

**VILLAGE OF FONTANA ON GENEVA LAKE**  
**WALWORTH COUNTY, WISCONSIN**  
(Official Minutes)

SPECIAL MEETING of the VILLAGE BOARD OF TRUSTEES  
and the PROTECTION COMMITTEE  
**Monday, July 22, 2013**

President Arvid Petersen called the rescheduled monthly meeting of the Protection Committee to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Committee members present:** President Petersen, Phil Costa, Jim Frost, Bob Allen, Robert Moravecek

**Committee members absent:** Joe Corso, David Johanson

**Also Present:** Greg Blizard, Courtney Castelein, Administrator/Treasurer Kelly Hayden, Rescue Squad Chief Jon Kemmet, Village Clerk Dennis Martin, Jerry Mortier, Fire Chief Wolfgang Nitsch, Police Chief Steve Olson, Trustee Rick Pappas, Scott Peterson, Village Attorney Dale Thorpe, Trustee Cindy Wilson

**Protection Committee Monthly Meeting**

**Approval of Minutes of July 1, 2013**

Phil Costa/Robert Moravecek 2<sup>nd</sup> made a MOTION to approve the minutes for the meeting held July 1, 2013 as distributed, and the MOTION carried without negative vote.

**Visitors Heard**

None

**General Business for Consideration**

**Noise Ordinance Review – Property Owner Request Regarding Abbey Springs**

Petersen stated that Fontana property owner William Buss expressed concerns about the Village of Fontana noise ordinance provisions and daily operations at the neighboring Abbey Springs property at the July 1, 2013 monthly meeting of the Village Board, and his concerns were forwarded to the Protection Committee for review. Chief Olson stated that other municipalities have more comprehensive and restrictive ordinances regarding noise than the Village of Fontana; however, the distributed Village of Fontana noise ordinance sections were reviewed by the committee and Village Board a couple years ago. Olson stated that when the same concerns about the Abbey Springs operations were presented by Buss a few years ago, the committee reviewed the situation and reached the consensus that the daily maintenance operations are not unreasonable. Olson stated that the Village has not received any other noise complaints regarding Abbey Springs since the initial concerns were presented by Buss a few years ago. Olson stated that he has met with Abbey Springs Executive Director Jerry Mortier and the grounds crew adheres to the village-wide restriction of no outdoor maintenance work until after 7:00 am. Mortier stated that the waste collection contractor also is not supposed to be coming to the resort until after 7:00 am. Moravecek stated that since the only complaint the Village has received in the past several years is from one of the neighboring property owners and the committee has reviewed the noise ordinance, the maintenance operations at the Abbey Springs are just fine. Moravecek stated that if special, more restrictive standards are proposed for the Abbey Springs, it would not be fair to those property owners. Following further discussion, the consensus was reached that the maintenance operations at the Abbey Springs and the noise ordinance sections do not need to be amended. Petersen asked Mortier for the Abbey Springs employees to continue to work with all its neighbors on any noise issues that may come up.

**Schedule for Schooling Funding – Jon Kemmet and Wolfgang Nitsch**

Petersen stated that at the last monthly meeting the committee tabled the item and directed the chiefs to supply guidelines and a schedule for the members who need to complete required schooling so that the financial requirements can be planned with the other budget items. Hayden stated that specific information on which firefighters and EMTs need to complete educational courses, what

courses are required, and the anticipated tuition costs need to be supplied so that a budget recommendation can be drafted.

#### **Dive Coordinator Nominee – Update**

Kemmett stated that there is not a name to bring forward for consideration at this time.

#### **Recommendation on Annual Deer Bow Hunting Resolution**

Britt Isham is proposing to facilitate the village resolution again this year to authorize specific property owners to allow deer bow hunting on their property this season. The property owners and hunting agents are proposed to be the same as last year. The property owners have been contacted and some have already submitted authorization for bow hunting. There were no concerns and Petersen stated that the final resolution will be presented next month.

#### **Merger of Fire Department and Rescue Squad – Ordinance Amendment & Paratech Contract**

Petersen stated that item will be discussed during the joint session.

#### **Police Department**

##### **Monthly Report**

Olson stated that his monthly report and call summary report were distributed.

##### **Change in Pay Status for Police Officer Chris Brunning**

Olson stated that six months ago, the committee and Village Board approved promoting Officer Chris Brunning to three-quarters time, up from part-time status. Following the six-month review period, Olson stated that Brunning has done an excellent job and has earned commendations. Olson stated that he recommends an increase in pay status to full-time, on a flexible schedule, but the WPPA union contract will have to be amended to allow for the flexible schedule. Olson stated that salary expense funds are available in this year's budget to cover the increased wages that Brunning will receive when he becomes full-time status. Olson stated that once the union contract language details are worked out, the pay change status can be approved. Petersen directed staff to draft the union contract amendment language and bring it back to the committee for approval.

#### **Fire Department**

##### **Monthly Report**

Nitsch stated that the monthly report was distributed.

##### **Roster Report Update**

Nitsch stated that there is nothing new to report.

##### **Tower Truck Radiator Repairs – Update**

Nitsch stated that one-third of the repairs needed on the Fire Department's tower truck were completed for \$3,600. Nitsch stated that other less extensive repairs are still required on the truck.

#### **Emergency Medical Services**

##### **Monthly Report**

Kemmett stated that the monthly report was distributed. He said the Rescue Squad held a successful pancake breakfast and blood drive event at St. Benedict Catholic Church on July 6, 2013.

##### **Roster Report Update**

Kemmett stated that there are two new members who will be required to complete the EMS first-responder class, and one of the new members may also complete the advanced certification training.

#### **Set Date and Time for Next Protection Committee Meeting**

Bob Allen/Robert Moravec 2<sup>nd</sup> made a MOTION to schedule the next monthly committee meeting for Monday, August 19, 2013 beginning at 6:00 pm.

#### **Joint Session**

President Petersen called the special meeting of the Village Board to order at 5:46 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Village Board members present:** (Roll Call) Pat Kenny, Rick Pappas, Cindy Wilson, George Spadoni, President Petersen, Bill Gage (arrived at 5:47 pm)

**Village Board member absent:** Tom McGreevy

### **Joint Session Business**

#### **Funding Options for Rescue Services**

Hayden stated that the joint session items were tabled by the Village Board at its last meeting for review and a recommendation from the committee. The funding options agenda item and the next two were all discussed together in a random pattern. Spadoni stated that receipts from billing, Act 102 funds and other donations to the Fire Department or Rescue Squad could be allocated to fund the rescue service contract with Paratech.

#### **Paratech Contract**

Village Attorney Dale Thorpe stated that he reviewed the agreement with Paratech Ambulance Service and issued a letter that outlines his concerns with the draft of the proposed contract. Thorpe stated that his concerns and his suggested amendments to the proposed contract are being reviewed by Paratech's attorney. Thorpe stated that his proposed amendments include changing the contract termination or "opt out" clause of the contract to a 90-day period following notification by either party. Thorpe stated that he also clarified some other issues with his suggested contract amendments. The contract is for two Paratech employees to be on duty in Fontana to respond to emergency calls from 6:00 am to 6:00 pm, seven days a week. Pappas stated that he is not in favor of approving the proposed contract with Paratech. Pappas stated that all of the coverage concerns, for 24 hours a day, have not been addressed in the proposed contract. Spadoni stated that the contract needs to be approved immediately so the Village can provide the emergency services it is required to provide. Spadoni stated that the current funds in the Rescue Squad accounts can pay for the contract until a referendum is approved to increase the Village tax levy and those additional funds will be used to cover the contract cost. Pappas stated that if the Village is considering entering into a contract for the Rescue Squad services the time parameter should be for 24 hours, seven days a week. Pappas stated that he does not understand how the Village budget will be able to absorb the Paratech expense and also continue to support vehicle maintenance and procurement expenses after the Rescue Squad bank account funds from billing, Act 102 funds and other donations are spent to fund this year's contract. Gage stated that he does not support approval of the contract because the Village of Fontana should adopt a program similar to the Village of Walworth and combine the rescue services. Spadoni stated that the 90-day contract termination clause was negotiated by the subcommittee members in case an intergovernmental agreement can be worked out for rescue services with one of more of the neighboring municipalities. And if an agreement can't be reached, Spadoni stated that he is confident the Fontana property owners would approve a referendum to exceed the state levy limits to ensure ambulance responses of five minutes or less for emergency calls. Pappas asked again if the proposal is to eventually go to referendum to seek public approval to increase the tax levy for the entire amount required to fund the contract, then why doesn't the Village go with 24/7 service from Paratech. Moravec stated that the subcommittee recommendation is to just get the Fontana Rescue Squad call response problem fixed as soon as possible. Moravec stated that once the situation is addressed, representatives from the other local municipalities indicated that they will be willing to work with the Village of Fontana on joint services for rescue calls. Rescue Squad Captain Courtney Castelein stated that the village needs to approve the contract for 12-hours-a-day service from Paratech to provide emergency services during the daytime hours when there currently are no volunteer members available to answer the calls. Nitsch stated that the proposed contract is just a first step in the right direction in solving the dilemma of having no volunteer members available to respond to daytime calls. Nitsch stated that a consolidated paid on-call service to cover the daytime emergency calls is needed in municipalities throughout the area as volunteers are no longer available during the daytime when they are at full-time jobs. Nitsch stated the proposal is the best way to address the problem right now, it is a temporary solution, and the subcommittee will continue to investigate other possibilities. Wilson stated that she also has concerns with funding the Paratech contract, and whether the contract will alleviate the emergency response time concerns. Wilson stated

that if the Paratech services are needed immediately she will vote in favor of the proposal with the condition that the 90-day termination clause is included and with the consideration that a joint services agreement continues to be investigated. In response to concerns about coverage during the night hours, Hayden stated that maybe a parameter could be added to the proposed contract that calls for Paratech to have one of its ambulances parked in the Village of Fontana on standby from 6:00 pm to 6:00 am.

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION to approve Ordinance 07-22-13-01 as presented, and to approve the proposed contract with Paratech Ambulance Service to have two EMTs stationed in the Village of Fontana to respond to all rescue calls from 6:00 am to 6:00 pm, seven days a week with the conditions that the Ordinance is not published until the Rescue Squad has taken all the necessary steps to disband and the new officers are elected, that all the revisions suggested by the village attorney and a 90-day contract termination clause are incorporated into the contract, and that the existing service contract with Paratech to have one of its ambulances on standby services in the Village of Fontana stays in effect with the new contract. The Roll Call vote was as follows:

Trustee Pappas – No

Trustee Wilson – Aye

Trustee Spadoni – Aye

Trustee Gage – No

President Petersen – Aye

Trustee Kenny – Aye

The MOTION carried on a 4-2 vote, with Trustee McGreevy absent.

### **Merger of Fire and Rescue Departments – Ordinance Amendment**

Thorpe stated that he distributed copies of a draft ordinance that authorizes the consolidation of the Fire Department and the Rescue Squad operations under the unified direction of the fire chief. The ordinance repeals the old Chapter 58 Rescue Services section of the Municipal Code and amends Chapter 34 to incorporate the services and operations of the Rescue Squad and creates a new position of Rescue Operations Assistant Chief, which shall assist the Fire Chief. Spadoni stated that if the ordinance is approved, it establishes the funding mechanism for the proposed rescue service contract with Paratech. Spadoni stated that receipts from billing, Act 102 funds and other donations to the Fire Department or Rescue Squad could be allocated to fund the rescue service contract with Paratech. Nitsch stated that the current department members may be concerned and unwilling to continue their fund-raising activities if the money donated is not used to support equipment and vehicle purchases. Thorpe stated that the ordinance does not call for using any of the Friends of Fontana Rescue Squad account funds. Thorpe stated the once the ordinance is published it will take effect and the current Rescue Squad will be disbanded, including its current officers. Thorpe stated that the amended Section 34 calls for one new officer that must be elected prior to the repeal of Chapter 58, so the Village Board directed staff not to have the ordinance published until the Rescue Squad has made all the necessary changes and the Fire Department membership has elected the new Rescue Operations Assistant Chief.

### **Creating Director of Public Safety – Ordinance Adoption**

Thorpe stated that an ordinance is not necessary to authorize the new title.

### **Adjournment Protection Committee**

Jim Frost/President Petersen 2<sup>nd</sup> made a MOTION to adjourn the Protection Committee meeting at 6:49 pm, and the MOTION carried without negative vote.

### **Village Board General Business**

**Operator's License Applications Filed by Irina R. Picknell and Daniel E. Springhorn (Pie High Pizza Co.), and Stacey L. Rodriquez (LG Yacht Club)**

Trustee Spadoni/Trustee Pappas 2<sup>nd</sup> made a MOTION to approve the Operator's License applications filed by Irina R. Picknell and Daniel E. Springhorn, employees at Pie High Pizza Co., and Stacey L. Rodriquez, an employee at Lake Geneva Yacht Club, with the condition that there are no concerns with the required background checks. The MOTION carried without negative vote.

**Pier Permit Filed by Edward Roth, 374 N. Lakeshore Drive, Pier Modification Building Permit Application – Pier Docktors**

Trustee Pappas/Trustee Spadoni 2<sup>nd</sup> made a MOTION to approve the Pier Permit application filed by Edward Roth, 374 N. Lakeshore Drive, to authorize a pier modification plan subject to Wisconsin Department of Natural Resources and Village of Fontana Building and Zoning Department approval and with the condition an as-built survey is submitted. The motion carried without negative vote.

**Closed Session**

Trustee Spadoni/Trustee Kenny 2<sup>nd</sup> made a MOTION at 6:51 pm to go into Closed Session pursuant to Wis. Stats. Chapter 19.85 (1)(c), to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, and pursuant to Chapter 19.85(1)(b) to consider dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or to consider the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; regarding the Rescue Squad Chief, and the Roll Call vote was as follows:

Trustee Wilson – Aye

Trustee Spadoni – Aye

President Petersen – Aye

Trustee Kenny – Aye

Trustee Pappas – Aye

The MOTION carried on a 5-0 vote, with Trustee Gage not present in the meeting room and Trustee McGreevy absent.

The Village Board then took a five-minute recess while the audience exited the meeting room.

Trustee Pappas/Trustee Kenny 2<sup>nd</sup> made a MOTION AT 7:00 pm to adjourn the Closed Session and to reconvene in Open Session, and the MOTION carried without negative vote.

**Village Board Adjournment**

Trustee Kenny/Trustee Gage 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 7:00 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, village clerk

Note: These minutes are subject to further editing. Once approved by the Village Board and the Protection Committee, the official minutes will be kept on file at the Village Hall.

APPROVED: 8/5/13 – V.B.; 9/16/13 – Protection Committee