



DAVID CRAIG

STATE REPRESENTATIVE

Assembly Committee on Urban and Local Affairs
Public Hearing, May 21, 2013
Assembly Bill 189 Testimony
Representative David Craig, 83rd Assembly District

Chairman Brooks and Members of the Committee,

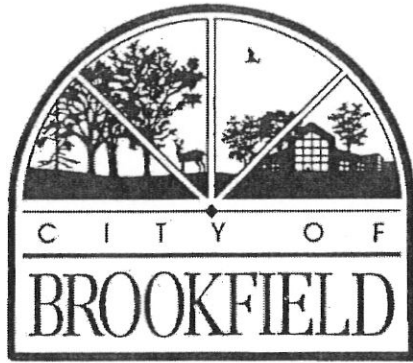
Thank you for taking the time to allow me to speak today regarding an important issue in the Town of Waukesha and how AB 189 helps give a voice to 178 voters and town residents across our state.

Rep. Kramer and I authored AB 189 to address an issue currently taking place in Waukesha County that involves the hostile takeover of a portion of the Town of Waukesha and could have negative ramifications should similar situations arise in other parts of the state. As you may be aware, the Town of Brookfield is currently in the process of incorporating into a Village. As the Town of Brookfield does not meet the 4 square miles of territory needed to become a village, they have decided to include a portion of the Town of Waukesha into their incorporation referendum. The 288 acres of the Town of Waukesha that the Town of Brookfield is attempting to take over represents some of the most commercialized land in Waukesha County. With about \$35 million in tax base and only 178 registered voters, the residents of this heavily commercialized area stand little to no chance of having their voice heard against the 4,737 registered voters in the Town of Brookfield as under current law the voters of these two areas would vote in a single election.

Our bill addresses this by separating these two sets of voters and lets them vote individually on the referendum. Should both sets of voters agree to the referendum the incorporation would proceed as usual.

It is also worth noting that DOA has informed my office that multiple town incorporations have only occurred 9 times since 1960, and this is the first case where there has been overwhelming opposition by the impacted citizens of one of the towns to be incorporated.

This legislation is not meant to ensure these 288 acres in the Town of Waukesha never become part of a possible future Village of Brookfield, instead this bill simply ensures that these 178 voters have a say in the place they call home and that residents in other parts of the state are protected from this unfair process in the future. This bill is supported by both the League of Wisconsin Municipalities and the Wisconsin Towns Association and is the simplest way to make sure all interests are heard.



MAYOR

Steven V. Ponto

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May 20, 2013

Assembly Committee on Urban and Local Affairs

Representative Brooks (Chair)
Representative Hutton (Vice-Chair)
Representative Jacque
Representative Murphy
Representative Honadel

Representative Ott
Representative Hintz
Representative Ringhand
Representative Barnes

RE: In Support of 2013 Assembly Bill 189

Dear Representatives:

As Mayor of the City of Brookfield, I am writing to express strong support for Assembly Bill 189. Under current law, I have seen the Town of Brookfield include 288 acres of the Town of Waukesha in the Town of Brookfield's incorporation petition so that the area to be incorporated could meet statutory size requirements. The Town of Brookfield did this without consulting the Town of Waukesha and I understand that none of the residents in the affected 288 acre portion of the Town of Waukesha consented to being included in the Town of Brookfield's incorporation petition.

Further, it is arguable that, if the Town of Brookfield's incorporation effort goes to a referendum, all of the residents in the affected 288 acres of the Town of Waukesha could vote against the incorporation and still be included in the new incorporated municipality because their votes were overwhelmed by votes from the Town of Brookfield. Yard signs in the Town of Waukesha are being displayed urging voters to "Say NO to the Village of Brookfield."

The fact that this is happening contrary to the wishes of the Town of Waukesha and its affected residents suggests that our state statutes need to be clarified. Assembly Bill 189 provides the necessary clarification. I urge you support it.

Very truly yours,

Steven V. Ponto
Mayor

cc: Senator Leah Vukmir; Representative Dale Kooyenga; Town Chairman John Marek;
Mayor Jeff Scrima; Wisconsin League of Municipalities; City of Brookfield Aldermen

Mr. Chairman and

Good Morning Ladies and Gentlemen, of the Committee

My name is Brian (B-R-I-A-N) Tom Fischer (F-I-S-C-H-E-R).

I support Assembly Bill 189.

Allow me to quickly introduce myself. I am a resident of the Town of Waukesha. I own a business property in the Town of Waukesha. I am one of four elected-at-large Supervisors of the Town of Waukesha.

The issue that is the impetus for Assembly Bill 189 is the attempt by the Town of Brookfield, initiated in 2011, to take approximately 288 acres of land from the Town of Waukesha, by force, in their quest to become a village. In order to meet one of the threshold requirements to become a village, the Town of Brookfield needs to amass a minimum of 4 square miles of contiguous land area, and in order to do, they are attempting to take the approximately 288 acres of land from the Town of Waukesha, against the ~~un~~ will of the vast majority of the property owners in the affected area, most of which are long-time, permanent residents.

whose citizens overwhelmingly oppose the taking

that was presented by the Town of Brookfield

To the best of my knowledge, no town in the State of Wisconsin has ever attempted to utilize the provisions of Wisconsin Statute 66.0211 to take land from another town. In my opinion, the provisions of Wisconsin Statute 66.0211 were never intended to be used for such a purpose. That said, in January, 2012, a circuit court judge in Waukesha County held a hearing on the incorporation petition and found that the statutory standards had been met, and allowed the process to continue.

resident in other town in the state

My support for Assembly Bill 189 is not borne of self-interest. Neither my residence nor my business property is located in the approximately 288 acres of land that is the subject of discussion. Assembly Bill 189 needs to be enacted, however, to insure that the property owners in the affected area have a voice in their own destiny, and to insure that ~~others~~ are not placed in a similar predicament in the future.

The Town of Brookfield is attempting to apply the current provisions of Wisconsin Statute 66.0211 such that the electors in the Town of Brookfield and the Town of Waukesha, would cast votes in a single incorporation referendum. Because the number of electors in the Town of Brookfield far exceeds the number of electors in the Town of Waukesha (approximately <5,000 to <200), the electors in the Town of Brookfield will have control over the outcome of the incorporation referendum. This is wrong. It is antithetical to several of the fundamental principles of our democracy.

however, If Assembly Bill 189 is enacted, and a territory which includes portions of more than one town is to be incorporated, then the electors of each town must approve the referendum for it to take effect. Thus, the electors in each town, be they many or few, or comparable in number, will have a voice in their own futures.

Euphemistically

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ultimate

I have brought the voices of the people to you today, in the form of responses to questionnaires and personal letters.

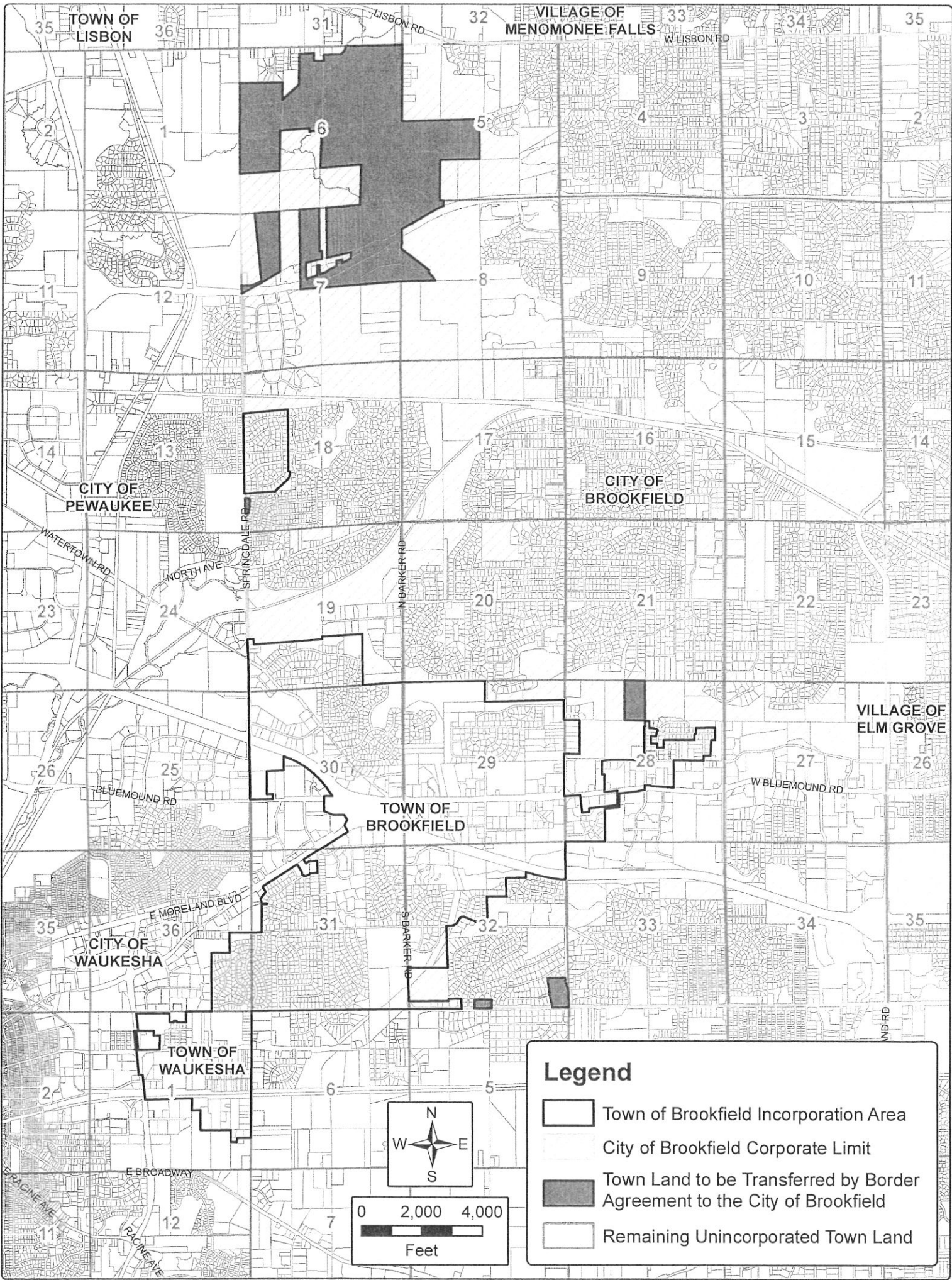
On December 30, 2011 the members of the Town Board of the Town of Waukesha sent out a questionnaire to the residents in the 288 acre area. One of the questions that was posed to the residents is "Are you in favor of the proposed incorporation"? ~~58~~ Only 1 responded "YES", 58 responded "NO".

In the early part of 2012, ~~to~~ The Town of Waukesha received approximately 54 unique personal letters from the residents of the 288 acre area. I believe that all of these letters express opposition to the proposed incorporation.





I will submit the questionnaires and letters to you for your review and consideration.

Thank you for listening to my voice and to the voices of the people!

58 - No
1 - Yes



Legend

-  Town of Brookfield Incorporation Area
-  City of Brookfield Corporate Limit
-  Town Land to be Transferred by Border Agreement to the City of Brookfield
-  Remaining Unincorporated Town Land

