

REVISED*

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Meeting ID: 818 2061 0904

Passcode: 863281

AGENDA FOR A SPECIAL MEETING OF THE WATERFORD TOWN BOARD

PLEASE TAKE NOTICE THAT

The Town Board of the Township of Waterford will meet at the Town Hall, 415 N. Milwaukee St, Waterford, Wisconsin on the 26th day of February, 2024 beginning at 12:30 pm for the following:

1. Meeting will be called to order by Chair Teri Nicolai
2. Purpose: Discussion & possible action re: implementing policies and procedures for Special Events & policing and parking;
3. Discussion & possible action re: MOU to modify section 7.02(b) of the CBA between the Town of Waterford and the Town of Waterford Police Association; *
4. Adjournment

Dated at Waterford, Wisconsin this 20st day of February, 2024.

Dated at Waterford, Wisconsin this 21st day of February, 2024. *

TINA MAYER, TOWN CLERK

Posted online and Town Hall @ 8:12 am

Posted online and Town Hall 2/21/2024 @ 11:15 am *

6.13 SPECIAL EVENTS

(1) Definitions

A special event is classified as any activity that uses public roadways, waterways, rights-of-ways, sidewalks, parks or other public property, or events which may require increased levels of Town services, including Law Enforcement, Fire, EMS, or DPW. Such activities include, but are not limited to, auctions, carnivals, circuses, concerts, dances, exhibitions, fairs, festivals, parades, races, or sporting events.

- a. Class I Special event: A Special Event expecting one hundred (100) or more attendees and any of the following occur:
 1. Alcohol is served or sold .
 2. Outdoor entertainment is planned
 3. Food trucks/vendors will be selling food
 4. The event lasts longer than one day
 5. Event requires closure of public roadways, rights of ways, or sidewalks
- b. Class II Special Event: A Special event not meeting the criteria of Class I
- c. Event Coordinator: The individual identified as the point of contact who will be onsite during the event to address issues raised by Town Officials, including Law Enforcement, Fire, DPW and EMS.

(2) Permit Required

- a. No person or organization shall conduct a Special Event within the Town of Waterford without first obtaining a Special Event Permit. Permits are valid for the specific dates, times locations and activities specified in the permit.
- b. Other permits required: A Special events Permit under this ordinance does NOT satisfy the requirements of other Town or County ordinances or State Statute.

(3) Application

- a. Requirements
 1. Application for Special Events shall be filed with the Town Clerk at least 60 days in advance Of the proposed Event. Incomplete applications may be refused.
 2. Permit Fees are required at the time of application for the Permit. Fees shall be set from Time to time by the town Board.
 3. There should be language in here about reimbursement of fees if application is denied. My opinion is own should keep a portion for administrative fees for work done by clerk, PD, DPW, etc
 4. The application form may be modified from time to time by discretion of the Town Board Only current versions will be accepted.
- b. Process
 1. Upon receipt of a completed application and applicable fee, the Town Clerk shall Distribute the application to Law Enforcement, Fire, and Public Works for review And comment.
 2. The Law Enforcement, Fire, and Public Works shall complete their review and provide The Town Clerk with their comments with 15 days.

C. Review

1. The Town Board shall review all Class I permit applications and department comments. The Town Board shall approve the permit, deny the permit, or approve the permit with Conditions. Once approved, the Clerk shall issue the permit.
2. The Town Clerk shall review all Class II permit applications and department comments. If Requirements are met, the Clerk shall issue the permit. If the Clerk has concerns regarding The application, the Clerk shall transmit the application and department comments to the Town Board for review.

d. Restrictions

1. No permit shall be issued to any individual less than 18 years of age/21 if alcohol is served Or sold
2. No permit shall be issued to an applicant or sponsor who has had a permit revoked within 2 years of the date of application.

(4) Permit Conditions

- a. Liability Insurance. The Special Event sponsor of a Class I Special Event is required to obtain Liability insurance. Proof of comprehensive general liability insurance which names and Endorses the Town of Waterford, its officers, agents, employees, and contractors as an Additional insured party shall be submitted to the Town Clerk no later than 20 days before the Event. The applicant shall inform the Town of any changes to the terms of coverage of the insurance. Any changes will require Town Board approval.
- b. Indemnification. The applicant and event sponsor agree to hold harmless the Town of Waterford, its officers, agents, employees, and contractors against all claims, liability, loss, damage, or expense, including attorneys fees incurred by the Town for any damage or injury to person(s) or property caused by or directly resulting from the activities for which the permit was granted.
- c. **Town Services All requests by applicants for Town services must be made at the time of application. The applicant shall be responsible for reimbursement to the Town for any personnel... we need to discuss this as a group Will the Town have Town officers work the event? How many officers will the event need? Will the rest of the Town have appropriate coverage? Will they be representing the TOW or on their own? Will they be using Town equipment and uniformed? At what cost? Pay up front or reimburse? How many hours can an officer work (all outside jobs included) according to Statute? Mike Dubis will help with this discussion**
- d. Cleaning/Damage Deposit The Town may require the applicant to submit a cleaning/damage deposit not to exceed \$200/day (or portion thereof) of the event. Such deposit shall be delivered to the Town no later than 14 days to the start date of the event. The deposit shall be refunded following the event if it is determined no damage repair or cleanup was required by the Town. This This reimbursement will be sent back to the applicant within 30 days of the event. The Town may keep all or part of the deposit and may require the applicant to reimburse the Town for any additional damages.cleanup that is required. Unless otherwise stated in the permit, the applicant shall be fully responsible for all necessary cleanup associated with the event and this cleanup shall be completed within 12 hours of the conclusion of the event.

e. Noise Special Events must comply with Town quiet hours set forth in Town Ordinance 5.06 (5) (D) Requests to modify this condition shall be made with the application for permit and shall be reviewed by the Town Board

f. Safety and Security The Special Event sponsor shall ensure sufficient staffing to provide assistance with crowd control, parking, sanitation, and medical services. The department review process shall determine the appropriate level of staffing required. Special Events requiring Law Enforcement outside of regular on duty patrol, Fire, and /or Medical personnel will agree to terms of [payment to the Town prior to approval of application.

Shall we require a deposit? Shall security determination be left to Chief?

The Special Events Sponsor shall be billed for actual staffing costs incurred by the Town.

g. Event Coordinator The Special Events sponsor shall have at least one representative onsite at all times during the event. The Town may require a meeting with the Event Coordinator and/or Sponsor prior to the Event

h. Notice The Town may require the permit holder to provide written notice to property owners or tenants as determined during the departmental review process at least 15 days prior to the Town Board meeting at which action to approve the request is scheduled. This notice shall include the date and time of event, location and sponsors name and contact number

**i. Parking . All parking must comply with Town Ordinance 3.04. Special requests for overflow on street parking may be granted upon review by Town of Waterford Police Dept and Town Board. On site parking of private establishments shall be utilized first and every effort to keep vehicles off of Town roads shall be extended. Using a nearby parking lot and a shuttle is one example. Any on street parking shall place vehicles as far off the road as possible as to not block the flow of traffic and to allow emergency vehicles through
Special Event coordinator must present the parking plan along with the application to be reviewed by LE and Town Board. Town board may approve or deny the parking request, based upon public safety concerns.**

(5) Limitation or Termination of Special Event

a. The Town may take any action necessary to ensure public safety and peace including limiting capacity or terminating the Event if it is determined to be a public safety hazard or nuisance by law enforcement, fire, or medical personnel or if there are violations of any ordinance, statute, or condition of permit.

b. Amplified sound shall be no louder than 65 Decibels from 7am-7pm and 60 decibels after 7 pm, as stated in Town Ordinance 2021 9-13 and event may be terminated if ordinance violation complaints are substantiated

c. The Town Board may revoke an approved permit if the applicant fails to comply with the provisions set forth in the permit or this ordinance prior to the event date

(6) Exclusions This Ordinance doe NOT apply to:

a. Funerals and funeral processions

b. Sanctioned School Events held by Waterford Area Schools

c. Events sponsored by the Town of Waterford or a Town agency

d. Events held at a Town Park with fewer than 100 attendees for which a reservation has been granted

(7) Fees

- a. Class I Special Event Permit \$ _____
- b. Class II Special Event Permit \$ _____

DRAFT

3.04 PARKING LIMITATIONS

- (1) State traffic laws adopted: Wisconsin Statutes 346.50-356.55, Restrictions on Stopping and Parking are adopted in Town Ordinance 3.01
- (2) Prohibition: No person shall park, stop, or leave standing a vehicle on roadways or rights-of-ways Where prohibited
- (3) Exceptions: Subject to the requirements of Wisconsin Statute 356.51, Town Ordinance 3.04 (2) does Not apply to:
 - a. Delivery vehicles temporarily parked, stopped or left standing while making deliveries
 - b. Contractors providing services at a property where off street parking is not feasible:
 - c. Overflow on-street parking at a residential property when prior approval of the Waterford Police Department has been granted.
 - i. The Police Chief, or designee, will review requests for on -street parking considering factors Related to the safe travel on Town roadways and including, but not limited to:
 1. Availability of off-street parking options
 2. Roadway/ right of way width
 3. Blind hills and/or curves
 4. Impact on safety and roadway congestion in the neighborhood
 5. Time of day
 6. Requested duration of the on-street parking
 - ii. The Police Chief, or designee, may place restrictions on the approval necessary to preserve public safety or neighborhood harmony.
 - iii. Neighbor complaints or concerns of police or Town Board may be factors in considering future requests.
 - d. Parking for Special events at commercial establishments granted a permit under Town Ordinance 6.13 must first utilize on site parking lots. Any on- street overflow parking must secure prior approval by the Waterford Police and Town Board and requires vehicles to be parked as far to one side of the road as possible, to ensure roadways are safely passable for vehicles, including emergency FIRE/EMS vehicles.
- (4) Enforcement:
 - a. Waterford Police Department shall ensure that roadways are safely passable for regular traffic and emergency vehicles, and any restrictions included in the parking approval are complied with.
 - b. Waterford Police Department shall first attempt to have the offending vehicle moved by the owner or operator but may, in the interest of safety and pursuant to Wisconsin Statute 349, have the vehicle towed to a public or private storage facility at the owners expense.
- (5) Penalties: Shall be assessed in accordance with Wisconsin Statute 346.56, which is hereby Adopted.
- (6) Definitions
 - a. On Street parking: parking on the roadway or right of way
 - b. Off Street parking: parking in areas other than the roadway or right of way

6.13 Special Events

(1) Definitions

- a. Class I Special Event: A Special Event expecting one hundred (100) or more attendees or any of the following occur:
 - i. Alcohol is sold or served;
 - ii. Outdoor entertainment is planned;
 - iii. The event lasts longer than one day;
 - iv. Closure of public roadways, rights-of-way, or sidewalks.
- b. Class II Special Event: A Special Event not meeting the criteria of Class I.
 - i. Event Coordinator: The individual identified as the point of contact who will be onsite during the event to address issues raised by Town Officials, including Law Enforcement, Fire, or EMS.
- c. Special Event: Any activity that uses public roadways, rights-of-way, sidewalks, parks or other public property, or events which may require increased levels of Town services, including Law Enforcement, Fire, EMS, or DPW. Such activities include, but are not limited to, auctions, carnivals, circuses, concerts, dances, exhibitions, fairs, festivals, parades, races, or sporting events.

(2) Permit Required

- a. No person or organization shall conduct a Special Event within the Town of Waterford without first obtaining a Special Event Permit. Permits are valid for the dates, times, locations, and activities specified in the Permit.
- b. Other Permits Required: A Special Event Permit under this ordinance does not satisfy the requirements of other Town or County ordinances or state statute.

(3) Application

- a. Requirements
 - i. Applications for Special Events shall be filed with the Town Clerk at least 60 days prior to the proposed Event. Incomplete applications may be refused.
 - ii. Permit Fees are required at the time of application for the permit. Fees shall be set from time to time by the Town Board.
 - iii. The application form may from time to time be modified by the Town Board. Only current versions will be accepted.
- b. Process
 - i. Upon receipt of a completed application and applicable fee, the Town Clerk shall distribute the application to Law Enforcement, Fire, and Public Works for review and comment.
 - ii. The Law Enforcement, Fire, and Public Works shall complete their review and provide any comments to the Clerk within 30 days.
- c. Review
 - i. The Town Board shall review all Class I permit applications and department comments. The Town Board shall deny the permit, approve the permit, or approve the permit with conditions. The Town Clerk shall issue the permit.
 - ii. The Town Clerk shall review all Class II permit applications and department comments. If all requirements are met, the Clerk shall issue the permit. If the Clerk has concerns about the appropriateness of issuing a permit, the Clerk shall

transmit the application, department comment, and the Clerk's comments to the Town Board for review.

- d. Restrictions
 - i. No permit shall be issued to an individual less than 18 years of age;
 - ii. No permit shall be issued to an applicant or sponsor who has had a permit revoked within 2 years of the date of application.

(4) Permit Conditions

- a. **Liability Insurance.** The Special Event sponsor of a Class I Special Event is required to obtain liability insurance. Proof of comprehensive general liability insurance which names and endorses the Town of Waterford, its officers, agents, employees, and contractors as an additional insured party shall be submitted to the Town Clerk no later than 20 days before the event. The applicant shall inform the Town of any changes to the terms or coverage of the insurance. Any changes will require Town approval.
- b. **Indemnification.** The applicant and event sponsor(s) agree to hold the Town of Waterford, its officers, agents, employees, and contractors harmless against all claims, liability, loss, damage, or expense, including attorney's fees, incurred by the Town for any damage or injury to person(s) or property caused by or directly resulting from the activities for which the permit was granted.
- c. **Town Services.** All requests by applicants for Town services must be made at the time of application. The applicant shall be responsible for reimbursement to the Town for any Town personnel, services, equipment, or facilities provided for the Special Event. Reimbursable costs shall include wages, overtime, and fringe benefits for any Town employee or contractor providing services at the Event. An invoice shall be sent to the applicant within 15 days following the event. Payment is due within 30 days of invoice. The Town reserves the right to require full or partial payment of estimated costs in advance.
- d. **Cleaning/Damage Deposit.** The Town may require the applicant to submit a cleaning/damage deposit not to exceed \$200 per day (or portion thereof) of the event. Such deposit shall be delivered to the Town no later than 14 days prior to the starting date of the event. The deposit shall be returned following the event if it is determined no clean up or damage repair is required. The Town may keep all or a portion of the deposit and may require the applicant to reimburse the Town for any additional cleaning or repair costs or if cleanup is not complete by the time specified. Unless otherwise stated in the permit, the applicant shall be fully responsible for all necessary cleanup associated with the event to be completed within 12 hours of the conclusion of the event.
- e. **Noise.** Special Events must comply with Town quiet hours set forth in Town Ordinance 5.06 (5) (D). Requests to modify this condition shall be made with the application for permit and shall be reviewed by the Town Board.
- f. **Safety and Security.** The Special Event sponsor shall ensure sufficient staffing to provide assistance with crowd control, parking, sanitation, and medical services. The departmental review process shall determine the appropriate level of staffing required. Special Events requiring Law Enforcement, Fire, and/or Medical personnel will agree to terms of payment to the Town prior to holding the event. The Special Event sponsor will

be billed for actual staffing costs incurred by the Town. If alcohol is served, at least one Law Enforcement Officer will be required for every three hundred (300) people anticipated. If alcohol is not served, at least one Law Enforcement Officer will be required for every five hundred (500) people anticipated.

- g. Event Coordinator. The Special Event sponsor shall have at least one representative onsite at all times during the event. The Town may require a meeting with the Event Coordinator and/or sponsor prior to the event.
- h. Notice. The Town may require the permit holder to provide written notice to property owners or tenants as determined during the departmental review process at least 15 days prior to the Town Board meeting at which action is scheduled to be taken on the permit application. At a minimum, the notice will include the time and date of the meeting, the type, location, and time of the event, and the sponsor's name and contact information.

(5) Limitation or Termination of Special Event

- a. The Town may take any action necessary to ensure public safety including limiting capacity or terminating the event if it is determined to be a public safety hazard or nuisance by law enforcement, fire, or medical personnel, or if there are violations of any ordinance, statute, condition of the permit.
- b. Amplified sound may be limited or terminated if substantiated complaints are received by law enforcement.
- c. The Town Clerk may revoke an approved permit if the applicant fails to comply with the provisions of the permit or this ordinance prior to the event date.

(6) Exclusions. This ordinance does not apply to:

- a. Funerals and funeral processions;
- b. Sanctioned events held by schools within the Town of Waterford;
- c. Events sponsored by the Town or a Town agency;
- d. Events held at Town Parks with fewer than 100 attendees for which a reservation has been granted.

(7) Fees.

- a. Class I Special Event permit: \$ _____
- b. Class II Special Event permit: \$ _____

3.04 PARKING LIMITATIONS

- (1) State traffic laws adopted: Wisconsin Statutes 346.50-356.55, Restrictions on Stopping and Parking, are adopted in Town Ordinance 3.01.
- (2) Prohibition: No person shall park, stop, or leave standing a vehicle on roadways or rights-of-way where prohibited by official sign.
- (3) Exceptions: Subject to the requirements of Wisconsin Statute 356.51, Town Ordinance 3.04(2) does not apply to:
 - a. Delivery vehicles temporarily parked, stopped or left standing while making deliveries;
 - b. Contractors providing services at a property where off-street parking is not feasible;
 - c. Overflow on-street parking at a residential property when prior approval of the Waterford Police Department has been granted:
 - i. The Police Chief, or designee, will review requests for on-street parking considering factors related to the safe travel on town roadways and including, but not limited to:
 1. Availability of off-street parking options
 2. Roadway/right-of-way width
 3. Blind hills and/or curves
 4. Impact on safety and roadway congestion in the neighborhood
 5. Time of day
 6. Requested duration of the on-street parking
 - ii. The Police Chief, or designee, may place restrictions on the approval necessary to preserve public safety or neighborhood harmony.
 - iii. Neighbor complaints or concerns of police or Town Board may be factors in considering future requests.
 - d. Overflow on-street parking at commercial establishments granted a permit under Town Ordinance 6.13. The approved permit must specifically authorize on-street parking and describe the manner in which vehicles are to be parked.
- (4) Enforcement:
 - a. Waterford Police Department shall ensure that roadways are safely passable, and any restrictions included in the on-street parking approval are complied with.

- b. Waterford Police Department shall first attempt to have the offending vehicle moved by the owner or operator but may, in the interest of safety and pursuant to Wisconsin Statute 349, have the vehicle removed to a public or private storage facility at the owner's expense.

(5) Penalties: shall be assessed in accordance with Wisconsin Statute 346.56, which is hereby adopted.

(6) Definitions

- a. On-Street Parking: parking on the roadway or right-of-way
- b. Off-Street Parking: parking in areas other than the roadway or right-of-way.

DRAFT

**SIDE LETTER OF AGREEMENT BETWEEN
TOWN OF WATERFORD AND
TOWN OF WATERFORD POLICE ASSOCIATION, LOCAL #104
WISCONSIN PROFESSIONAL POLICE ASSOCIATION**

Part Time Officer Overtime Assignment

WHEREAS, the Town of Waterford (the “Town”) and the Town of Waterford Police Association, Local #104 (the “Union”) are parties to a 2023-2025 Collective Bargaining Agreement (the “CBA”); and

WHEREAS The Town of Waterford and the Town of Waterford Police Association recognize a need to fix an inequity regarding the assignment of overtime to part time officers.

THEREFORE The Town of Waterford and the Town of Waterford Police Association amend the current agreement in the following manner;

Article VII; Section 7.02 (b) is created to read All shifts, that are non-regular duty shifts with the exception of boat patrol shifts, shall be offered first to full-time non-supervisory employees on a seniority basis. These shifts will next be offered to part-time employees on a seniority basis, as explained in the assignment of shifts for part-time officers. These shifts will then be offered to supervisory staff. This includes but is not limited to, traffic grants, special events, and church festivals. Available overtime shall be posted for a minimum of three (3) days allowing all officers ample time to view available overtime. In cases of illness or other unforeseen circumstances, every attempt shall be made to fill that shift through the aforementioned process. Overtime created by vacant shifts of four (4) hours or more shall be offered first to part-time patrol officers on a seniority basis, as explained in the assignment of shifts for part-time officers. If no part-time officer responds within a reasonable period of time, the shift will then be offered to full-time non-supervisory employees on a seniority basis. These shifts will then be offered to supervisory staff.

Part Time Officer Assignment Procedure. Part-time employee shifts will be assigned on a seniority basis with each part-time officer allowed to volunteer for two (2) shifts before being rotated to the bottom of an assignment list that resets each month. The assignment list will be assembled with the most senior officer on top to least senior officer at the bottom and once a part time officer volunteers for two (2) shifts within the month their name will be rotated to the bottom of the list allowing all part time officers an ability to work throughout the month. The list will reset to the original seniority roster for all overtime being worked at the beginning of each month.

GOVERNING NATURE. As of February 14, 2024, this Side Letter Agreement shall become the status quo and is to be fully incorporated into the parties’ successor Collective Bargaining Agreements unless modified by the parties during bargaining. All other terms and conditions of the parties’ Collective Bargaining Agreement shall apply. If there are conflicts between the Collective Bargaining Agreement and this Side Letter Agreement, the terms of this Side Letter Agreement shall govern.

Dated at Waterford, Wisconsin this day _____ of _____ 2024.

Town of Waterford

**Town of Waterford Police Association,
Local #104**

Tina Mayer, Town Clerk

David Ferger, Union President

Teri Jendusa Nicolai, Town Board Chair

Luke Wagner, WPPA

Police Board Liasion

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