saturated.

Dave Rowbotham stated Oak Knolls was annexed through the Township. In 1985 he did experiments for FFA, and water ran through the field then. He remembers water running over Ridge Road in the 70's, through what is now Brennan Subdivision and behind Big Foot High School. There was a big ditch, you could swim in it. He remembers being told by numerous people not to build there, as it's a natural waterway. The record shows 2 Plan Commission members and 1 Board member voted against it. The others voted for it. There were at least 3 developers involved. Trustee Czaja thought they had certified surveys first. The plans for the final phase were done in 1995. Connelly stated the engineer said not to build on it as it would be very costly to have to build at an elevation of 991. The houses built below that grade are the ones that flooded. Several utility boxes were put below grade and are all underwater. Steve Santeler added we have a water cycle. What happened over the last 100 years is our temperature has increased 1 to 2 degrees. With that, the theory is we get more intense storms, more frequently. When Oak Knolls was built in the mid 1990's stormwater would be retained in the pond and released at a slower rate. He's not sure what happened that it isn't working, it should work.

Connelly replied the overflow is capped, so it acts as a dam. There is a pipe at the bottom of the retention area that flows uphill to Ridge Road, but then there is no outflow. National Weather Service rain data shows we received 12.5 inches of rain in a four-day period. September normally gets 3.5 inches for the month. That put us in a category of a 750 to 1,000-year rain event. Shodeen's engineering provided for a 200-year storm, so even that would not have helped us. The developer hired an independent engineer. Strand was the Village Engineer and they have stated most of the stormwater management was installed without their knowledge or oversight. There are letters to that affect. If houses had been built to 991 elevation they would not have flooded. Further, Connelly has received calls from the Petersons, and Pat Fritz on Stateline Road, to stop sending water. We are on a natural water way. They have operated with Oak Knolls as a dam, but it is not realistic. Thus, this is a problem on both ends. The engineer is looking into the whole system as it enters in from the Town, through the Village, and back out into the Town. We aim to do something but are not sure what yet.

Connelly showed photos he took of the rain event. He stated there is a 36-inch underground pipe that goes into a French drain that rises along until we can see it. Once we can see it, we can pump it; however, once we see it, one house is already flooded and another almost flooded. We have 15 houses at around 986 elevation, a good 6 feet below what they should be. A question arose why the houses were built below grade. We think it was lack of oversight. Connelly described the scene of one photo and stated the water was 80 feet wide, 18 to 24 inches deep, and coming in like a river. Town Clerk Treasurer Marie Baker asked what the village intends to do once the study is complete. Connelly responded we are looking at opening up that natural flow. The engineer is to provide 5 options. We do have stormwater management that goes from east to west. Oak Knolls is capped, but if it naturally flowed out, we think it would be okay. The idea is to get back to the state where water can take its natural course and level out without flooding. We hope the options are not cost prohibitive. If they are, we might have to look at other options. The Town stated Peterson's came to the Town Board stating the water the Village is pumping out is going onto their land. The Town would like to hear what comes of the study. Connelly said the timeline from the engineer was February.

Connelly noted we had some complaints from houses by the new driveway by the tennis courts of the High School. The new stormwater system installed was pushing water up onto the lawns of those houses. We had our engineer come out and work with the High School's engineer to come up with new plans. Those were executed and worked perfectly. We had no problems in Brennen Subdivision. There was one house with water in their backyard, and isolated events scattered throughout the Village due to the rain, but no big issues.

Adjournment

Czaja/Mizialko motion to adjourn at 7:31 p.m. Motion carried 5 to 0.

Sabrina Waswo, Clerk Treasurer