



Town of Menasha

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Approved

ANNUAL TOWN MEETING Municipal Complex - Assembly Room Tuesday, April 9, 2002 MINUTES

I. CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Town Chair Arden Tews called the Annual Meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Clerk Jeanne Krueger noted the roll as follows:

TOWN OF MENASHA ELECTORS PRESENT (62):

Arden Tews	Barbara Barczak	Ronald Krueger	Jerry Jurgensen
Russ Handevitd	Keith Kiesow	Jeanne Krueger	David Sellier
Barbara Hanson	Randy Gallow	Roger Clark	Jim Cleveland
Robert Liedl	Jeff Roth	Mike Van Dyke	John Zaborsky
Orphie Hamilton	Loren Hamilton	Martha Andrew	Thomas Schierl
Leroy Kuehn	Richard Gawinski	Bernice Gawinski	Collett Beuther
Lyle Hanson, Jr.	Clarence Petersen	Carol Smith	Charles Smith
Dorman Litton	Betty Zaborsky	Marilyn Fishel	Donald Fishel
Len Kachinsky	Craig Barczak	Dolores Lynch	Michael Lynch
Harold Pelton	Derek Hanson	Carlene Sprague	Kate McQuillan
Norman Miller	Gina Hanson	Ed Duessing	Ted Jarosh
Patricia Hess	Paul Beuther	Joe Truedell	Marianne Miller
Kris Koehler	Bob Mayer	Cheryl Barth	Bill Hofacker
Sandy Gilge	Al Gilge	Beverly Jurgensen	Dave Thone
Evelyn Konkell	Pat Boushley	Jane Isaac	Kellie Burriss
Gerald Van Oudenhoven		Patricia Hess	

NON-RESIDENTS PRESENT (15):

Karen Tweedie	Tim Plagenz	Steve Fahlgren	Paula Pagel
Susan Phillips	George Dearborn	Sue Hermus	Joan Burrill
Lori Jencks	Tami Thompson	Dick Eiberger	Steve Laabs
Myra Piergrossi	Jeff Smith	Greg Curtis	

II. INTRODUCTION OF TOWN BOARD AND STAFF

Chairman Tews introduced the board and staff members present to the townspeople.

III. FORMAL SWEARING IN OF NEWLY ELECTED OFFICIALS

Clerk Jeanne Krueger administered the Oath of Office to newly elected Supervisor #1, Barbara J. Hanson and to re-elected Supervisor #3, Jerry Jurgensen.

Ms. Hanson addressed the Board and townspeople.

IV. ANNUAL AUDIT REPORT – FISCAL YEAR 2001 – VIRCHOW KRAUSE

Mr. Steve Fahlgren of Virchow, Krause and Co. rendered his opinion of all financial information for the fiscal year 2001 audit. He provided a brief explanation of the financial statements included in the 2001 Annual Report and fielded questions from the audience.

V. APPROVAL OF MINUTES

Annual Town Meeting – April 10, 2001

MOTION: Resident Richard Gawinski, seconded by resident John Zaborsky to accept the minutes as submitted. Motion carried unanimously on a voice vote.

VI. NEW BUSINESS & DISCUSSION

a) Clerk's Request for Paid Insurance / Benefits

MOTION: Supv. Handevidt, second resident Joe Trudell to grant the Town Clerk's position the same benefit package as other non-represented full-time employees as they receive presently.

Resident Martha Andrew read a memo she had handed out to the residents whereas she complained of what she felt was a very generous salary as well as her husband's future compensation. She also stated in her memo how the police and fire departments would suffer because of granting the clerk's position employee benefits.

Resident Kate McQuillan asked the board why a town employee would not be offered insurance. Chairman Tews responded because the position is elected. Atty. Roger Clark stated the Clerk's position is the only elected full-time employee in the town and further stated that legally, or subject to question, the town board was not in a position to grant those benefits and felt it should be decided at a town meeting.

Ms. McQuillan stated the town is providing insurance, as any other company is obliged to do, and further stated the Clerk's position should be offered the same package as all other Town of Menasha full-time employees.

Supv. Handevidt stated the Clerk's position should be treated the same as other full time employees. Att'y. Clark stated that, due to a discrepancy in the State Stats., it was his opinion (on elected personnel) the decision should be left to the town residents.

Resident Ed Duessing stated if the Clerk should be compensated for these benefits, they should start at the next election of the new town Clerk and not mid term.

Supv. Handevidt stated that at an Annual Town Meeting the residents agreed to the full time status and salary however, benefits were neglected at that time and should have been included.

Resident Lyle Hanson stated that as part of running for election, the compensation should have been spelled out at that time. Atty. Clark agreed that it should have been, but was not. Mr. Hanson also stated insurance co-pays should be paid by employees and asked if the town was looking at this. Chairman Tews stated the town moved from what was a 'cadillac' plan to the 'state' plan, which was less money. Non-represented employees paid 10%, represented paid 15% of the premium.

Resident Kate McQuillan asked for the exact wording of the motion again. Supv. Handevidt repeated, "to give the Clerk the same benefits as other full time employees"... Resident Tom Schierl, stated the full-time Clerk, elected or not, should receive the same benefits that all other town employees receive.

Resident Carol Smith, 1350 Manitowoc Rd., stated her biggest problem was that the Clerk was aware of the salary established, just as other town employees knew their salaries before accepting their jobs.

1ST AMENDED MOTION: Kate McQuillan, seconded by John Zaborsky to give the current Town Clerk the same full benefit package as other non-represented, full-time employees as they receive presently, effective immediately.

Resident Ed Duessing asked which benefits were included and the position should not receive extra pay for over time hours as it was an elected department head status. He stated that elected members were expected to show up for their jobs. Supv. Handevitd stated that, as an elected official, once elected, may never show up for work and still get paid. Mr. Duessing responded that he understood this and complained that “we have a town board member who does not show up and he’s still getting paid”. Clerk Krueger reminded Mr. Duessing that she has only missed one meeting in a year’s period. Mr. Duessing responded that he was not speaking about her (Jeanne Krueger) but of a certain board member.

2nd AMENDED MOTION: Resident Ed Duessing, seconded by Resident Wm. Hofacker that the Clerk’s requested benefits begin at the next election.

Resident Martha Andrew asked Atty. Clark what the legality of a decision made at this meeting. Atty. Clark stated that he did not see it as illegal as he was putting it in front of the town’s people, rather than at a town board meeting where the other town employee’s salaries are set. Ms. Andrew then asked if benefits are compensation. Atty. Clark stated that interpretation is different for everyone and made his decision based on his interpretation of State Statutes.

Resident Chuck Smith stated that only the people in the room were making the decision and employee salaries should put on referendum on town ballots thus giving all residents a vote on salaries. Atty. Clark assured him that the people present now are representing the entire town according to State Statutes, as advertised in the Post-Crescent, postings and on the town’s website. He further stated there were no referendums for setting salaries for town staff.

Ms. Andrew challenged the fact that she did not see an agenda on the town’s website on Sunday at 5:00 p.m. and claimed to have called town offices and e-mailed on Sunday and still did not see the agenda on the website. She further stated she spoke to Ms. Piergrossi and wrote to Ms. Burrill and said they both had stated that there was no agenda on the website and stated that Ms. Burrill told her they would have the technicians look into this. Chairman Tews asked when the agenda appeared on (the website). Ms. Burrill stated it was on Friday.

Resident Mike Lynch, stated he had no trouble viewing the agenda on the town’s website on Friday. Ms. Andrew stated that Ms. Burrill said in an e-mail that she (Joan) was also unable to access. Ms. Burrill, who was in the audience, disagreed and stated she was able to access and further informed her of a hyper-link available that could have been utilized as well as found under town meetings. Mr. Lynch stated he had a printed version of it from the web on Friday with no trouble.

Supv. Barbara J. Hanson asked whether residents received an informational memo regarding health care costs handed out by Mmes. Andrew and Sprague, as had the town board members. Residents stated only certain people were given the memo.

First Amendment

Chairman Tews prompted the residents to vote on the first amendment, “to grant the benefit package to the present Town Clerk to be effective immediately”. Chairman Tews requested a vote of the people by a hand count. Deputy Clerk Karen Tweedie counted votes. Motion FAILED 31 to 21.

Second Amendment

Chairman Tews wanted to return to vote on the second amendment. Atty. Clark stated the amendment was “to begin the benefits following the next election” On a hand count, motion carried on 40 - 7.

On the original motion, Supv. Handevitd read the motion again, “to give the Town of Menasha Clerk the same benefits as all other full-time, non-represented employees of the Town that receive presently for the next term of office”. Motion carried on a hand vote with 42 YES – 9 OPPOSED.

Supv. Handevitd stated, that based on former Clerk Carlene Sprague’s lengthy homework on surrounding clerk salaries, he would be making an additional motion for an annual cost of living for this position as all town employees automatically receive.

MOTION: Supv. Handevitd, seconded by Ted Jarosh, 1700 Oakview Dr. “that the Town Clerk position receive an annual cost of living pay increase each year based on the C.P.I. (consumer price index)”.

Resident Collette Beuther asked if this is what is done for non-represented employees. Supv. Handevitd stated the other town employees received cost of living plus an additional merit raise for an average total of 5.5% per employee. Resident Don Fishel asked how other official’s increases are determined each year. Chairman Tews responded that board members salaries had not been increased in 10 yrs.

Mr. Fishel stated that the Clerk’s position is also elected and should be treated the same. Supv. Handevitd pointed out that the Clerk’s position is full-time and the board members are very part-time.

* At 8:05 Chairman Tews called for a 10-minute recess due the fainting illness of resident Carlene Sprague. At 8:23 Chairman Tews reconvened the meeting.

Amendment to Motion

MOTION: Resident Bill Hofacker, second resident Gerry Van Oudenhoven, “to increase the Clerk’s compensation each year by the social security increase”. Motion failed 31-8 on a hand count.

Resident Kate McQuillan asked what benefit it served to have an elected Clerk’s position. Atty. Clark clarified that the Clerk may be appointed however, could not be done this evening as it did not appear on the agenda and could be brought up at another town meeting however, could not be considered this evening.

Supv. Jurgensen stated this issue had been discussed at other town meetings depicting pros and cons. He explained that as appointed, the town board would have more control whereas, elected, the position answered to the people. He further stated residents are not happy when the choice for election is not offered and told the residents present that “Jeanne (the present Clerk) does a good job for the townspeople”.

Resident Lyle Hanson expressed tough economic times with people losing jobs and budgetary restraints coming from the state. He further said it wouldn't be prudent at this time to go ahead with automatic increases in future budgets, especially with an unknown level.

Supv. Handevitd stated the Clerk's position had been in existence 2 yrs. without benefits or pay raise and asked how many residents would work for two years without a pay raise. He further stated the other full time employees annually receive cost of living and some merit raises.

Resident Don Fishel agreed that the present clerk (Jeanne Krueger) does a great job, but stated since it is an elected position and unknown at this point in time that she will be the next elected Clerk and unknown that the next elected Clerk would be willing to work the long hard hours as the present clerk and therefore stated he was of the opinion the request should be voted down and the townspeople should look into the appointment of the Clerk's position at the next town meeting.

MOTION: for “CPI increase yearly” Motion failed 32-9 on a hand count.

Resident John Zaborsky asked if elected officials receive pay regardless of attending town board meetings and if the town could amend State Statute. Atty. Clark answered that the only way to remove a habitual absent member from office would be incapacitation, moving from the municipality or recall.

Park Commissioner Roy Kuehn gave information regarding the old town offices (now the new Community Center) on park property and had been put there without park permission. He further stated that at an annual town meeting, it was voted 102 to 31 that 63 acres of town land was not to be sold, but to be used as a nature park. The 5-year plan would be to find out how to use that land. He proceeded to read a letter written by Atty. Roger Clark in 1980.

A resident asked a question regarding decisions made at an annual meeting, about the people petitioning for a nature park on E. Shady Ln. & CB. Atty. Clark explained this power the people have to control whether the town can sell land and related about 3-4 yrs ago, the issue was brought forward to sell property on E. Shady and CB. He further stated the residents who attended that Annual Town Mtg. voted the town could sell it, but only to the Park Commission. The town board asked for a plan to develop the park, and is waiting to see whether it is feasible to develop the entire property citing funding and budget constraints. Chairman Tews stated that there were 110 people at that meeting and therefore it would take over this number of town electors to overturn that decision.

Parks Dir. Ronald Krueger gave information on the nature park, trails and ideas being discussed at the Park Commission meetings. He and Park Commission member John Zaborsky invited any interested residents to attend the Park Dept. meeting tomorrow at

7:00 p.m. at the Community Center and welcomes people to attend in presenting their ideas to the board.

Park Commission President Richard Gawinski, introduced himself and stated he's been on the Park Commission for 20-some years.

Resident Kate McQuillan asked whether the board could comment about the resignation of Administrator Patrick DeGrave this week. Att'y. Clark stated that there would be a closed session tomorrow evening. He further commented on the Post-Crescent open record requests and, based upon the confidentiality involved in disciplinary proceedings for employees and damage it may cause to people or concern about their reputations, the board would receive advise from legal council on documents that can release under those circumstances.

Att'y. Clark further stated that it has been a difficult time for the town board and staff however, closure would be forthcoming and the board had committed to answer the open records request within 48 hrs. of that meeting with as much information as can be released.

VII. SET 2003 ANNUAL TOWN MEETING

MOTION: Resident Jeanne Krueger, seconded by resident Harry Pelton to set the next Annual Town Meeting for Tuesday, April 8, 2003 at 7:00 p.m. in the Assembly Room. Motion carried unanimously on voice vote.

VIII. ADJOURNMENT

At 8:53 p.m., MOTION: Resident Craig Barczak, seconded by resident John Zaborsky to adjourn the Annual Meeting of the Town Board of Supervisors. Motion carried unanimously on voice vote.

Respectfully submitted,

Jeanne Krueger, Certified Municipal Clerk
Town of Menasha