

PUBLIC SAFETY COMMITTEE MINUTES

Wednesday, June 8, 2016 6:30 p.m.

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. in Conference Room A of the McFarland Municipal Center by Chairperson Adrian.

Committee Members Present: Trustees Jerry Adrian and citizen members Sandy Bakk, Kathy Lyons, Ken Machtan, Barbara Zabawa, and Rich Staley.

Committee Member Absent: Tom Mooney

Staff Present: Charles DiPiazza, Emergency Management Director; Police Chief Craig Sherven; and Tom Innes, Clerk.

Others Present: Andrea Stanton, Jason Gonzales, and Zackary Butson.

2. PUBLIC APPEARANCES. None.

3. LICENSE HEARING.

- a. **Conduct hearing on the recommendation to deny the issuance of an Alcohol Beverage Operator's License for Stewart Wilson.**
- b. **Committee report to the Village Board on the recommendation regarding the approval or denial of an Alcohol Beverage Operator's License for Andrea Stanton.**

A hearing on the recommendation to deny the issuance of an Alcohol Beverage Operator's License for Andrea Stanton was conducted by the Public Safety Committee on June 8th, 2016 at 6:33 p.m. in Conference Room A of the McFarland Municipal Center, 5915 Milwaukee Street, McFarland, Wisconsin.

The hearing was conducted per McFarland Village Ordinance 11-67(d) (1) (2)(3)(4) and (5).

Public Safety Committee members present were Trustees Jerry Adrian and citizen members Sandy Bakk, Kathy Lyons, Ken Machtan, Barbara Zabawa, and Rich Staley. Staff present was Police Chief Craig Sherven, Emergency Management Director Charles Di Piazza and Clerk Tom Innes. Others present were Andrea Stanton and Jason Gonzales.

Clerk Innes swore in Chief Sherven, who provided testimony and exhibits.

Chief Sherven presented the following additional exhibits:

Exhibit A. A copy of the initial "Application for an Alcohol Beverage Operator's License" and supporting materials completed by Andrea Stanton.

Exhibit B. A copy of the May 2, 2016 memo to the Public Safety Committee from Chief Craig Sherven, apprising them of his denial of the Alcohol Beverage Operator's License for Andrea Stanton and the reasons for this recommendation.

Exhibit C. A copy of the May 4, 2016 letter to Andrea Stanton from Finance Director Kelsy Boyd notifying her of the denial and the hearing process.

Exhibit D. A copy of the June 3, 2016 letter to Andrea Stanton from Village Clerk Cassandra Suettinger confirming the hearing date and process.

Chief Sherven presented the following testimony:

Chief Sherven described the role of the Police Department in recommending alcohol licenses. The Chief stated that he must follow Village Ordinances. The reason for the denial was a Wisconsin Department of Transportation driver history that included a November 8, 2015 conviction of a prohibitive blood alcohol

content offense that occurred on October 8, 2015. According to Ordinance language, this is considered a substantially related offense for determining the ability and judgement to serve alcohol.

Clerk Tom Innes swore in Andrea Stanton and Jason Gonzales (Legal Representation).

Mr. Gonzales, speaking for Ms. Stanton, stated that he was retained as Ms. Stanton counsel after her being charged for a Prohibitive Blood Alcohol Content as well as Operating Under the Influence from a October 8th, 2015, traffic stop. Mr. Gonzales and Ms. Stanton requested an administrative review hearing of her pending suspension resulting from the Prohibitive Blood Alcohol offense. That hearing was denied by the Department of Transportation and a Judicial review was requested, pending judicial review on November 19th 2015.

It is the position of Ms. Stanton that her license was administratively suspended from November 8th, 2015 (in accordance with a Blood Alcohol Offense) but that the suspension was lifted on November 19th, after a not guilty plea to both the Prohibitive Blood Alcohol Offense as well as the Operating Under the Influence offense. Mr. Gonzales could not directly answer why the Department of Transportation has Ms. Stanton listed as “convicted” but that he feels that her license should not be suspended based on the court documentation provided and the “not guilty” pleas entered for her pending trial.

Mr. Gonzales noted that this operator license hearing was not for a criminal offense, that his client is entitled to a presumption of innocence. The trial for Mrs. Stanton regarding both offenses could be several months before and outcome and that denying her a license would greatly affect her ability to work at her current McFarland place of employment.

Ms. Stanton added that this was her first offense and that the incident in question did not occur either directly before or directly after her shift at her McFarland place of employment.

The hearing proceeded with discussion by the Committee.

Motion by Adrian, second by Bakk and carried 6-0 by acclamation to table any action by the Public Safety Committee until any legal action has been completed and that result has been reported to the committee, at which time the Public Safety Committee may hold another hearing to re-identify any action it, as a committee, should take.

Amendment to the Motion by Zabawa, second by Staley and carried 6-0 by acclamation that if there is a subsequent related offense by Ms. Stanton that her Operator License be denied.

The remaining steps in this process were recited, including receipt of the hearing report and the right to appear and address the Village Board if she so chooses. The hearing was closed at 7:05 p.m.

- c. **Conduct hearing on the recommendation to deny the issuance of an Alcohol Beverage Operator’s License for Zackary Butson.**
- d. **Committee report to the Village Board on the recommendation regarding the approval or denial of an Alcohol Beverage Operator’s License for Andrea Stanton.**

A hearing on the recommendation to deny the issuance of an Alcohol Beverage Operator’s License for Zackary Butson was conducted by the Public Safety Committee on June 8th, 2016 at 7:14 p.m. in Conference Room A of the McFarland Municipal Center, 5915 Milwaukee Street, McFarland, Wisconsin.

The hearing was conducted per McFarland Village Ordinance 11-67(d) (1) (2)(3)(4) and (5).

Public Safety Committee members present were Trustees Jerry Adrian and citizen members Sandy Bakk, Kathy Lyons, Ken Machtan, Barbara Zabawa, and Rich Staley. Staff present were Police

Chief Craig Sherven, Emergency Management Director Charles Di Piazza and Clerk Tom Innes. Others present was Zackary Butson.

Clerk Innes swore in Chief Sherven, who provided testimony and exhibits.

Chief Sherven presented the following additional exhibits:

Exhibit A. A copy of the initial “Application for an Alcohol Beverage Operator’s License” and supporting materials completed by Zackary Butson.

Exhibit B. A copy of the May 2, 2016 memo to the Public Safety Committee from Chief Craig Sherven, apprising them of his denial of the Alcohol Beverage Operator’s License for Zackary Butson and the reasons for this recommendation.

Exhibit C. A copy of the May 4, 2016 letter to Zackary Butson from Finance Director Kelsy Boyd notifying her of the denial and the hearing process.

Exhibit D. A copy of the June 3, 2016 letter to Zackary Butson from Village Clerk Cassandra Suettinger confirming the hearing date and process.

Chief Sherven presented the following testimony:

Chief Sherven reported that Mr. Butson was arrested for Operating Under the Influence of a Controlled Substance, testing positive for THC on a blood draw, and possession of a controlled substance (THC). Chief Sherven went on to say that Mr. Butson has yet to be adjudicated as his trial is set for June 14th, 2016, at McFarland Municipal Court and that this was Mr. Butson’s first offense.

Clerk Innes swore in Zackary Butson

Mr. Butson stated that he has been working at his current location for 10 months and that he has not had any performance issues. Further, Mr. Butson stated that he never been involved in any alcohol related incidents. Mr. Butson said that he has never been under the influence of THC or any other substance during his work shifts. Mr. Butson admitted an error in judgement and that he is not trying to minimize his actions. He is actively attending Connections Counselling and now has an active support group in hopes of accepting responsibility for his mistakes and helping him to make better decisions in the future.

The hearing proceeded with discussion by the Committee

Motion by Adrian, seconded by Lyons and carried 6-0 by acclamation that the Public Safety Committee table any action regarding Mr. Butson’s Operator license pending his June 14th, 2016 court date with the understanding that any related offenses would greatly impact his ability to hold such license.

4. STAFF REPORTS.

- a. Fire/EMS Department.** Chief Dennis was not present at the meeting but had submitted the monthly Fire/Rescue report. In looking through the report, Adrian noted that Committee members pay particular attention regarding the report on the need for the Local Tactical Radio Channel. This item will likely appear in future Agendas in terms of implementation and funding.
- b. Police Department.** Chief Sherven reported on department activities. Staffing is near full with 15 of 16 positions filled with one officer on medical leave. Members of the Department travelled to Washington D.C. for the Fallen Officer Memorial in May. Sherven also reported that it has been one year since the McFarland Police Department joined with Monona Police Department to form a Drug Task Force Unit that has resulted in significant arrests. Officer Jeremy Job Travelled with Chief Sherven to Blawhawk Technical College to attend a ceremony renaming the school’s sharpshooter award in honor of Officer Copeland.

- c. **Emergency Management.** Chuck Di Piazza submitted the Emergency Management report. Di Piazza. Di Piazza report that the Emergency Management Committee will be meeting on a every other month basis. All warning sirens are operating efficiently and Hill Electric will be performing silent, weekly tests to monitor the sirens in the Village.

5. **BUSINESS.**

- a. **Preliminary discussion regarding regulation of massage parlors.**

Chief Sherven expressed concern that there is no local control regarding the licensing and operation of Massage Parlors in the Village. Sherven noted that a licensed therapist must be on premise at all times but this license is issued by the State of Wisconsin and enforcement this requirement has been an issue. There have also been reported violations in the business in question issued by the Village's Building Inspector. Sherven noted that area municipalities have existing ordinances and that he will provide examples at the next PSC meeting.

6. **ADJOURNMENT. Motion** by Machtan, second by Bakk and carried 6-0 by acclamation to adjourn the June 8, 2016 meeting of the Public Safety Committee at 8:09 p.m.

Respectfully Submitted,
Tom Innes, Clerk