



Village of Bayside
9075 N Regent Road
Board of Trustees Meeting
July 20, 2023
Village Board Room, 6:00pm

**BOARD OF TRUSTEES
Meeting Minutes**

I. CALL TO ORDER AND ROLL CALL

Chairperson Barth called the meeting to order at 6:00 pm.

ROLL CALL

President: Eido Walny - excused
Trustees: Mike Barth
Elizabeth Levins
Kelly Marrazza - excused
Dan Rosenfeld -excused
Bob Rudman
Margaret Zitzer

Also Present: Village Manager Andy Pederson
Administrative Services Director Rachel A. Safstrom
Assistant to the Village Manager Leah Hofer
Village Attorney Chris Jaekels
Police Chief Thomas Liebenthal
Communications Center Director Liane Scharnott
Communications Center Deputy Director Mandy Majors
5 Audience members

II. PLEDGE OF ALLEGIANCE

III. CITIZENS AND DELEGATIONS

Gerry Feldman, 133 E Glencoe Place (see attached).

IV. PUBLIC HEARING

- A.** In the Matter of 2024 Community Development Block Grant Funds – Proposed 2024 Village of Bayside Project: LX Club

There was no public comment. Trustee Levins questioned the funds. Trustee Barth explained the funds are limited to use. This is a long standing agreement with the Village of Fox Point to fund the LX Club Coordinator position. The Public Hearing was closed at 6:04 p.m.

V. CONSENT AGENDA

Upon request of any Trustee, any item may be removed from the Consent Agenda for separate consideration.

- A. June 2023 Financial Statement.
- B. Board of Trustees meeting minutes, June 15, 2023.
- C. Summary of Disbursements for June 7, 2023 through July 14, 2023 in the amount of \$828,170.22.
- D. June 2023 Community Impact Report.
- E. Application for Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor requests from Maxfields, LLC at 333 W Brown Deer Road which has been reviewed by the Police Department.
- F. Right-of-Way License Agreement with 828 E Ellsworth Lane.
- G. Resolution 23-11, a Resolution Amending Resolution 23-09 revising the Village Fee Schedule.
- H. Engineering Proposal for Outfall Review, Storm System Inventory, and Improvements to operations in the Ellsworth and 621 Pond Lift Station Service Areas.
- I. Engineering Proposal for GIS enhancements.
- J. Proposal from Energenecs for Stormwater Pump Control Panels.
- K. Submittal of the 2024 Community Development Block Grant application.
- L. 2024-2026 Community Development Block Grant Milwaukee County Cooperation Agreement.

Motion by Trustee Zitzer, seconded by Trustee Levins, to approve: June 2023 Financial Statement; Board of Trustees meeting minutes, June 15, 2023; Summary of Disbursements for June 7, 2023 through July 14, 2023 in the amount of \$828,170.22; June 2023 Community Impact Report; Application for Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor requests from Maxfields, LLC at 333 W Brown Deer Road which has been reviewed by the Police Department; Right-of-Way License Agreement with 828 E Ellsworth Lane; Resolution 23-11, a Resolution Amending Resolution 23-09 revising the Village Fee Schedule; Engineering Proposal for Outfall Review, Storm System Inventory, and Improvements to operations in the Ellsworth and 621 Pond Lift Station Service Areas; Engineering Proposal for GIS enhancements; Proposal from Energenecs for Stormwater Pump Control Panels; Submittal of the 2024 Community Development Block Grant application; and 2024-2026 Community Development Block Grant Milwaukee County Cooperation Agreement. Motion carried unanimously by roll call vote.

VI. BUSINESS AGENDA

A. COMMITTEE AND COMMISSION REPORTS

1. Public Works Committee

- a. Discussion/action on June 2023 Department of Public Works Report.

Manager Pederson stated the Department launched the Adopt-A-Drain Program which allows residents to adopt, inspect, and take care of storm drains in the Village. Four drains have been adopted so far. Mr. Pederson also stated the vacancy for Municipal Technician was filled. The new employee has many years of experience and will hopefully be at the next meeting to introduce to the Village Board.

Motion by Trustee Zitzer, seconded by Trustee Levins, to approve the June 2023 Department of Public Works Report. Motion carried unanimously.

- b. Discussion/update on 2023 Capital Projects.

Manager Pederson stated construction stated the I-43 project continues with significant lane changes south of Bayside in the next few days.

Mr. Pederson stated the MMSD Brown Deer Road Sanitary Sewer Replacement has been

delayed and is now expected to be complete on August 23, 2023

Mr. Pederson stated the East Bayside Sanitary Sewer project has received approval from Southeastern Region Planning Commission and Wisconsin Department of Natural Resources. The project is anticipated to take 6-7 weeks and be completed around September 15.

2. **Public Safety Committee**

- a. Discussion/action on June 2023 Communications Center Report.

Communication Center Director Scharnott stated there has been a focus this month on staff training.

Manager Pederson commended Communications Center Director Scharnott, IT Director Foscatto and Village President Walny on their efforts in obtaining the PSAP Grant. This designation for Milwaukee County will allow the Village to receive up to \$500,000 annually to fund technology and service enhancements in the Communications Center.

Motion by Trustee Rudman, seconded by Trustee Barth, to approve the June 2023 Communications Center Report. Motion carried unanimously.

- b. Discussion/action on June 2023 Police Department Report.

Chief Liebenthal stated Officer Bunting completed courses to be a certified instructor for de-escalation. Officer Bunting will be able to instruct other officers in the department and the North Shore in handling encounters without violence.

Motion by Trustee Barth, seconded by Trustee Rudman, to approve the June 2023 Police Department Report. Motion carried unanimously.

3. **Finance and Administration Committee**

- a. Discussion/action on June 2023 Administrative Services Report.

Administrative Services Director Safstrom briefly reviewed the June 2023 report highlighting that the new LandNav tax collection software has been implemented. The 2023 Board of Review is completed with six cases heard and one adjustment made.

Motion by Trustee Zitzer, seconded by Trustee Levins, to approve the June 2023 Administrative Services Report. Motion carried unanimously.

4. **Library Board**

- a. Discussion/action on June 2023 Library Report.

Motion by Trustee Barth, seconded by Trustee Rudman, to accept the June 2023 Library Report. Motion carried unanimously.

5. **Plan Commission**

- a. Discussion/action on the request for a Conditional Use Permit for Ralyn Tea House at 8824 N Port Washington Road.

Manager Pederson stated the Plan Commission reviewed this request for a Conditional Use Permit and has recommended approval.

Motion by Trustee Zitzer, seconded by Trustee Rudman, to approve the Conditional Use Permit for Ralyn Tea House at 8824 N Port Washington Road. Motion carried unanimously.

6. **Board of Zoning Appeals**

- a. Discussion/action on the request for a special exception by Fox Point-Bayside Middle School for the property located at 601 E Ellsworth Ln for:
- Unenclosed Storage contrary to Section 32-48(9-10)
 - Unenclosed Storage contrary to Section 32-48(12)
 - Fences contrary to Section 104-125 a)(8)(b), a)(8)(d), and a)(9)
 - Impervious Surface contrary to Section 125-3(g)(2)
 - Right-of-Way Plantings contrary to Section 41-2(a)
 - Temporary Signs contrary to Section 116-8

Manager Pederson stated the Board of Zoning Appeals met Tuesday, July 18 and recommended approval of the requests for exception.

Motion by Trustee Zitzer, seconded by Trustee Levins, to approve the request for special exception by Fox Point-Bayside Middle School for the property located at 601 E Ellsworth Ln for: Unenclosed Storage contrary to Section 32-48(9-10); Unenclosed Storage contrary to Section 32-48(12); Fences contrary to Section 104-125 a)(8)(b), a)(8)(d), and a)(9); Impervious Surface contrary to Section 125-3(g)(2); Right-of-Way Plantings contrary to Section 41-2(a); Temporary Signs contrary to Section 116-8. Motion carried unanimously.

VII. VILLAGE PRESIDENT'S REPORT

No Report.

VIII. VILLAGE MANAGER'S REPORT

No Report.

IX. VILLAGE ATTORNEY'S REPORT

Attorney Jaekels gave a brief overview of the status of current litigation.

X. ADJOURNMENT

Motion by Trustee Levins, seconded by Trustee Zitzer, to adjourn the meeting at 6:22 p.m. Motion carried unanimously.

Attachment

Good evening, esteemed trustees, cherished friends, and valued neighbors. I'm Gerry Feldman of 133 East Glencoe Place, and I am here tonight out of concern for our democracy.

Last time I stood before this body, the presiding officer interrupted my speech, declaring by spontaneous executive action that introductory statements will no longer be allowed. It made me wonder, why do we recite the pledge of allegiance only to deny our constituents the very liberties and justice we claim to uphold?

This is a democracy, not a dictatorship. We are bound by rules and laws that safeguard our freedom of expression and participatory rights in public matters. No one has the right to undermine or disrespect these principles, least of all those who have been elected to serve the public interest.

This is not unlike what happened earlier in this pandemic. Several of our neighbors who could not attend in person gave me their written authorization to speak up for them, to have their voices heard. But what did the presiding officer do? Dismissed their authority, used that gavel as a weapon to silence me, and even threatened to have me arrested. Can you believe it? Let me remind you, that gavel is a symbol of the people's will. It is bestowed upon the presiding officer to serve their interests, not to override them.

Of course, that whole situation could have been avoided by using Zoom. All it takes is one person with a smartphone. Yet we were told at the time that Zoom access to meetings would be impossible, even though neighboring communities like Fox Pont were using Zoom routinely to accommodate constituents who were unable to attend in person. Well, hallelujah! Baruch Hashem! Nes Gadol Haya Po! We now have Zoom!

Opacity is a tremendous roadblock to justice. Hiding behind closed doors, denying Zoom access to meetings -- this was nothing short of a deliberate scheme to suppress public engagement. The very people entrusted with the responsibility to safeguard the people's interests exploited the pandemic to suppress public involvement, to bulldoze through legislation that has immense consequences for our community. And this is not the kind of legislation that benefits hardworking families, no. It's precisely designed to line the pockets of wealthy developers, leaving struggling families in the dust for a whopping 22 years, at a time when inflation is out of control and our economy is teetering on the brink of recession. It's unbelievable, but it's true.

Such conduct is not only shameful but also contrary to our American principles. It reveals a betrayal of our trust and fundamental values. The residents of Bayside and the wider community deserve an explanation and tangible changes. If community leaders find themselves unwilling or unable to provide the ethical, accountable, transparent and honest leadership that their constituents expect of them, they should step aside.

I thank you all for your time, your consideration, and your unwavering commitment to our village.