

November 10, 2016

TOWN BOARD

Chair

Anthony Varda, 798-9999

Supervisors

Jeff Davis, 798-0080

Mike Statz, 798-4679

Joe Kruchten, 798-1735

Duane Haag, 798-3638

TOWN OFFICE

Brenda Kahl, Clerk/Treasurer

9046 State Road 19

Mazomanie, WI 53560

767-4152

Fax: 767-3015

Hours: 7:00 – 4:30, except

Wednesday 7:00 – 11:00

Email: twnberry@chorus.net

Web: www.townofberry.org

TOWN GARAGE

Orlin Danz, Patrolman

(Cell) 444-0359

Hours: 7:00 – 3:30

FIRE WARDENS

Brenda Kahl

767-4152, during office hours

WI DNR

1-888-947-2876

<http://dnr.wi.gov>

BUILDING INSPECTOR

Dean Eppler

Independent Inspections, Ltd.

(800) 422-5220

DANE COUNTY SHERIFF

255-2345, Non Emergency

LEGAL NOTICE POSTING LOCATIONS

Town website, Town Hall, Festge Park,

DH Repair

BROADBAND FORWARD – TOWN OF BERRY

For the past several years the Town of Berry Town Board has been researching various providers and ways to increase Broadband services. Some success was realized in August of this year when TDS – Black Earth Telephone Company was awarded a grant for Broadband expansion. The grant was in the amount of \$156,000 to fund 50% of a project to increase Broadband and Internet Access service in the western portion of the Township, the 608-767 area.

The Town Board does realize that many other areas of the Town need expanded Broadband and Internet Access service and will continue to explore opportunities.

Now you can help. The Wisconsin State Broadband Office has announced a survey that allows residents and businesses the opportunity to voice their need for improved Internet Access service. The goal of the survey is to help state planners and policy makers better understand the need for improved Internet Access in our state.

We encourage you to complete the survey. It is only eleven (11) questions and will only take about ten minutes

To complete the survey, please visit:

psc.wi.gov/BroadbandSurvey.htm

Or call toll free (877) 360-2973

Survey will remain open until **November 23rd, 2016**

Let's get the Town of Berry and its need for increased Broadband and Internet Access service on the map so state planners see the need.

Remember, "The squeaky wheel gets the grease."

Michael Theis

FALL IS HERE



QUESTIONS AND ANSWERS IN REGARD TO LEAVING DANE COUNTY ZONING

Q: What is the difference between the new State Legislation (Act 178) allowing Dane County towns to opt out of zoning and the Dane County led zoning code re-write that will also allow towns to opt out of County zoning?

A: *Opting out through the State Legislation gives town zoning and plat review authority. Opting out as a result of the zoning code re-write only gives towns zoning authority, towns will still need to work with the county for land division approval.*

Q: What are the steps and time frame for opting out under Act 178?

A: *The first step is a Town Board withdrawal notice that must be sent between July 1, 2016 and October 20, 2016 to the county clerk and every town in the county, stating intent to enact an ordinance to opt out of county zoning. Then not less 60 days before the Town Board approves a withdrawal ordinance, towns must re-adopt their Comprehensive Plans, adopt a town map and adopt a zoning code. Finally, the withdrawal ordinance needs to be approved at the town Annual Meeting (April 2017) or by referendum.*

Q: When will zoning authority take effect under Act 178?

A: *The new zoning authority takes effect on the date stated in the town ordinance (minimum of 90 days after passage). For most towns, we suggest this date should be January 1, 2018.*

Q: I heard that Act 178 makes changes to how Town Comprehensive Plans are adopted. Can you explain?

A: *The Act requires that Dane County adopt Town Comprehensive Plans “without change.” So Dane County can no longer require changes for their approval/adoption. This puts town plans on the same level as city and village plans that are directly adopted by Dane County. At recent County meetings it was stated that they are interpreting this clause of Act 178 to only apply to towns that have opted out. DCTA disagrees with that interpretation. It was written to apply to all towns in Dane County regardless of whether they opt out.*

Q: How will towns fund this?

A: *We are working with a consultant (General Engineering) that currently administers zoning for several towns in WI. Initial estimates are that if towns continue the fees currently charged by Dane County for zoning and CUP permits, those fees will cover the expense of hiring a consultant to administer the program.*

Q: If a Town does opt-out, will all parcels be rezoned to comply with the new Dane County Towns Association Zoning code, or will the new codes only apply to new zoning?

A: *To assure that no [property owner loses any rights they currently have, the current county code or “Legacy Zoning” will be adopted by reference into the new code and thus able to remain in effect for existing lots. Landowners will not have to rezone their property until they make a significant change to it, such as building a new structure or changing the use of the parcel in a substantial way.*

Q: If new zoning districts only apply to new requests, then the Town will have two different codes for many, many years. Will having two different codes cause difficulties with enforcement as some parcels will have Dane County Codes and some will have Town Association Codes. Will the enforcement for both codes be done by the mechanism associated with the Town Association arrangement?

A: *The dual code exists in a number of towns already and has worked well. Some towns have zoning which was adopted by their neighboring city or village. The Town of Westport is such an example. And, each parcel is already unique with specific zoning, conditional uses, site plans etc. Enforcement currently requires a review of the parcel and its history. This will continue under both codes and will be done by the new Zoning Administrator. The professional administrator will be able to manage the codes without difficulty.*

Q: If after three years or some time period, the Town decides to go back to Dane County zoning, etc., will the Parcels with Town Association zoning keep this zoning or go to a Dane County zoning district? Will Dane County enforce the Town Associations zoning if a parcel does not have Dane County zoning districts?

A: A Town can return to Dane County Zoning at any time. Presumably, Dane County Zoning will decide whether to grandfather in the Town Zoning [or whatever was authorized by the Town Zoning], or fit the returning properties into a comparable Dane County Zoning Category. Since we are dealing with property rights, taking away existing uses authorized by law when they were constructed, is not possible without compensation, so I would anticipate a form of grandfathering would occur. Since we are grandfathering in Dane County Zoning for those who do not request a change, only a handful of properties would be involved in most Towns, should the Town choose to return to Dane County Zoning.

Q: What are the main concerns about the current arrangement with Dane County?

A: Working with the ZLR and the lengthy timeframe for county decisions; the County's application of a philosophy driven by city residents to land use issues which concern rural residents; arbitrary treatment of towns by the County ZLR; application of unwritten rules made up by the ZLR but not based in any ordinance.

Q: Will I still need to go to Dane County for permits?

A: Yes, for some permits. Dane County will still handle storm water management, erosion control and shoreline zoning permits. Dane County staff currently do this permitting for cities and villages - it will be done for towns in a similar manner.

Q: Will my land still be eligible for Farmland Preservation Tax Credits?

A: Yes, the new zoning code is designed to be a certified farmland preservation ordinance.
Dane County Towns Association

WINTER IS APPROACHING



Winter conditions are approaching. In order to help our plowing team, please keep turnarounds and the road right-of-way free from debris, vehicles and anything that may impede the snowplows. If there is

not enough space for the plowing equipment to turn around, the road may not be plowed.

Brenda Kahl

NOVEMBER 8 ELECTION RESULTS IN BERRY

761 Total Votes

President/Vice President

Donald J Trump/Michael R Pence	285
Hillary Clinton/Tim Kaine	415
Darrell L Castle/Scott N Bradley	3
Gary Johnson/Bill Weld	27
Jill Stein/Ajamu Baraka	9
Monica Moorehead/Lamont Lilly	1
Rocky Roque De La Fuente/ Michael Steinberg	0

United States Senator

Ron Johnson	303
Russ Feingold	443
Phillip N Anderson	12

Representative in Congress, District 2

Peter Theron	313
Mark Pocan	418

Representative to the Assembly, District 79

Jordan Zadra	297
Dianne H Hesselbein	419

District Attorney

Ismael Ozanne	523
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County Clerk

Scott A McDonnell	382
Karen McKim	252

County Treasurer

Adam Gallagher	529
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Register of Deeds

Kristi Chlebowski	529
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Election Inspectors who worked at the November Election: Bob Agee, Debra Belongea, Kathy Bladl, Lois Fitzsimmons, Linda Flansburgh, Josephine Grosch, Dixie Johnson, Ken Johnson, Joan Paar, Marilyn Pauls, Deb Pienkowski and Dorothy Seston. Thank you!
Brenda Kahl

GARBAGE/RECYCLING SCHEDULE

Monday, Nov 14 - Garbage Only
Monday, Nov 21 - Garbage and Recyclables
Monday, Nov 28 - Garbage Only
Monday, Dec 5 - Garbage and Recyclables

BERRY BACKYARD CLUB

We are done for the year. Thank you to everyone who contributed.

Our Backyard annual potluck hosted by Jim and Tracy was a fine feast and something of a wine tasting event, including the first bottle of a Varda Wonky Plonk 2015. Not ready for wine Spectator yet, but kudos to Tracy, eminently drinkable with hints of vanilla, plum and potential.

We shall convene in the spring to plan our 2017 activities, and as always invite your suggestions and expertise. Everyone is welcome, new friendships were made again this year-you don't have to live in Berry, just enjoy outdoor activities, organic gardening, and great potluck gatherings.

Jane Varda

jane.varda@tds.net

608-798-9999

HUNTER SIGHT-IN PROGRAM

The Dane County Sheriff's Office annual Hunter Sight-In started Saturday, November 5th.

Area hunters can prepare for the yearly Wisconsin deer hunt by sighting in their shotguns, rifles and pistols in a safe environment at the Dane County Law Enforcement Training Center. The training center is located between Interstate 90/94 and Waunakee at 5184 State Highway 19. No appointment is necessary. The facility is open to the public between the hours of 8:30 am and 3:30 pm daily. Citizens may only bring firearms that are legal for use in hunting deer in Wisconsin.

Experienced instructors will be on hand to provide assistance in the sighting and adjusting of firearms. There is a fee of \$10.00 for the first gun and \$5.00 for each additional gun. Hearing and eye protection is mandatory and will be provided, or you may use your own. Hunters will also be able to receive information on hunting laws, regulations, and gun safety.

The program runs through Friday, November 18th. For additional information, contact the training center staff at (608) 849-2660.

Elise Schaffer, Public Information and Education Officer
Dane County Sheriff's Office

BERRY BREAKFAST

You are invited to the November Berry Breakfast on the 12th. As usual you are reminded of and invited to our Saturday Breakfast. We will gather around 9:00 a.m. at The Cross Plains Family Restaurant, Glaciers Edge Shopping Center. Enjoy this informal fun with friends and neighbors on the second Saturday of each month. We'll gather with others from our area for this "no agenda, no expectations, no work" Dutch treat social event. Friends and guests are always welcome. Please join us if you can.

Karen Upper

TOWN BUDGET MEETING

Six electors attended the November 7th Public Budget Hearing and Meeting of the Electors.

The spending limit for 2017 for highways is set at \$381,823, with \$180,000 of those funds to be used toward highway maintenance and construction.

The electors adopted with a vote of 6-0 the town tax levy for 2016 to be paid in 2017 in the amount of \$432,903 and adopted the Fire and EMS budgets to make a total local levy of \$519,807.

Brenda Kahl

NOMINATION PAPERS FOR APRIL 4, 2017 ELECTION

Three of the five Town Board Seats will be up for election this April. Present incumbents are:

Town Board Chair	Anthony Varda
Town Board Supervisor Seat 1	Jeff Davis
Town Board Supervisor Seat 2	Michal H Statz

The first day to circulate nominations papers is December 1, 2016 and the final day for filing nomination papers is 5:00 pm on Tuesday, January 3, 2017 in the office of the Town Clerk.

Brenda Kahl

OCTOBER 17 TOWN BOARD MINUTES SUMMARY

(A summary of the minutes not yet approved by the Town Board.) Members present: Anthony Varda, Mike Statz, Joe Kruchten, Jeff Davis and Duane Haag

Public Comments

Mike Theis met with TDS and by the end of the month they will know how they will get the federal funds. Met with Bug Tussel Wireless and they want a commitment of 80 broadband customers per tower site

Driveway and Field Road permits

*Troy & Jessica Kalscheuer's, 9065 Far View Road, field road permit application was approved. Vote 5-0

*Aaron & Stephanie Weber's, Far View Road, driveway permit application was approved. Vote 5-0

Restricting Field Road Access on Meier Road/Penalties for Placing excessive Mud or Manure on a Town Road

Discussion about fixing the field road near the corner of County Road K and also look at placing gravel on the other field roads on Meier Road.

Installing GPS on Vehicles was set over to the November meeting for the clerk to obtain the proper name and further details and information so the board can review and investigate it more closely to see if it will be serviceable or not. Vote 4-1 In favor: Statz, Varda, Kruchten and Davis
Opposed: Haag

Revising Clerk/Treasurer Job Duties Policy 105.2 was approved as amended. Vote 5-0

Revising Clerk/Treasurer Position Policy 105.1 was set over until the November meeting. Vote 5-0

Repair, Service and Maintenance of Highway Equipment Policy 303.1 was adopted as amended. Vote 4-1 In favor: Statz, Varda, Kruchten and Haag
Opposed: Davis

Comprehensive Plan Amendment, Leaving Dane County Zoning

Discussion only. Reviewed timeline

Planning and Adopting the 2017 Budget

The board approved the proposed 2017 budget as amended. Vote 5-0

The Cycle Road Event Permit for Madison Motorcycle Club was approved. Vote 5-0

Purchase tires for 2012 Dodge Truck

The board approved not purchasing tires until after November 20, 2016. Vote 5-0

Committee Reports

Cross Plains Fire District: Contacted Pierce about the fire truck purchase

Adjourn: 9:11 pm

Brenda Kahl



NORTHWEST DANE SENIOR SERVICES CELEBRATE A LIFE ANNUAL FUNDRAISER

Tuesday, December 6th

5 – 7 pm, 1837 Bourbon Rd

Chili Supper (\$7) followed by the tree lighting ceremony at 6:30

Honor the special people, past or present, who have enriched your life and the lives of others by making a tax-deductible gift to NWDSS for \$25 minimum donation. The person's name will be posted in our gathering space here at NWDSS, and an ornament will be hung on our holiday tree as their name is displayed and announced on December 6 at the Tree Lighting Ceremony.

THANKSGIVING DINNER

Friday, November 18, 2016

11:30 AM and 12:30 PM

Please RSVP by Tuesday, Nov. 15.

Please note: NWDSS will be closed Thurs. Nov 24 and Fri. Nov. 25, 2016

"A month to be thankful." A special thanks to all of you who contribute, volunteer and support NWDSS! HAPPY THANKSGIVING!!!

Northwest Dane Senior Services Newsletter

TOWN OF BERRY BOARD MEETING

November 21, 2016, 7:00 p.m. at the Town Hall, 9046 Hwy. 19, Mazomanie, WI 53560

AGENDA

1. Call to order
2. Approve minutes of October 13 and 17, 2016
3. Public Comments: You may address the Board on any item not on the agenda. A discussion item may be placed on a future agenda. Public comment may be heard on any agenda item either now, or at the time the agenda item is to be discussed, or at the discretion of the Town Chair at any other time the agenda item is discussed. Comments are generally limited to three minutes.
4. Discussion/action re: Agreement for Emergency Medical Services with Cross Plains Area Emergency Medical Services District
5. Discussion/action re: Installing GPS on vehicles
6. Discussion/action re: Refunding Cycle Road Event permit deposit for Madison Motorcycle Club
7. Discussion/action re: Annual adoption of Ordinance 300.14, Applying Statutory Axle Weight Limits Under §348.15(3)(b) to Agricultural Equipment Pursuant to §348.15(9)(f)2
8. Discussion/action re: Set date and time for Comprehensive Plan amendment public hearing
9. Discussion/action re: Revising Clerk/Treasurer Position Policy 105.1
10. Discussion/action re: Revising Road Patrolman Policy 105.3
11. Discussion/action re: Fly Dane Partnership, Aerial photography project for 2017
12. Budgetary Matters
 - A. Payment of bills
 - B. Purchase tires for 2012 Dodge Truck
13. Committee reports/Correspondence/Communications
 - A. Fire Districts
 - B. EMS Districts
 - C. Other
14. Discussion of future agenda items
15. Adjourn

As of November 17, 2016 the final agenda will be posted on the website and the town hall posting board. The board attempts to finalize the agenda prior to the distribution of the newsletter

CALENDAR

All meetings are at the Town Hall, 9046 Hwy 19, Mazomanie, unless otherwise noted.

November 2016	
Monday, Nov 21, 7:00 pm	Town Board
Tuesday, Nov 22, 7:00 pm	Cross Plains EMS, Cross Plains Fire Station
Tuesday, Nov 22, 8:00 pm	Cross Plains Fire District, Cross Plains Fire Station
Saturday, Nov 26, 7:30 am	Plan Commission Site Visits, on site
December 2016	
Monday, Dec 5, 7:00 pm	Plan Commission
Monday, Dec 19, 7:00 pm	Town Board
Saturday, Dec 24, 7:30 am	Plan Commission Site Visits, on site

This calendar is advisory only. Consult the legal posting locations for legal notice