

**VILLAGE BOARD AGENDA  
MONDAY, MAY 8, 2017  
7:00 PM  
BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD AVENUE**

Roll Call

Pledge of Allegiance –Trustee Compton

Public Comments: (Please be advised the Village Board will receive information from the public for a three minute time period per person, with time extensions per the Village President's discretion. Be it further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.)

1. Consideration of a motion to approve Village Board minutes of April 24, 2017.
2. Consideration of a motion to approve the vouchers for payment.
3. Consideration of actions related to Licenses and Permits
  - a. Consideration of an application for a Street Use Permit for the Hometown Celebration Parade to be held on July 2, 2017
  - b. Consideration of application for Operator's (Bartender) Licenses with a term ending June 30, 2018
4. Consideration of the second reading of a bill for an Ordinance No. 04/24/2017-01, An Ordinance To Amend Chapter 30 Of The Village Of Hartland Municipal Code Pertaining To Court.

Item referred from the February 20, 2017 Plan Commission Meeting

5. Consideration of a motion to approve a final extraterritorial plat for Hawks Haven in the Town of Delafield with conditions.

Other items for consideration

6. Consideration of Board and Commission appointments as presented by Village President Pfannerstill
7. Update related to the public hearing regarding the FDA regulation of the electronic cigarette and vaping industry.
8. Announcements: The following individuals will be given an opportunity to make announcements at the meeting in regards to (1) activities taken since the previous meeting on behalf of the community, (2) future municipal activities, and (3) communications received from citizens. It is not contemplated that these matters will be discussed or acted upon. The

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following individuals may provide announcements: Village President or individual Village Board members or Village Administrator or other Village Staff members

9. Consideration of a motion to recess to closed session pursuant to SS 19.85 (1)(e), deliberating or negotiating the purchasing of public properties, investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session regarding downtown development and to adjourn thereafter without reconvening into open session pursuant to SS 19.95 (2). [Roll Call Vote]

David E. Cox, Village Administrator

Notice: Please note that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Darlene Igl, Village Clerk, at 262/367-2714. The Municipal Building is handicap accessible.

## MEMORANDUM

**TO:** President and Board of Trustees  
**FROM:** David E. Cox, Village Administrator  
**DATE:** May 2, 2017  
**SUBJECT:** Agenda Information



The following information relates to the upcoming Village Board meeting agenda and includes additional or summary information and staff recommendations as necessary. The numbering will follow the numbering of the agenda.

Item 4 Related to the Ordinance for the Municipal Court.

Background: This is the replacement Ordinance as prepared by the attorney for the Municipal Court and reviewed by others, including me. As the Board will recall, Hartland is one of the founding members of the Lake Country Municipal Court, which provides municipal court services to an ever-expanding list of area municipalities. Currently, there are 19 members receiving adjudication of municipal citations by a single judge and staff at no cost to taxpayers. Recently, two additional municipal members were added to the joint Court and the Village is being asked to update the Village Code to reflect the new members. This new ordinance is designed to repeal and replace the entire Court-related section of our Village Code and is identical to the ordinances being approved in the other municipalities, which is an important aspect of the joint Court relationship. The ordinance updates the references to State Statute as appropriate and incorporates the new member municipalities. Otherwise, the general language and meaning behind the Code does not change.

Recommendation: Consider the ordinance on second reading and bind over for adoption at the next meeting.

Item 5 Related to the final extraterritorial plat for Hawks Haven.

Background: The Village Board is being asked to consider the Final Extraterritorial Plat for the Hawk's Haven subdivision in the Town of Delafield. The Plan Commission considered the matter in February and recommended approval of the Final Plat conditioned on the approval of a three party agreement with the Town and the Developer related to the storm and sanitary sewer facilities and the conveyance of this water through the Village. In the intervening months between Plan Commission consideration and today, the developer has been working with the Town, the County and the Village Engineer to design the subdivision including the infrastructure aspects. Our Engineer has participated in the preconstruction meetings that have occurred to date. Additionally, the Town and the Developer have conceptually agreed to the three party agreement based on a similar version in place between the Village and the Town for a different Town subdivision. The Village Attorney has drafted the specific agreements and other

documents for this subdivision and they are being shared for consideration by the other parties. Staff is confident that the agreements will be acceptable and will be ready for Village Board action in a timely manner. Additionally, because the Village will not allow final connection to the Village's sanitary sewer system until all agreements are executed and payments to the Village are made, staff is recommending that the Final Plat be approved and the project be allowed to progress.

Recommendation: Approval of the Final Plat conditioned on execution of the requisite agreements prior to final sanitary sewer connection.

**VILLAGE BOARD MINUTES**  
**MONDAY, APRIL 24, 2017**  
**7:00 PM**  
**BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD AVENUE**

Roll Call

Pledge of Allegiance –President Pfannerstill

Present: Trustees Stevens, Meyers, Compton, Landwehr, Swenson, Wallschlager, President Pfannerstill

Others: Administrator Cox, Finance Director Bailey, DPW Director Einweck, Police Chief Bagin, Fire Chief Dean, Clerk Igl, Tyler Langan, Rick Kalscheuer, Fred Kelly Grant, Linda Hanson, Mark Block, Erin Guenterberg

Public Comments: (Please be advised the Village Board will receive information from the public for a three minute time period per person, with time extensions per the Village President's discretion. Be it further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.) None.

1. Proceedings of the April 10 meeting were read and approved at the conclusion of that meeting. No action taken at this meeting regarding minutes for that meeting.
2. Motion (Landwehr/Swenson) to approve the vouchers for payment in the amount of \$112,790.22. Carried (6-0). Meyers abstained.
3. Consideration of actions related to Licenses and Permits
  - a. Motion (Stevens/Wallschlager) to approve applications for Operator's (Bartender) Licenses with a term ending June 30, 2018. Carried (7-0).
4. Consideration of the first reading of a bill for an Ordinance No. 04/24/2017-01, An Ordinance To Amend Chapter 30 Of The Village Of Hartland Municipal Code Pertaining To Court.

Administrator Cox stated that the proposed ordinance will replace in its entirety the existing ordinance related to the municipal court. The changes to the ordinance are primarily due to the expansion of member communities and updating of statute references. This item will be placed on the next Village Board agenda.

5. Consideration of a motion Park and Recreation Board endorsement for the use of Nixon Park for the 5th Annual Hartland Kids Day on July 26, 2017 from 9 am - 3 pm as presented by Erin Guenterberg, Owner of Lake Country Family Fun

Ms. Guenterberg stated that Nixon Park is centrally located for the group and is a great venue for this event. The event will include a backpack event for the Backpack Coalition, Inc. of

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Waukesha. She provided the list of sponsors and stated that insurance coverage will be provided by Lake Country Family Fun for the event. It was stated that access to Nixon Park will be barricaded so there will no driving through the park during the event. She stated that she will be working the Police Department to alleviate the parking issues that were experienced last year.

Trustee Stevens inquired whether the splash pad will be cleaned prior to the event. DPW Director Einweck stated that the splash pad will be power washed prior to the event. Administrator Cox stated that it will be an important factor to have the bounce houses staked down properly to avoid any issues. Ms. Guenterberg stated that set up will begin at 7 a.m. and that the group will be done cleaning up the park by 4:30 p.m. The official start time for the event is 9:00 a.m. and is scheduled to end at 3:00 p.m.

Motion (Stevens/Swenson) to approve the use of Nixon Park for the 5<sup>th</sup> Annual Hartland Kids Day on July 26l 2017 from 9 am – 3 pm. Carried (7-0).

Trustee Meyers asked what the Village will be donating toward the event. It was stated that the Village will have two booths and that the Fire Department and Police Department will provide personnel for the event.

6. Presentation by Rick Kalscheuer, R & R Insurance related to the Village's insurance program.

An update on the Village's insurance coverages through R & R Insurance was provided. Mr. Kalscheuer reviewed crime coverage trends for the Board and stated that drones and cyber liability related claims are covered.

Trustee Swenson asked about the Village's procedures related to backups of computers. Administrator Cox responded that the backup procedure is reviewed quite frequently and that he is satisfied with the process in place. Finance Director Bailey stated that staff takes all precautions that are available to reduce exposures.

Items referred from the April 17, 2017 Plan Commission meeting

7. Review and consideration of site and building plans for construction of a storage garage for Lake Country Lutheran High School, 401 Campus Drive.

Administrator Cox stated that the garage will be located approximately 400 feet from the roadway, landscape screening will be installed, and façade will match the existing building. Motion (Compton/Meyers) to approve site and building plans for construction of a storage garage for Lake Country Lutheran High School, 401 Campus Drive. Carried (7-0).

Others items for consideration

8. Consideration of a motion to approve the 2018 Budget Preparation Schedule

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Administrator Cox stated that the schedule is the basic layout with the first budget related meeting for the Village Board in the end of July to discuss capital improvements. The budget process is slated to be complete by the end of November. The budget workshop with department heads is scheduled for Wed., September 20. Motion (Landwehr/Swenson) to approve the 2018 Budget Preparation Schedule. Carried (7-0).

9. Consideration of motion to approve award of a contract to Payne and Dolan, Inc. of Waukesha for the 2017 Paving Program in the amount of \$1,027,242.

Trustee Meyers inquired what the dates of completion for the project are expected to be. DPW Director Einweck stated that the Pawling Avenue portion is to be complete by June 30, the east side of Bristlecone will be complete between July and August and Arlene Drive will be done in September and October. Motion (Meyers/Landwehr) to approve award of a contract to Payne and Dolan, Inc. of Waukesha for the 2017 Paving Program in the amount of \$1,027,242. Carried (7-0).

10. Consideration of a motion to confirm reappointment of Tina Bromberger and Reginald Duane Lawson to the Park & Recreation Board for terms to expire April 30, 2020 and Trustee Richard Landwehr to the Park & Recreation Board with a term to expire April 30, 2019.

Motion (Stevens/Meyers) to confirm the reappointment of Tina Bromberger and Reginald Duane Lawson to the Park & Recreation Board for terms to expire April 30, 2020 and Trustee Richard Landwehr to the Park & Recreation Board with a term to expire April 30, 2019. Carried (7-0).

11. Presentation and discussion with representatives of the EVCA regarding the upcoming public hearing scheduled for 5:30pm, Thursday, April 27 through Saturday, April 29 regarding the Village's announced intervention in the FDA regulation of the electronic cigarette and vaping industry.

Linda Hanson introduced hearing officer Fred Kelly Grant to the board. Mr. Grant stated that this will be a historic hearing as it will be the first time that anyone has taken the coordination concept to the Food and Drug Administration. He provided an overview of his background which led him to representing individuals that federal agencies were trying to put out of business. He has been involved in using the coordination process to stop several projects. He stated that federal agencies are required to coordinate with municipalities but that they do not. He stated that he believes that the hearing will show that they haven't done this as required and that by not coordinating, their regulations are illegal. He stated that he believes that this will be the basis for the administrator of the FDA to stop the deeming regulations from being implemented.

A large number of individuals will be testifying throughout the public hearing as to the lack of a basis for the regulations. In addition, people who would be affected by the proposed

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regulations will testify. When the hearing is complete, the board will be asked a series of questions. Based on the responses to the questions, a findings document will be prepared for review by the hearing board. The findings document will then be taken to the Food & Drug Administration.

12. Announcements: The following individuals will be given an opportunity to make announcements at the meeting in regards to (1) activities taken since the previous meeting on behalf of the community, (2) future municipal activities, and (3) communications received from citizens. It is not contemplated that these matters will be discussed or acted upon. The following individuals may provide announcements: Village President or individual Village Board members or Village Administrator or other Village Staff members

Fire Chief Dean announced that the new ladder vehicle had been in the Village at the fire station on May 20. He also updated the Board on other department activities such as participation at the Milwaukee crash lab for an upcoming series and an extrication competition scheduled for April 29.

13. Adjournment

Motion (Stevens/Swanson) to adjourn at 7:55 p.m.

Respectfully submitted,

Darlene Igl  
Village Clerk

TO: Village President & Board of Trustees

FROM: Kinsey Detert, Fiscal Clerk

DATE: May 4, 2017

RE: Voucher List

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Attached is the voucher list for the May 8, 2017 Village Board meeting.

May 8, 2017 Checks:	\$ 159,458.17
April Manual Checks:	\$ 11,880.40
April Wires:	\$ 136,810.14
Total amount to be approved:	<u>\$ 308,148.71</u>

**VILLAGE OF HARTLAND**  
**VOUCHER LIST - MAY 8, 2017**

Account Descr	Search Name	Comments	Amount
EXPENSE Descr			
G 101-23170 PERFORMACE BOND DEPOSITS(OCC)	BIELINSKI HOMES INC	OCC/1608 WHISTLINE HILL CIRCLE	\$1,500.00
G 101-23000 SPECIAL DEPOSITS	HERAEUS ELECTRO-NITE CO LLC	BUSINESS OCC/541 INDUSTRIAL	\$500.00
G 101-24240 COURT FINES DUE STATE	LAKE CTRY MUNICIPAL COURT	SYMDON/1508910-3	\$363.00
G 101-31630 4TH OF JULY PARADE DONATIONS	OFFICE PRO INC	OFFICE SUPPLIES	\$15.64
G 101-24240 COURT FINES DUE STATE	PALMYRA MUNICIPAL COURT	SYMDON/C855809-3	\$313.00
G 403-31753 ST CHARLES EXPANSION	RUEKERT & MIELKE	ST CHARLES CHURCH DEVELOPMENT REVIEW	\$160.00
G 403-31862 NORTH 40	RUEKERT & MIELKE	NORTH 40 DEVELOPMENT REVIEW	\$240.00
G 403-31846 HERAEUS ELECTRO-NITE	RUEKERT & MIELKE	HAEREUS PROPERTY POND REVIEW/INSPECTION	\$323.25
R 101-48000 MISCELLANEOUS REVENUE	SATTELL, LINDA	COMMUNITY ROOM REFUND/AHS STEM GROUP	\$20.00
G 101-23000 SPECIAL DEPOSITS	SATTELL, LINDA	COMMUNITY ROOM DEPOSIT	\$75.00
G 101-21560 LIFE INSURANCE DEDUCT PAYABLE	SECURIAN FINANCIAL GROUP INC	JUNE PREMIUMS	\$713.98
G 101-24240 COURT FINES DUE STATE	SYMDON, PEGGY	CHANGE DUE/C85809-3/1508910-3	\$24.00
G 101-24240 COURT FINES DUE STATE	WEST ALLIS POLICE DEPT	GRAHAM/M150046821	\$249.00
EXPENSE Descr			\$4,496.87
EXPENSE Descr AMBULANCE			
E 101-52300-300 OPERATING SUPPLIES/EXPENSES	5 ALARM FIRE	RECONDITIONED FARE PIECE ULTRA ELITE	\$800.00
E 101-52300-300 OPERATING SUPPLIES/EXPENSES	ATLAS	HAVOC HELMETS	\$278.28
E 101-52300-300 OPERATING SUPPLIES/EXPENSES	CLIA LABORATORY PROGRAM	CERTIFICATE FEE	\$150.00
E 101-52300-300 OPERATING SUPPLIES/EXPENSES	EMERGENCY MEDICAL PRODUCTS	EMS SUPPLIES	\$247.86
E 101-52300-300 OPERATING SUPPLIES/EXPENSES	FLANAGAN-DORN POST 294	ANNUAL FD APPRECIATION DINNER/AWARDS BANQUE	\$579.79
E 101-52300-300 OPERATING SUPPLIES/EXPENSES	MUELLER, ANDREW	POCKET CLIPS/DESK CHARGERS/REPAIR PAGERS/SHIP	\$462.35
E 101-52300-150 HEALTH/DENTAL/LIFE	SECURIAN FINANCIAL GROUP INC	JUNE PREMIUMS	\$15.61
E 101-52300-300 OPERATING SUPPLIES/EXPENSES	U.S. CELLULAR	APR-MAY CELLULAR SERVICE	\$56.72
EXPENSE Descr AMBULANCE			\$2,590.61
EXPENSE Descr BARK RVR SHORE STABIL MAINT			
E 401-74040-285 CONSTRUCTION COSTS	RUEKERT & MIELKE	RESEARCH/2012 BARK RIVER SHORELINE PROJECT	\$137.00
EXPENSE Descr BARK RVR SHORE STABIL MAINT			\$137.00
EXPENSE Descr DEBT SERVICE			
E 301-58000-615 DEBT SERVICE - INTEREST	BOND TRUST SERVICES CORP	35129-PA	\$350.00
EXPENSE Descr DEBT SERVICE			\$350.00
EXPENSE Descr ECONOMIC DEVELOPMENT			
E 804-56700-719 EVENTS	CARDMEMBER SERVICES	LUNCH FOR ED MEETING 04/26/17	\$47.97
E 804-56700-718 DISTRICT ADV & MARKET POSITION	CARDMEMBER SERVICES	REPLACEMENT LINERS FOR LAMP POST BASKETS	\$359.42
E 804-56700-719 EVENTS	CARDMEMBER SERVICES	KUDOS AWARDS DINNER	\$55.00
E 804-56700-718 DISTRICT ADV & MARKET POSITION	CARDMEMBER SERVICES	CHAMBER KUDOS DINNER SILENT AUCTION	\$100.00
E 804-56700-746 TELEPHONE	CARDMEMBER SERVICES	UVERSE	\$118.05

Account Descr	Search Name	Comments	Amount
E 804-56700-715 STREETScape PROGRAM	GARDEN GATE NURSERY	INSTALLATION OF FLOWERS ON BASKETS	\$3,239.94
E 804-56700-713 SIGN/AWNING/PAINTING GRANTS	H&P CPAS	DIRECTORY SIGN	\$331.00
E 804-56700-713 SIGN/AWNING/PAINTING GRANTS	LIEBERT, JAMES E	DIRECTORY SIGN	\$119.69
EXPENSE Descr ECONOMIC DEVELOPMENT			\$4,371.07
EXPENSE Descr ENVIRONMENTAL SERVICES			
E 101-53635-460 LANDSCAPE MANAGEMENT	OLSEN SAFETY EQUIPMENT CORP	HARNESS/GLOVES/LANYARDS	\$544.24
EXPENSE Descr ENVIRONMENTAL SERVICES			\$544.24
EXPENSE Descr FINANCIAL ADMINISTRATION			
E 101-51500-300 OPERATING SUPPLIES/EXPENSES	AT&T	APR-MAY SERVICE	\$19.94
E 101-51500-540 AUDITING/ACCOUNTING	BAKER TILLY VIRCHOW KRAUSE	AUDIT PAYMENT #3	\$2,500.00
E 101-51500-290 OUTSIDE SERVICES/CONTRACTS	DIVERSIFIED BENEFIT SERVICES	APR FSA FEES	\$99.03
E 101-51500-300 OPERATING SUPPLIES/EXPENSES	MICHAEL D GERSZEWSKI	REIMBURSE POWER SUPPLY/BACKUP	\$52.54
E 101-51500-300 OPERATING SUPPLIES/EXPENSES	MTAW	ANNUAL DUES/DETERT	\$55.00
E 101-51500-300 OPERATING SUPPLIES/EXPENSES	MTAW	ANNUAL DUES/BAILEY	\$55.00
E 101-51500-300 OPERATING SUPPLIES/EXPENSES	ONTECH SYSTEMS, INC	MILEAGE	\$36.39
E 101-51500-150 HEALTH/DENTAL/LIFE	SECURIAN FINANCIAL GROUP INC	JUNE PREMIUMS	\$33.83
EXPENSE Descr FINANCIAL ADMINISTRATION			\$2,851.73
EXPENSE Descr FIRE PROTECTION			
E 101-52200-220 UTILITY SERVICES	AT&T	APR-MAY SERVICE	\$19.94
E 101-52200-300 OPERATING SUPPLIES/EXPENSES	FLANAGAN-DORN POST 294	ANNUAL FD APPRECIATION DINNER/AWARDS BANQUE	\$579.80
E 101-52200-800 CAPITAL OUTLAY	JEFFERSON FIRE & SAFETY INC	THERMAL IMAGING CAMERA	\$3,988.48
E 101-52200-800 CAPITAL OUTLAY	JEFFERSON FIRE & SAFETY INC	ASSORTED HOSE/EQUIPMENT/ADAPTERS/CAPS	\$1,849.87
E 101-52200-800 CAPITAL OUTLAY	JEFFERSON FIRE & SAFETY INC	CONNECTOR	\$80.03
E 101-52200-150 HEALTH/DENTAL/LIFE	SECURIAN FINANCIAL GROUP INC	JUNE PREMIUMS	\$15.62
E 101-52200-220 UTILITY SERVICES	U.S. CELLULAR	APR-MAY CELLULAR SERVICE	\$56.72
E 101-52200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR ELECTRIC/GAS	\$807.31
E 101-52200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR SURVIVE ALIVE/GAS	\$26.79
E 101-52200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR SURVIVE ALIVE/ELECT	\$91.09
EXPENSE Descr FIRE PROTECTION			\$7,515.65
EXPENSE Descr GENERAL ADMINISTRATION			
E 101-51400-300 OPERATING SUPPLIES/EXPENSES	AT&T	APR-MAY SERVICE	\$19.94
E 101-51400-210 LEGAL SERVICES	GODFREY & KAHN, S.C.	MISC LABOR/PERSONNEL MATTERS	\$480.00
E 101-51400-300 OPERATING SUPPLIES/EXPENSES	OFFICE PRO INC	OFFICE SUPPLIES	\$35.99
E 101-51400-300 OPERATING SUPPLIES/EXPENSES	OFFICE PRO INC	OFFICE SUPPLIES	\$14.49
E 101-51400-300 OPERATING SUPPLIES/EXPENSES	ONTECH SYSTEMS, INC	COMPUTER MONITORS	\$372.00
E 101-51400-290 OUTSIDE SERVICES/CONTRACTS	RHYME BUSINESS PRODUCTS LLC	APR-MAY COPIER	\$278.00
E 101-51400-290 OUTSIDE SERVICES/CONTRACTS	RHYME BUSINESS PRODUCTS LLC	MAR-APR ADDL IMAGES	\$252.32
E 101-51400-150 HEALTH/DENTAL/LIFE	SECURIAN FINANCIAL GROUP INC	JUNE PREMIUMS	\$69.36
E 101-51400-300 OPERATING SUPPLIES/EXPENSES	WAUKESHA COUNTY CLERK	PUBLIC DIRECTORY	\$14.00

Account Descr	Search Name	Comments	Amount
E 101-51400-300 OPERATING SUPPLIES/EXPENSES	WAUKESHA CTY REGISTER OF DEEDS	APR DOCUMENTS	\$30.00
E 101-51400-290 OUTSIDE SERVICES/CONTRACTS	WI DEPT OF AGRICULTURE,	WEIGHTS AND MEASURE INSPECTION	\$2,400.00
E 101-51400-290 OUTSIDE SERVICES/CONTRACTS	WI DEPT OF JUSTICE (CHKS)	APR BARTENDERS	\$35.00
EXPENSE Descr GENERAL ADMINISTRATION			\$4,001.10
EXPENSE Descr INSPECTION			
E 101-52400-300 OPERATING SUPPLIES/EXPENSES	AT&T	APR-MAY SERVICE	\$19.94
E 101-52400-290 OUTSIDE SERVICES/CONTRACTS	WISCONSIN BUILDING INSPECTIONS	MARCH PERMITS	\$23,581.52
EXPENSE Descr INSPECTION			\$23,601.46
EXPENSE Descr LAW ENFORCEMENT			
E 101-52100-300 OPERATING SUPPLIES/EXPENSES	AT&T	APR-MAY SERVICE	\$19.95
E 802-52100-300 OPERATING SUPPLIES/EXPENSES	BUISSE CUSTOM ARMS	REPLACEMENT BARREL FOR SNIPER RIFLE/SCIT	\$275.00
E 101-52100-360 VEHICLE MAINT/EXPENSE	BUMPER TO BUMPER HARTLAND	MINI HALOGEN HEADLIGHT	\$8.29
E 101-52100-360 VEHICLE MAINT/EXPENSE	BUMPER TO BUMPER HARTLAND	CLEANER/SQUAD INTERIOR	\$7.89
E 101-52100-290 OUTSIDE SERVICES/CONTRACTS	GORDON FLESCH CO INC	APR-MAY COPIER	\$64.98
E 101-52100-360 VEHICLE MAINT/EXPENSE	HARTLAND SERVICE INC	INSPECT AC SYSTEM/REPLACE COMPRESSOR	\$1,132.06
E 101-52100-360 VEHICLE MAINT/EXPENSE	HARTLAND SERVICE INC	MOUNT REGULAR TIRES/SQ #2	\$88.20
E 101-52100-300 OPERATING SUPPLIES/EXPENSES	OFFICE PRO INC	OFFICE SUPPLIES	\$128.65
E 101-52100-290 OUTSIDE SERVICES/CONTRACTS	PROHEALTH CARE MEDICAL ASSOC	RESPIRATORY MASK FIT TESTING	\$371.00
E 101-52100-150 HEALTH/DENTAL/LIFE	SECURIAN FINANCIAL GROUP INC	JUNE PREMIUMS	\$131.13
E 101-52100-300 OPERATING SUPPLIES/EXPENSES	STREICHER S	EQUIPMENT/SUPPLIES OFFICER BAGIN	\$429.45
E 802-52100-300 OPERATING SUPPLIES/EXPENSES	VERIZON WIRELESS	MAR-APR SERVICE	\$30.10
E 101-52100-290 OUTSIDE SERVICES/CONTRACTS	VERIZON WIRELESS	MAR-APR SERVICE	\$532.28
E 802-52100-300 OPERATING SUPPLIES/EXPENSES	VERIZON WIRELESS	MAR-APR SERVICE	\$22.06
E 101-52100-290 OUTSIDE SERVICES/CONTRACTS	VERIZON WIRELESS	MAR-APR SERVICE	\$271.85
E 101-52100-290 OUTSIDE SERVICES/CONTRACTS	VILLAGE GRAPHICS	SHIPPING CHARGE/BOX/BUBBLE WRAP/PACKAGE	\$41.32
E 101-52100-290 OUTSIDE SERVICES/CONTRACTS	WI DEPT OF JUSTICE (CHKS)	APR RECORD CHECKS	\$21.00
EXPENSE Descr LAW ENFORCEMENT			\$3,575.21
EXPENSE Descr LIBRARY			
E 101-55110-220 UTILITY SERVICES	AT&T	APR-MAY SERVICE	\$19.95
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L033027 2)	BOOK	\$15.12
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L033027 2)	BOOK	\$15.68
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L033027 2)	BOOKS	\$153.35
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L033027 2)	BOOKS	\$37.74
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L033027 2)	BOOK	\$14.00
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L033027 2)	BOOK	\$32.48
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L033027 2)	BOOKS	\$54.86
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L033027 2)	BOOKS	\$104.66
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L033027 2)	BOOKS	\$81.15
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L033027 2)	LARGE PRINT	\$17.63
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L033027 2)	BOOKS	\$135.08

Account Descr	Search Name	Comments	Amount
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L539676 2)	BOOKS	\$762.37
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L676958 2)	BOOK	\$8.39
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L676958 2)	BOOKS	\$71.01
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L676958 2)	BOOKS	\$38.03
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L676958 2)	BOOKS	\$9.51
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L676958 2)	BOOKS	\$10.63
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L676958 2)	BOOKS	\$12.87
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L676958 2)	BOOKS	\$154.80
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L676958 2)	BOOKS	\$181.88
E 101-55110-310 BOOKS & MATERIALS	BAKER & TAYLOR (L676958 2)	CREDIT	-\$5.66
E 101-55110-255 BLDGS/GROUNDS	BIEBELS TRUE VALUE	CRAB GRASS PREVENTER	\$21.14
E 101-55110-255 BLDGS/GROUNDS	BIEBELS TRUE VALUE	PLIERS	\$12.48
E 101-55110-310 BOOKS & MATERIALS	BLACKSTONE AUDIO INC	ADULT AUDIOBOOKS	\$197.99
E 101-55110-300 OPERATING SUPPLIES/EXPENSES	COMPETITOR AWARDS & ENGRAVING	NAME BADGES	\$42.00
E 101-55110-310 BOOKS & MATERIALS	MIDWEST TAPE	ADULT AUDIOBOOK	\$42.49
E 101-55110-300 OPERATING SUPPLIES/EXPENSES	OFFICE PRO INC	OFFICE SUPPLIES	\$166.18
E 101-55110-355 JANITORIAL SUPPLIES	OLSEN SAFETY EQUIPMENT CORP	GLOVES	\$61.80
E 101-55110-310 BOOKS & MATERIALS	PENGUIN RANDOM HOUSE LLC	LARGE PRINT	\$21.00
E 101-55110-310 BOOKS & MATERIALS	PENGUIN RANDOM HOUSE LLC	ADULT AUDIOBOOK	\$26.25
E 101-55110-310 BOOKS & MATERIALS	PENGUIN RANDOM HOUSE LLC	ADULT AUDIOBOOKS/LARGE PRINT	\$134.25
E 101-55110-355 JANITORIAL SUPPLIES	PIONEER SUPPLY LLC	JANITORIAL SUPPLIES	\$35.00
E 101-55110-355 JANITORIAL SUPPLIES	PIONEER SUPPLY LLC	JANITORIAL SUPPLIES	\$167.50
E 101-55110-300 OPERATING SUPPLIES/EXPENSES	PROHEALTH CARE MEDICAL ASSOC	DRUG SCREEN/RICKETT	\$29.00
E 101-55110-310 BOOKS & MATERIALS	RECORDED BOOKS LLC	ADULT AUDIOBOOKS	\$260.20
E 101-55110-290 OUTSIDE SERVICES/CONTRACTS	RICOH AMERICAS CORP	MAY COPIER	\$76.35
E 101-55110-290 OUTSIDE SERVICES/CONTRACTS	RICOH AMERICAS CORP	MAY COPIER	\$77.31
E 101-55110-255 BLDGS/GROUNDS	SCHINDLER ELEVATOR CORP	ANNUAL SERVICE CONTRACT	\$1,007.64
E 101-55110-150 HEALTH/DENTAL/LIFE	SECURIAN FINANCIAL GROUP INC	JUNE PREMIUMS	\$94.39
E 101-55110-220 UTILITY SERVICES	WE ENERGIES	MAR-APR ELECTRIC	\$1,993.23
EXPENSE Descr LIBRARY			\$6,391.73
EXPENSE Descr LIBRARY SPEC EXPENSE			
E 205-59100-305 EXPENSES-OTHER	BAKER & TAYLOR (L676958 2)	BOOK/GRANDPARENTS/GRANDKID BOOK CLUB	\$9.43
E 205-59100-305 EXPENSES-OTHER	BAKER & TAYLOR (L676958 2)	BOOK/GRANDPARENT AND GRANDKID BOOK CLUB	\$3.77
E 205-59100-305 EXPENSES-OTHER	WAUKESHA CTY DEPT OF PARKS	BUILDING BETTER ENVIRONMENTAL AWARENESS	\$75.00
EXPENSE Descr LIBRARY SPEC EXPENSE			\$88.20
EXPENSE Descr MUNICIPAL BUILDING			
E 101-51600-290 OUTSIDE SERVICES/CONTRACTS	ALSCO	FLOOR MAT SERVICE	\$112.27
E 101-51600-255 BLDGS/GROUNDS	BIEBELS TRUE VALUE	CRAB GRASS PREVENTER	\$21.13
E 101-51600-290 OUTSIDE SERVICES/CONTRACTS	DILLETT MECHANICAL SERVICE	APR-AUG SERVICE AGREEMENT	\$775.00
E 101-51600-355 JANITORIAL SUPPLIES	OLSEN SAFETY EQUIPMENT CORP	GLOVES	\$61.80

Account Descr	Search Name	Comments	Amount
E 101-51600-290 OUTSIDE SERVICES/CONTRACTS	OTTIS ELEVATOR CO	MAY-JULY SERVICE	\$329.07
E 101-51600-355 JANITORIAL SUPPLIES	PIONEER SUPPLY LLC	JANITORIAL SUPPLIES	\$167.50
E 101-51600-355 JANITORIAL SUPPLIES	PIONEER SUPPLY LLC	JANITORIAL SUPPLIES	\$35.00
E 101-51600-220 UTILITY SERVICES	WE ENERGIES	MAR-APR GAS	\$332.64
EXPENSE Descr MUNICIPAL BUILDING			\$1,834.41
EXPENSE Descr PARKS			
E 101-55200-365 BLDGS/GROUNDS MAINT EXPENSE	BIEBELS TRUE VALUE	PIPE FITTINGS	\$30.57
E 101-55200-365 BLDGS/GROUNDS MAINT EXPENSE	BIEBELS TRUE VALUE	ANCHORS	\$30.00
E 101-55200-365 BLDGS/GROUNDS MAINT EXPENSE	BIEBELS TRUE VALUE	TURNBUCKLES/CLAMP	\$8.95
E 101-55200-365 BLDGS/GROUNDS MAINT EXPENSE	BIEBELS TRUE VALUE	SEAL TAPE	\$3.97
E 101-55200-370 ATHLETIC FACILITY MAINTENANCE	DEMAND & PRECISION PARTS CO.	VOLLEYBALL/BASKETBALL NETS	\$265.00
E 101-55200-370 ATHLETIC FACILITY MAINTENANCE	HD SUPPLY WATERWORKS, LTD	SELF DRAINING CURBSTOP/BALL VALVE/CURB STOP B	\$205.29
E 101-55200-365 BLDGS/GROUNDS MAINT EXPENSE	KAESTNER AUTO ELECTRIC CO	BANNERS/FINE ARTS CENTER	\$1,249.96
E 101-55200-365 BLDGS/GROUNDS MAINT EXPENSE	KIMBALL MIDWEST	TAPES/CUTTERS/RAZOR RINGS	\$208.83
E 101-55200-365 BLDGS/GROUNDS MAINT EXPENSE	MENARDS- PEWAUKEE	LUMBER FOR SHELVES	\$77.98
E 101-55200-365 BLDGS/GROUNDS MAINT EXPENSE	PIONEER SUPPLY LLC	JANITORIAL SUPPLIES	\$72.00
E 101-55200-370 ATHLETIC FACILITY MAINTENANCE	PORT-A-JOHN	PENBROOK RESTROOMS	\$180.00
E 101-55200-365 BLDGS/GROUNDS MAINT EXPENSE	SUPERIOR CHEMICAL CORP	JANITORIAL SUPPLIES	\$625.22
E 101-55200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR NIXON	\$25.93
E 101-55200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR NIXON	\$29.41
E 101-55200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR NIXON	\$17.73
E 101-55200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR BARK RIVER	\$37.12
E 101-55200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR PENBROOK	\$15.71
E 101-55200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR NIXON	\$22.84
E 101-55200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR FAC	\$45.02
E 101-55200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR HARTBROOK	\$26.47
E 101-55200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR HARTBROOK	\$15.71
E 101-55200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR CENTENNIAL	\$170.55
E 101-55200-220 UTILITY SERVICES	WE ENERGIES	MAR-APR PENBROOK	\$23.69
EXPENSE Descr PARKS			\$3,387.95
EXPENSE Descr PUBLIC WORKS			
E 101-53000-220 UTILITY SERVICES	AT&T	APR-MAY SERVICE	\$19.95
E 101-53000-360 VEHICLE MAINT/EXPENSE	AUTOMOTIVE PARTS & EQUIPMENT	STROBE LIGHT BAR	\$358.28
E 101-53000-360 VEHICLE MAINT/EXPENSE	B.C. HOLLAND, INC	STAINLESS COOLENT TUBES	\$2,500.00
E 101-53000-360 VEHICLE MAINT/EXPENSE	BIEBELS TRUE VALUE	DRILL BITS/ANCHORS	\$22.16
E 101-53000-360 VEHICLE MAINT/EXPENSE	BUMPER TO BUMPER HARTLAND	SOLDER BUTT CONNECTOR	\$100.57
E 101-53000-360 VEHICLE MAINT/EXPENSE	BUMPER TO BUMPER HARTLAND	HOSE	\$94.88
E 101-53000-360 VEHICLE MAINT/EXPENSE	INTERSTATE BATTERIES	BATTERY GROUP 65/#22	\$233.90
E 101-53000-365 BLDGS/GROUNDS MAINT EXPENSE	KIMBALL MIDWEST	TAPES/CUTTERS/RAZOR RINGS	\$208.82
E 101-53000-410 STREETS GEN MAINT	LANGE ENTERPRISES INC	SIGNS/IMPACT RECOVERY HAZARD MARKER	\$624.00

Account Descr	Search Name	Comments	Amount
E 101-53000-290 OUTSIDE SERVICES/CONTRACTS	MBM	APR-JULY COPIER	\$79.85
E 101-53000-365 BLDGS/GROUNDS MAINT EXPENSE	MENARDS- PEWAUKEE	MOUSE/ANT BAITs	\$21.29
E 101-53000-365 BLDGS/GROUNDS MAINT EXPENSE	PIONEER SUPPLY LLC	JANITORAL SUPPLIES	\$72.00
E 101-53000-360 VEHICLE MAINT/EXPENSE	POMP S TIRE SERVICE INC	TIRES/TRUCK #29	\$175.96
E 101-53000-365 BLDGS/GROUNDS MAINT EXPENSE	RINDERLE DOOR CO	FIX OVERHEAD DOOR #4	\$804.13
E 101-53000-420 STORM SEWER	RUEKERT & MIELKE	MS4 ANNUAL REPORT ASSISTANCE	\$147.25
E 101-53000-150 HEALTH/DENTAL/LIFE	SECURIAN FINANCIAL GROUP INC	JUNE PREMIUMS	\$265.86
E 101-53000-180 OTHER BENEFITS	SPIC AND SPAN INC	UNIFORMS 4/11	\$116.40
E 101-53000-180 OTHER BENEFITS	SPIC AND SPAN INC	UNIFORMS 4/18	\$89.40
E 101-53000-180 OTHER BENEFITS	SPIC AND SPAN INC	UNIFORMS 4/11	\$6.60
E 101-53000-180 OTHER BENEFITS	SPIC AND SPAN INC	UNIFORMS 3/28	\$125.80
E 101-53000-180 OTHER BENEFITS	SPIC AND SPAN INC	UNIFORMS 4/04	\$98.80
E 101-53000-365 BLDGS/GROUNDS MAINT EXPENSE	TRINITY ECO SOLUTIONS	GLASS CLEANER/DUST BE GONE	\$143.05
E 101-53000-220 UTILITY SERVICES	U.S. CELLULAR	APR-MAY CELLULAR SERVICE	\$100.00
E 101-53000-220 UTILITY SERVICES	VERIZON WIRELESS	MAR-APR SERVICE	\$75.70
E 101-53000-225 STREET LIGHTING	WE ENERGIES	MAR-APR CAMPUS DR	\$394.00
E 101-53000-225 STREET LIGHTING	WE ENERGIES	MAR-APR ST LIGHTING	\$87.81
E 101-53000-225 STREET LIGHTING	WE ENERGIES	FEB-MAR CLOCK	\$33.20
E 101-53000-220 UTILITY SERVICES	WE ENERGIES	MAR-APR GAS	\$467.49
E 101-53000-220 UTILITY SERVICES	WE ENERGIES	MAR-APR ELECTRIC	\$692.22
E 101-53000-180 OTHER BENEFITS	WICHROWSKI, THOMAS	CDL	\$40.00
EXPENSE Descr PUBLIC WORKS			\$8,199.37
EXPENSE Descr RECREATION PROGRAMS/EVENTS			
E 101-55300-300 OPERATING SUPPLIES/EXPENSES	AT&T	APR-MAY SERVICE	\$19.94
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	DUMA, KERRY	APR YOGA STRENGTH PUNCH CARDS	\$33.60
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	DUMA, KERRY	APR MODERATE YOGA PUNCH CARDS	\$268.80
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	DUMA, KERRY	APR MODERATE YOGA PUNCH CARDS	\$134.40
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	DUMA, KERRY	APR GENTLE YOGA STRETCH PUNCH CARDS	\$268.80
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	DUMA, KERRY	APR GENTLE YOGA STRECH PUNCH CARDS	\$134.40
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	DUSOLD, CAROL	APR NIA PUNCH CARDS	\$96.00
E 101-55300-302 TO THE POINTE DANCE PROGRAM	GAYDOS-FEDAK, NINA M	APR DANCE CLASSES	\$1,449.00
E 101-55300-302 TO THE POINTE DANCE PROGRAM	HECKEL DANCE LLC	APR DANCE CLASSES	\$472.50
E 101-55300-300 OPERATING SUPPLIES/EXPENSES	LAKE COUNTRY FAMILY FUN LLC	HARTLAND KIDS DAY BOOTH	\$60.00
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	LAKE COUNTRY FINE ARTS SCHOOL	TODDLER SCULPTING WITH CLAY	\$72.00
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	LAKE COUNTRY FINE ARTS SCHOOL	BUILD A MAGICAL FAIRY HOUSE	\$84.00
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	OLSEN, MARJORIE	APR CARDIO FIT FOR OLDER ADULTS PUNCH CARDS	\$120.00
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	OLSEN, MARJORIE	APR CORE FITNESS PUNCH CARDS	\$64.00
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	OLSEN, MARJORIE	APR CORE FITNESS PUNCH CARDS	\$128.00
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	OLSEN, MARJORIE	APR CARDIO FIT FOR OLDER ADULTS PUNCH CARDS	\$120.00
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	OLSEN, MARJORIE	APR CORE FITNESS PUNCH CARDS	\$28.80
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	OLSEN, MARJORIE	APR CORE FITNESS PUNCH CARDS	\$288.00

Account Descr	Search Name	Comments	Amount
E 101-55300-300 OPERATING SUPPLIES/EXPENSES	PROHEALTH CARE MEDICAL ASSOC	DRUG SCREEN/DAHMS	\$29.00
E 101-55300-300 OPERATING SUPPLIES/EXPENSES	PROHEALTH CARE MEDICAL ASSOC	DRUG SCREEN/FOUST	\$29.00
E 101-55300-300 OPERATING SUPPLIES/EXPENSES	RHYME BUSINESS PRODUCTS LLC	MAR-APR ADDL IMAGES	\$31.41
E 101-55300-150 HEALTH/DENTAL/LIFE	SECURIAN FINANCIAL GROUP INC	JUNE PREMIUMS	\$4.03
E 101-55300-302 TO THE POINTE DANCE PROGRAM	SHAWN J MOTLEY	APR DANCE CLASSES	\$126.00
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	SPRECHER, MARIA	APR QIGONG PUNCH CARDS	\$96.00
E 101-55300-300 OPERATING SUPPLIES/EXPENSES	U.S. CELLULAR	APR-MAY CELLULAR SERVICE	\$46.99
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	WAUKESHA CTY TREASURER (515)	LEARN TO SKATE/NAGAWAUKEE	\$385.00
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	WEHLAGE, MARY	APR YOGA FOR LIFE PUNCH CARDS	\$384.00
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	WEHLAGE, MARY	APR YOGA FOR LIFE PUNCH CARDS	\$128.00
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	WEHLAGE, MARY	APR YOGA FOR LIFE PUNCH CARDS	\$86.40
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	WEHLAGE, MARY	APR CHAIR YOGA PUNCH CARDS	\$259.20
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	WEHLAGE, MARY	APR CHAIR YOGA PUNCH CARDS	\$115.20
E 101-55300-290 OUTSIDE SERVICES/CONTRACTS	WEHLAGE, MARY	APR YOGA FOR LIFE PUNCH CARDS	\$633.60
E 101-55300-300 OPERATING SUPPLIES/EXPENSES	WOODS & WATERS ENT (ROESLER)	FISH FOR CLINIC	\$493.00
EXPENSE Descr RECREATION PROGRAMS/EVENTS			\$6,689.07
EXPENSE Descr SEWER SERVICE			
E 204-53610-385 MAINTENANCE-COLLECT EQP PUMP	AT&T	APR-MAY SERVICE	\$19.95
E 204-53610-360 VEHICLE MAINT/EXPENSE	BRUCE MUNICIPAL EQUIPMENT INC	TRAFFIC CONE HOLDERS	\$316.26
E 204-53610-270 TREATMENT EXPENSE	DELAFIELD-HARTLAND WATER	APR FEES	\$70,044.50
E 204-53610-290 OUTSIDE SERVICES/CONTRACTS	DIVERSIFIED BENEFIT SERVICES	APR FSA FEES	\$15.23
E 204-53610-290 OUTSIDE SERVICES/CONTRACTS	MBM	APR-JULY COPIER	\$79.85
E 204-53610-290 OUTSIDE SERVICES/CONTRACTS	RUEKERT & MIELKE	VILLAGE STANDARD SPECIFICATION UPDATES	\$156.62
E 204-53610-385 MAINTENANCE-COLLECT EQP PUMP	U.S. CELLULAR	APR-MAY CELLULAR SERVICE	\$100.01
E 204-53610-220 UTILITY SERVICES	WE ENERGIES	MARCH RUSTIC	\$32.92
E 204-53610-220 UTILITY SERVICES	WE ENERGIES	FEB-MAR ARLENE	\$204.44
E 204-53610-220 UTILITY SERVICES	WE ENERGIES	FEB-MAR CRYSTAL	\$82.95
E 204-53610-220 UTILITY SERVICES	WE ENERGIES	MAR-APR BRADFORD	\$37.49
E 204-53610-220 UTILITY SERVICES	WE ENERGIES	FEB-MAR SHADOW RIDGE	\$52.15
E 204-53610-220 UTILITY SERVICES	WE ENERGIES	MAR-APR WOODLANDS	\$43.68
E 204-53610-220 UTILITY SERVICES	WE ENERGIES	MAR-APR HWY 83	\$20.97
EXPENSE Descr SEWER SERVICE			\$71,207.02
EXPENSE Descr WATER UTILITY			
E 620-53700-605 MAINTENANCE-WATER SOURCE PLANT	AT&T	APR-MAY SERVICE	\$19.95
E 620-53700-930 MISC GENERAL EXPENSES	BATTERY PRODUCTS INC	BATTERIES	\$23.88
E 620-53700-651 MAINTENANCE OF MAINS	BENDLIN FIRE EQUIPMENT CO, INC	HOSE/ADAPTER/SHIPPING	\$621.58
E 620-53700-625 MAINTENANCE OF PUMPING PLANT	BIEBELS TRUE VALUE	ROUND UP WEED KILLER	\$103.20
E 620-53700-923 OUTSIDE SERVICES	DIVERSIFIED BENEFIT SERVICES	APR FSA FEES	\$38.09
E 620-53700-652 MAINTENANCE OF SERVICES	FERGUSON WATERWORKS	COPPER	\$579.90
E 620-53700-684 TOOLS/SHOP/GARAGE EQUIPMENT	KIMBALL MIDWEST	TAPES/CUTTERS/RAZOR RINGS	\$208.83

Account Descr	Search Name	Comments	Amount
E 620-53700-923 OUTSIDE SERVICES	MBM	APR-JULY COPIER	\$79.86
E 620-53700-923 OUTSIDE SERVICES	NORTHERN LAKE SERVICE INC	570 PROGRESS WELL #3	\$20.00
E 620-53700-923 OUTSIDE SERVICES	NORTHERN LAKE SERVICE INC	APR BACTERIA	\$54.00
E 620-53700-923 OUTSIDE SERVICES	NORTHERN LAKE SERVICE INC	APR BACTERIA	\$72.00
E 620-53700-923 OUTSIDE SERVICES	NORTHERN LAKE SERVICE INC	APR BACTERIA	\$54.00
E 620-53700-652 MAINTENANCE OF SERVICES	OKAUCHEE REDI-MIX INC	SLURRY/517 BUCKINGHAM	\$920.00
E 620-53700-923 OUTSIDE SERVICES	RUEKERT & MIELKE	VILLAGE STANDARD SPECIFICATION UPDATES	\$156.63
E 620-53700-923 OUTSIDE SERVICES	RUEKERT & MIELKE	ASSISTANCE/WINDRUSH BOOSTER FUME OPERATION	\$258.00
E 620-53700-605 MAINTENANCE-WATER SOURCE PLANT	U.S. CELLULAR	APR-MAY CELLULAR SERVICE	\$100.01
E 620-53700-622 POWER FOR PUMPING	WE ENERGIES	MAR-APR MANCHESTER	\$1,271.93
E 620-53700-622 POWER FOR PUMPING	WE ENERGIES	MAR-APR SUNNYSLOPE	\$684.10
E 620-53700-625 MAINTENANCE OF PUMPING PLANT	WE ENERGIES	MAR-APR #3 PUMPHOUSE	\$11.70
E 620-53700-622 POWER FOR PUMPING	WE ENERGIES	MAR-APR SUNSHINE	\$1,571.03
E 620-53700-622 POWER FOR PUMPING	WE ENERGIES	MAR-APR COVENTRY	\$68.56
E 620-53700-622 POWER FOR PUMPING	WE ENERGIES	MAR-APR PENBROOK	\$221.32
E 620-53700-625 MAINTENANCE OF PUMPING PLANT	WE ENERGIES	MAR-APR PENBROOK	\$33.88
E 620-53700-622 POWER FOR PUMPING	WE ENERGIES	FEB-MAR HILL ST	\$98.16
E 620-53700-625 MAINTENANCE OF PUMPING PLANT	WE ENERGIES	MARCH SUNSHINE	\$26.09
E 620-53700-625 MAINTENANCE OF PUMPING PLANT	WE ENERGIES	MAR-APR BRISTLECONE	\$15.82
E 620-53700-622 POWER FOR PUMPING	WE ENERGIES	APR MICRO BOOSTER	\$31.19
E 620-53700-622 POWER FOR PUMPING	WE ENERGIES	MAR-APR BRISTLECONE	\$241.77
E 620-53700-930 MISC GENERAL EXPENSES	WI RURAL WATER ASSOC (WRWA)	MEMBERSHIP RENEWAL	\$40.00
EXPENSE Descr WATER UTILITY			\$7,625.48
			\$159,458.17

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## Payments

Current Period: APRIL 2017

Batch Name	APR17MC	User Dollar Amt	\$11,880.40		
Payments		Computer Dollar Amt	\$11,880.40		
				\$0.00	In Balance
Refer	53384 TRI-COUNTY WATERWORKS ASS	Ck# 008609	4/4/2017		
Cash Payment	E 620-53700-930 MISC GENERAL EXPEN	APRIL MEETING FELKNER/ELFTMAN			\$20.00
Invoice					
Transaction Date	5/2/2017	GF Checking	11100	<b>Total</b>	\$20.00
Refer	53385 WI SUPPORT COLLECTIONS TRUS	Ck# 008610	4/7/2017		
Cash Payment	G 101-21580 GARNISHMENT DEDUCTIO	PP #7			\$484.61
Invoice					
Transaction Date	5/2/2017	GF Checking	11100	<b>Total</b>	\$484.61
Refer	53386 US DEPT OF EDUCATION	Ck# 008611	4/7/2017		
Cash Payment	G 101-21580 GARNISHMENT DEDUCTIO	GARNISHMENT/DYER			\$272.59
Invoice					
Cash Payment	G 101-21580 GARNISHMENT DEDUCTIO	GARNISHMENT/REID			\$24.02
Invoice					
Transaction Date	5/2/2017	GF Checking	11100	<b>Total</b>	\$296.61
Refer	53387 SECURIAN FINANCIAL GROUP INC	Ck# 008612	4/7/2017		
Cash Payment	E 101-51400-150 HEALTH/DENTAL/LIFE	MAY PREMIUMS			\$69.36
Invoice					
Cash Payment	E 101-51500-150 HEALTH/DENTAL/LIFE	MAY PREMIUMS			\$33.83
Invoice					
Cash Payment	E 101-55300-150 HEALTH/DENTAL/LIFE	MAY PREMIUMS			\$4.03
Invoice					
Cash Payment	E 101-52200-150 HEALTH/DENTAL/LIFE	MAY PREMIUMS			\$15.62
Invoice					
Cash Payment	E 101-52300-150 HEALTH/DENTAL/LIFE	MAY PREMIUMS			\$15.61
Invoice					
Cash Payment	E 101-55110-150 HEALTH/DENTAL/LIFE	MAY PREMIUMS			\$102.82
Invoice					
Cash Payment	E 101-52100-150 HEALTH/DENTAL/LIFE	MAY PREMIUMS			\$197.04
Invoice					
Cash Payment	E 101-53000-150 HEALTH/DENTAL/LIFE	MAY PREMIUMS			\$265.86
Invoice					
Cash Payment	G 101-21560 LIFE INSURANCE DEDUCT	MAY PREMIUMS			\$773.51
Invoice					
Transaction Date	5/2/2017	GF Checking	11100	<b>Total</b>	\$1,477.68
Refer	53388 WI SUPPORT COLLECTIONS TRUS	Ck# 008613	4/21/2017		
Cash Payment	G 101-21580 GARNISHMENT DEDUCTIO	PP #8			\$484.61
Invoice					
Transaction Date	5/2/2017	GF Checking	11100	<b>Total</b>	\$484.61
Refer	53389 US DEPT OF EDUCATION	Ck# 008614	4/21/2017		
Cash Payment	G 101-21580 GARNISHMENT DEDUCTIO	GARNISHMENT DYER/REID			\$263.51
Invoice					
Transaction Date	5/2/2017	GF Checking	11100	<b>Total</b>	\$263.51
Refer	53390 CIVIC PLUS	Ck# 008615	4/24/2017		

VILLAGE OF HARTLAND

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Payments

Current Period: APRIL 2017

Cash Payment E 101-51400-395 COMMUNITY RELATIO WEBSITE ANNUAL RENEWAL \$4,779.37  
HOSTING/SUPPORT

Invoice 163462

Cash Payment E 101-55110-290 OUTSIDE SERVICES/C LIBRARY DEPARTMENTAL PACKAGE \$790.08  
ANNUAL FEE

Invoice 163462

Transaction Date 5/2/2017 GF Checking 11100 Total \$5,569.45

Refer 53392 BUISSE CUSTOM ARMS Ck# 008616 4/24/2017

Cash Payment E 802-52100-300 OPERATING SUPPLIES REMINGTON VARMINT LEFT HAND SNIPER \$575.00  
RIFLE

Invoice 1017

Transaction Date 5/2/2017 GF Checking 11100 Total \$575.00

Refer 53393 US DEPT OF THE TREASURY Ck# 008617 4/26/2017

Cash Payment E 101-51500-300 OPERATING SUPPLIES ANNUAL PCORI FEES \$106.22

Invoice

Transaction Date 5/2/2017 GF Checking 11100 Total \$106.22

Refer 53394 AMERICAN LITHO Ck# 008618 4/27/2017

Cash Payment E 101-55300-300 OPERATING SUPPLIES POSTAGE/2017 SUMMER GUIDE \$2,602.71

Invoice

Transaction Date 5/2/2017 GF Checking 11100 Total \$2,602.71

Fund Summary

	11100 GF Checking	
101 GENERAL FUND		\$11,285.40
620 WATER FUND		\$20.00
802 LAKE AREA CRITICAL INCIDENT TM		\$575.00
		<u>\$11,880.40</u>

Pre-Written Checks	\$11,880.40
Checks to be Generated by the Computer	\$0.00
Total	<u>\$11,880.40</u>

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## Payments

Current Period: APRIL 2017

Batch Name			Computer Dollar Amt	\$136,810.14	Posted
Batch Name	APR17WIRE				
	Payment				
Refer	53450 EMPLOYEE TRUST FUNDS	Ck# 2017047E 4/24/2017			
Cash Payment Invoice	E 101-51400-150 HEALTH/DENTAL/LIFE	MAY HEALTH INSURANCE PREMIUMS			\$3,192.82
Cash Payment Invoice	E 101-51500-150 HEALTH/DENTAL/LIFE	MAY HEALTH INSURANCE PREMIUMS			\$2,223.31
Cash Payment Invoice	E 101-55300-150 HEALTH/DENTAL/LIFE	MAY HEALTH INSURANCE PREMIUMS			\$660.55
Cash Payment Invoice	E 101-52100-150 HEALTH/DENTAL/LIFE	MAY HEALTH INSURANCE PREMIUMS			\$27,672.82
Cash Payment Invoice	E 101-53000-150 HEALTH/DENTAL/LIFE	MAY HEALTH INSURANCE PREMIUMS			\$18,822.21
Cash Payment Invoice	E 101-55110-150 HEALTH/DENTAL/LIFE	MAY HEALTH INSURANCE PREMIUMS			\$5,148.72
Cash Payment Invoice	E 101-52200-150 HEALTH/DENTAL/LIFE	MAY HEALTH INSURANCE PREMIUMS			\$1,098.78
Cash Payment Invoice	E 101-52300-150 HEALTH/DENTAL/LIFE	MAY HEALTH INSURANCE PREMIUMS			\$1,098.78
Cash Payment Invoice	G 101-21530 INSURANCE DEDUCTIONS	MAY HEALTH INSURANCE PREMIUMS			\$5,173.05
Cash Payment Invoice	G 101-34140 UNFUNDED EMPLOYEE BE	MAY HEALTH INSURANCE PREMIUMS			\$4,395.12
Transaction Date	4/24/2017	Due 0	GF Checking	11100	Total \$69,486.16
Refer	53451 WI RETIREMENT SYSTEM	Ck# 2017048E 4/28/2017			
Cash Payment Invoice	E 101-55300-140 RETIREMENT BENEFIT	MARCH WRS CONTRIBUTIONS			\$321.20
Cash Payment Invoice	E 101-51400-140 RETIREMENT BENEFIT	MARCH WRS CONTRIBUTIONS			\$725.14
Cash Payment Invoice	E 101-51500-140 RETIREMENT BENEFIT	MARCH WRS CONTRIBUTIONS			\$294.29
Cash Payment Invoice	E 101-52100-140 RETIREMENT BENEFIT	MARCH WRS CONTRIBUTIONS			\$12,950.29
Cash Payment Invoice	E 101-52100-140 RETIREMENT BENEFIT	MARCH WRS CONTRIBUTIONS			\$676.06
Cash Payment Invoice	E 101-52200-140 RETIREMENT BENEFIT	MARCH WRS CONTRIBUTIONS			\$617.26
Cash Payment Invoice	E 101-52300-140 RETIREMENT BENEFIT	MARCH WRS CONTRIBUTIONS			\$881.20
Cash Payment Invoice	E 101-52200-140 RETIREMENT BENEFIT	MARCH WRS CONTRIBUTIONS			\$37.22
Cash Payment Invoice	E 101-53000-140 RETIREMENT BENEFIT	MARCH WRS CONTRIBUTIONS			\$3,695.75
Cash Payment Invoice	E 101-55110-140 RETIREMENT BENEFIT	MARCH WRS CONTRIBUTIONS			\$1,560.30
Cash Payment Invoice	E 620-53700-926 EMPLOYEE PENSIONS	MARCH WRS CONTRIBUTIONS			\$1,665.05

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## Payments

Current Period: APRIL 2017

Cash Payment Invoice	E 204-53610-110 SALARIES	MARCH WRS CONTRIBUTIONS		\$214.29
Cash Payment Invoice	E 204-53610-110 SALARIES	MARCH WRS CONTRIBUTIONS		\$253.93
Cash Payment Invoice	E 204-53610-390 BILLING/COLLECTION/	MARCH WRS CONTRIBUTIONS		\$343.25
Cash Payment Invoice	G 101-21520 RETIREMENT DEDUCTION	MARCH WRS CONTRIBUTIONS		\$9,786.48
Cash Payment Invoice	G 101-21520 RETIREMENT DEDUCTION	MARCH WRS CONTRIBUTIONS		\$9,097.36
Transaction Date	4/28/2017	Due 0	GF Checking 11100	<b>Total</b> \$43,119.07
Refer	53452 PAYROLL DATA SERVICES INC		Ck# 2017049E 4/8/2017	
Cash Payment Invoice	E 804-56700-110 SALARIES	APRIL 7 BID PAYROLL WIRE		\$1,096.05
Cash Payment Invoice	G 101-21520 RETIREMENT DEDUCTION	APRIL 7 BID PAYROLL WIRE		-\$30.25
Cash Payment Invoice	E 804-56700-760 PAYROLL SERVICE CH	APRIL 7 BID PAYROLL WIRE		\$57.00
Transaction Date	4/6/2017	Due 0	GF Checking 11100	<b>Total</b> \$1,122.80
Refer	53453 PAYROLL DATA SERVICES INC		Ck# 2017050E 4/20/2017	
Cash Payment Invoice	E 804-56700-110 SALARIES	APRIL 21 BID PAYROLL WIRE		\$1,090.09
Cash Payment Invoice	G 804-21520 RETIREMENT DEDUCTION	APRIL 21 BID PAYROLL WIRE		-\$30.25
Cash Payment Invoice	E 804-56700-760 PAYROLL SERVICE CH	APRIL 21 BID PAYROLL WIRE		\$37.00
Transaction Date	4/20/2017	Due 0	GF Checking 11100	<b>Total</b> \$1,096.84
Refer	53454 WI DEPT OF REVENUE (SALES TA		Ck# 2017051E 4/28/2017	
Cash Payment Invoice	G 101-21515 SALES TAXES PAYABLE	MARCH SALES TAX PAYMENT		\$397.16
Cash Payment Invoice	R 101-48000 MISCELLANEOUS REVENU	MARCH SALES TAX PAYMENT		-\$10.00
Transaction Date	4/28/2017	Due 0	GF Checking 11100	<b>Total</b> \$387.16
Refer	53455 AFLAC		Ck# 2017052E 4/7/2017	
Cash Payment Invoice	G 101-21592 AFLAC INS PAYABLE	MONTHLY EMPLOYEE AFLAC PREMIUMS		\$323.94
Transaction Date	4/7/2017	Due 0	GF Checking 11100	<b>Total</b> \$323.94
Refer	53456 FIRST BANK FINANCIAL CENTRE		Ck# 2017053E 4/30/2017	
Cash Payment Invoice	E 101-51500-300 OPERATING SUPPLIES	EBUSINESS BANKING		\$20.00
Cash Payment Invoice	E 101-51500-300 OPERATING SUPPLIES	POSITIVE PAY		\$30.00
Cash Payment Invoice	E 101-51500-300 OPERATING SUPPLIES	ACH FILTERS/BLOCKS		\$25.00
Transaction Date	4/30/2017	Due 0	GF Checking 11100	<b>Total</b> \$75.00
Refer	53457 PAYMENT SERVICE NETWORK		Ck# 2017054E 4/4/2017	

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## Payments

Current Period: APRIL 2017

Cash Payment Invoice	E 620-53700-923 OUTSIDE SERVICES	MONTHLY CREDIT CARD PROCESSING FEE	\$40.08
Cash Payment Invoice	E 204-53610-290 OUTSIDE SERVICES/C	MONTHLY CREDIT CARD PROCESSING FEE	\$40.07
Transaction Date	4/4/2017	Due 0 GF Checking 11100	<b>Total</b> \$80.15
Refer	53458 JPMORGAN CHASE BANK	Ck# 2017055E 4/18/2017	
Cash Payment Invoice	E 101-55110-310 BOOKS & MATERIALS	AMAZON - CD'S/DVD'S	\$1,081.19
Cash Payment Invoice	E 101-55110-300 OPERATING SUPPLIES	AMAZON - OFFICE SUPPLIES	\$209.04
Cash Payment Invoice	E 101-55110-255 BLDGS/GROUNDS	1000BULBS - BALLASTS	\$95.94
Cash Payment Invoice	E 101-55110-255 BLDGS/GROUNDS	WALMART - SUPPLIES	\$16.73
Cash Payment Invoice	E 101-51400-300 OPERATING SUPPLIES	LENOVO - THINKPAD PENS	\$71.45
Cash Payment Invoice	E 101-51400-300 OPERATING SUPPLIES	BEST BUY - SURFACE WALL CHARGER	\$60.00
Cash Payment Invoice	E 101-51400-300 OPERATING SUPPLIES	WATERFRONT HOTEL - WCMA LODGING/COX	\$92.99
Cash Payment Invoice	E 101-51400-300 OPERATING SUPPLIES	GARDINAS - DINNER/COX	\$13.49
Cash Payment Invoice	E 101-55110-255 BLDGS/GROUNDS	WALMART - STICK/HANDHELD VACUUM CLEANER	\$89.34
Cash Payment Invoice	E 101-51440-300 OPERATING SUPPLIES	AMAZON - HIGHLIGHTERS	\$40.68
Cash Payment Invoice	E 101-52200-300 OPERATING SUPPLIES	WSFCA - FIRE CHIEFS CONF - DEAN/LITTLE/JAMBRETZ	\$1,120.00
Cash Payment Invoice	E 101-52200-300 OPERATING SUPPLIES	ARBY'S - LUNCH/SD TRIP	\$56.79
Cash Payment Invoice	E 101-52100-300 OPERATING SUPPLIES	LA POLICE GEAR - SHIN GUARDS	\$116.89
Cash Payment Invoice	E 802-52100-300 OPERATING SUPPLIES	POLICE STORE/BROWNELL - REM 700 TRIGGER	\$190.30
Cash Payment Invoice	E 101-52100-300 OPERATING SUPPLIES	OFFICEMAX - OFFICE CHAIR	\$129.99
Cash Payment Invoice	E 101-52100-300 OPERATING SUPPLIES	PACK SECURE - BLADE FOR IMPULSE SEALER	\$17.10
Cash Payment Invoice	E 101-52100-290 OUTSIDE SERVICES/C	VESTA AT&T - UNDERCOVER CAMERA MONTHLY FEE	\$26.66
Cash Payment Invoice	E 101-52100-300 OPERATING SUPPLIES	MONKS BAR & GRILL - LUNCH & TRAINING	\$34.58
Cash Payment Invoice	E 101-55110-300 OPERATING SUPPLIES	PIGGLY WIGGLY - SANDWICHES	\$44.99

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## Payments

Current Period: APRIL 2017

Cash Payment	E 101-55110-310 BOOKS & MATERIALS	BOOKS & CO - BOOKS	\$95.06
Invoice			
Cash Payment	E 101-52100-300 OPERATING SUPPLIES	HOBBY LOBBY - FRAME FOR CHIEF RETIREMENT	\$11.55
Invoice			
Cash Payment	E 101-52100-300 OPERATING SUPPLIES	PIGGLY WIGGLY - CAKE FOR CHIEF RETIREMENT	\$37.98
Invoice			
Cash Payment	E 101-52100-300 OPERATING SUPPLIES	LA POLICE GEAR - CDU TEAM EQUIPMENT	\$90.00
Invoice			
Cash Payment	E 101-52100-300 OPERATING SUPPLIES	PACK SECURE - EVIDENCE SEALING EQUIPMENT	\$281.77
Invoice			
Cash Payment	E 101-52100-300 OPERATING SUPPLIES	AMAZON - GLOVES/ T BAGIN	\$35.91
Invoice			
Cash Payment	E 101-52100-300 OPERATING SUPPLIES	AMAZON - LASER PRINTER	\$269.99
Invoice			
Cash Payment	E 802-52100-300 OPERATING SUPPLIES	PAY PAL/NTOA - SCIT TEAM DUES	\$150.00
Invoice			
Cash Payment	E 101-52100-290 OUTSIDE SERVICES/C	RINGCENTRAL - ANNUAL FAX FEE	\$239.90
Invoice			
Cash Payment	E 101-51100-300 OPERATING SUPPLIES	BEST BUY - TV'S FOR BOARD ROOM	\$1,799.98
Invoice			
Cash Payment	E 101-51100-300 OPERATING SUPPLIES	MONOPRICE - TV MOUNTS	\$214.68
Invoice			
Cash Payment	E 101-51100-300 OPERATING SUPPLIES	BEST BUY - HDMI CABLE FOR TV'S	\$47.99
Invoice			
Cash Payment	E 101-51500-300 OPERATING SUPPLIES	LEAGUE OF WI MUNI - CTFO CONF/BAILEY	\$110.00
Invoice			
Cash Payment	E 620-53700-921 OFFICE SUPPLIES & E	AMERICAN SECURITY CABINET - PAYMENT DROP BOX	\$672.00
Invoice			
Cash Payment	E 204-53610-300 OPERATING SUPPLIES	AMERICAN SECURITY CABINET - PAYMENT DROP BOX	\$672.00
Invoice			
Cash Payment	E 101-51500-300 OPERATING SUPPLIES	AMERICAN SECURITY CABINET - PAYMENT DROP BOX	\$672.00
Invoice			
Cash Payment	E 620-53700-653 MAINTENANCE OF ME	AMAZON - USB CABLE/GPS RECEIVER/DATA HUB	\$64.98
Invoice			
Cash Payment	E 620-53700-625 MAINTENANCE OF PU	MOR ELECTRIC HTG - REPAIR PART FOR HEATER	\$126.10
Invoice			
Cash Payment	E 620-53700-651 MAINTENANCE OF MAI	K&L SALES - HEX CAPS/FINISH NUTS	\$65.37
Invoice			
Cash Payment	E 101-55110-255 BLDGS/GROUNDS	AMAZON - USB CABLE	\$11.99
Invoice			
Cash Payment	E 101-53000-300 OPERATING SUPPLIES	PIGGLY WIGGLY - RETIREMENT LUNCH FOR LAGUNA	\$390.03
Invoice			

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## Payments

Current Period: APRIL 2017

Cash Payment	E 620-53700-933 TRANSPORTATION EX	GRIFFIN FORD - FITTINGS & GASKETS	\$23.55
Invoice			
Cash Payment	E 620-53700-930 MISC GENERAL EXPEN	CHARMANT - WRWA CONF - FELKNER/ELFTMAN/JAMBRETZ/GEORGENS ON	\$411.61
Invoice			
Cash Payment	E 620-53700-930 MISC GENERAL EXPEN	BREAKFAST CLUB - BREAKFAST AT WRWA CONF	\$20.00
Invoice			
Cash Payment	E 101-51400-300 OPERATING SUPPLIES	WMCA - ANNUAL DUES/MEYER	\$65.00
Invoice			
Cash Payment	E 101-51400-300 OPERATING SUPPLIES	WMCA - ANNUAL DUES/KANDLER	\$65.00
Invoice			
Cash Payment	E 101-51440-300 OPERATING SUPPLIES	IGGLY WIGGLY - ELECTION FOOD	\$55.91
Invoice			
Cash Payment	E 101-55300-300 OPERATING SUPPLIES	PIGGLY WIGGLY - POPCORN/PRETZELS/CUPS	\$16.30
Invoice			
Cash Payment	E 101-51400-395 COMMUNITY RELATIO	WALMART - TABLECLOTHS/CANDY FOR COMM FEST	\$58.64
Invoice			
Cash Payment	E 101-55300-295 TRIPS	DISCOVERY WORLD - SPRING BREAK TRIP	\$279.00
Invoice			
Cash Payment	E 101-55300-295 TRIPS	KENOSHA PUBLIC MUSEUM - SPRING BREAK TRIP	\$219.00
Invoice			
Cash Payment	E 802-52100-300 OPERATING SUPPLIES	GLOBAL ASSETS INTEGRATED - TRAINING SCIT OFFICER	\$1,525.00
Invoice			
Cash Payment	E 101-52100-300 OPERATING SUPPLIES	LA POLICE GEAR - AIMPOINT PATROL RIFLE OPTIC	\$720.80
Invoice			
Cash Payment	E 101-53000-220 UTILITY SERVICES	TIME WARNER CABLE - FEB-MAR INTERNET	\$83.33
Invoice			
Cash Payment	E 620-53700-605 MAINTENANCE-WATE	TIME WARNER CABLE - FEB-MAR INTERNET	\$83.33
Invoice			
Cash Payment	E 204-53610-385 MAINTENANCE-COLLE	TIME WARNER CABLE - FEB-MAR INTERNET	\$83.33
Invoice			
Cash Payment	E 101-52300-300 OPERATING SUPPLIES	SUPERIOR CHEMICAL CORP - SOAP	\$77.25
Invoice			
Cash Payment	E 101-52200-255 BLDGS/GROUNDS	SUPERIOR CHEMICAL CORP - AERO KNOCK-OUT	\$206.03
Invoice			
Cash Payment	E 101-51500-300 OPERATING SUPPLIES	VARIDESK - KINSEY'S DESK	\$197.50
Invoice			
Cash Payment	E 101-55300-300 OPERATING SUPPLIES	VARIDESK - KINSEY'S DESK	\$197.50
Invoice			
Cash Payment	E 101-55300-300 OPERATING SUPPLIES	VARIDESK - KELLI'S DESK	\$495.00
Invoice			
Cash Payment	E 101-52200-300 OPERATING SUPPLIES	BENDLIN FIRE EQUIPMENT - ANNUAL SCBA MASKS	\$1,299.55
Invoice			

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## Payments

Current Period: APRIL 2017

Cash Payment	E 101-51600-300 OPERATING SUPPLIES	WM A ZACHOW & SONS INC - REPLACE TOILET/FLUSH VALVE	\$742.12
Invoice			
Cash Payment	E 101-52300-300 OPERATING SUPPLIES	ESI EQUIPMENT INC - SMASH REFILL ROLL/SHIPPING	\$199.00
Invoice			
Cash Payment	E 101-52200-255 BLDGS/GROUNDS	TIME WARNER CABLE - MAR - APR SERVICE	\$249.99
Invoice			
Cash Payment	E 804-56700-724 WEB SITE HOSTING &	OCREATIVE DESIGN STUDIO - WEB HOSTING	\$325.00
Invoice			
Cash Payment	E 101-51400-300 OPERATING SUPPLIES	TIME WARNER CABLE - MAR-APR PHONE	\$42.68
Invoice			
Cash Payment	E 101-52400-300 OPERATING SUPPLIES	TIME WARNER CABLE - MAR-APR PHONE	\$42.68
Invoice			
Cash Payment	E 101-51500-300 OPERATING SUPPLIES	TIME WARNER CABLE - MAR-APR PHONE	\$42.68
Invoice			
Cash Payment	E 101-55300-300 OPERATING SUPPLIES	TIME WARNER CABLE - MAR-APR PHONE	\$42.68
Invoice			
Cash Payment	E 101-55110-220 UTILITY SERVICES	TIME WARNER CABLE - MAR-APR PHONE	\$42.68
Invoice			
Cash Payment	E 101-52100-300 OPERATING SUPPLIES	TIME WARNER CABLE - MAR-APR PHONE	\$42.68
Invoice			
Cash Payment	E 101-53000-220 UTILITY SERVICES	TIME WARNER CABLE - MAR-APR PHONE	\$43.76
Invoice			
Cash Payment	E 620-53700-605 MAINTENANCE-WATE	TIME WARNER CABLE - MAR-APR PHONE	\$43.76
Invoice			
Cash Payment	E 204-53610-385 MAINTENANCE-COLLE	TIME WARNER CABLE - MAR-APR PHONE	\$43.77
Invoice			
Cash Payment	E 101-52200-255 BLDGS/GROUNDS	TIME WARNER CABLE - MAR-APR SERVICE	\$104.03
Invoice			
Cash Payment	E 101-51400-300 OPERATING SUPPLIES	TIME WARNER CABLE - MAR-APR INTERNET	\$53.00
Invoice			
Cash Payment	E 101-52400-300 OPERATING SUPPLIES	TIME WARNER CABLE - MAR-APR INTERNET	\$53.00
Invoice			
Cash Payment	E 101-51500-300 OPERATING SUPPLIES	TIME WARNER CABLE - MAR-APR INTERNET	\$53.00
Invoice			
Cash Payment	E 101-55300-300 OPERATING SUPPLIES	TIME WARNER CABLE - MAR-APR INTERNET	\$53.00
Invoice			
Cash Payment	E 101-52100-300 OPERATING SUPPLIES	TIME WARNER CABLE - MAR-APR INTERNET	\$53.00
Invoice			
Cash Payment	E 101-53000-220 UTILITY SERVICES	TIME WARNER CABLE - MAR-APR INTERNET	\$53.00
Invoice			
Cash Payment	E 620-53700-605 MAINTENANCE-WATE	TIME WARNER CABLE - MAR-APR INTERNET	\$53.00
Invoice			
Cash Payment	E 204-53610-385 MAINTENANCE-COLLE	TIME WARNER CABLE - MAR-APR INTERNET	\$53.00
Invoice			
Cash Payment	E 101-55370-300 OPERATING SUPPLIES	TIME WARNER CABLE - MAR-APR INTERNET	\$30.00
Invoice			
Cash Payment	E 101-53000-360 VEHICLE MAINT/EXPE	EH WOLF AND SONS - DIESEL/UNLEADED	\$2,776.49
Invoice			

**VILLAGE OF HARTLAND**  
**Payments**

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Current Period: APRIL 2017

Cash Payment Invoice	E 620-53700-623 PUMPING - SUPPLIES/ EH WOLF AND SONS - OIL	\$67.90		
Cash Payment Invoice	E 101-52100-300 OPERATING SUPPLIES AT&T - PD FEB-MAR SERVICE	\$63.06		
Transaction Date	4/18/2017	Due 0 GF Checking 11100	<b>Total</b>	<b>\$21,119.02</b>

Fund Summary

	11100 GF Checking
804 BUSINESS IMPROVEMENT DISTRICT	\$2,574.89
802 LAKE AREA CRITICAL INCIDENT TM	\$1,865.30
620 WATER FUND	\$3,336.73
204 SEWER	\$1,703.64
101 GENERAL FUND	\$127,329.58
	\$136,810.14

Pre-Written Checks	\$136,810.14
Checks to be Generated by the Computer	\$0.00
Total	\$136,810.14

**VILLAGE OF HARTLAND  
LICENSES AND PERMITS  
MAY 8, 2017**

**Street Use Permit**

Event: Hometown Celebration Parade  
Date: July 2 2017  
Time: Street closure from 1:00 to 3:30 pm

The Police Chief, Fire Chief, Public Works Director and Village Clerk recommend approval.

**Bartender (Operator's) License – expires June 30, 2018**

Kendall Larson  
Thomas Ludtke  
Shanita Williams  
Jacqueline Fellin

The Police Chief and Village Clerk recommend approval of the licenses listed above. The applicants have successfully completed the Responsible Beverage Servers Course.



Date: 5-1-17  
Rec #: Waived  
fee

**STREET USE PERMIT  
APPLICATION  
FOR LARGE SCALE EVENTS**

(Three (3) or more City Blocks, or More than 1,200 Feet)

**APPLICATION MUST BE RECEIVED AT THE ADMINISTRATIVE OFFICES AT LEAST 30 DAYS IN  
ADVANCE OF THE DATE OF THE EVENT**

**\$50.00 FEE**

Nonrefundable application fee is required at time of filing

Sponsoring Agency (if applicable) Hometown Celebration Committee  
Street Address 210 Cottonwood Ave  
Web Page and/or e-mail address darlene@villageofhartland.com  
Phone No 262-367-2714 Fax No 262-367-2430

Contact Person Christine Oestreich  
Street Address (if different than above) 800 W. North Shore Drive  
E-mail Address coestreich@hartlake.org  
Phone No. 262-369-6748 Fax No. 262-367-2430

Street name and block numbers (attach map and diagram)  
Hartbrook Drive at Rae to Merton south to  
E. Capitol Dr. to Cottonwood Ave. to E. Park

Date(s) of Closure/Use Sunday, July 2, 2017 Rain Date? —  
Hours of Closure/Use 1:00 - 3:30pm Estimated Attendance 2000

Describe Event (include time table indicating hours of set up and tear down if applicable)  
Annual Hometown Celebration Parade

Additional permits are required for the following activities – applications available at the Village Administrative office:

Sale of beer and/or wine – Class "B" Picnic Beer/Wine License \$10

Signature of Applicant [Signature] Date 5-1-2017  
(Falsification of information will result in denial of permit)

**IMPORTANT! – PLEASE ATTACH CERTIFICATE OF INSURANCE  
WITH VILLAGE OF HARTLAND LISTED AS AN ADDITIONAL INSURED**

Return completed application and \$50 application fee to:  
Village of Hartland, 210 Cottonwood Avenue, Hartland, WI 53029  
(Phone 262-367-2714)

OVER →

**VILLAGE OF HARTLAND**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 30 OF THE  
VILLAGE OF HARTLAND MUNICIPAL CODE PERTAINING TO COURT**

DRAFT - April 20, 2017

THE VILLAGE BOARD OF THE VILLAGE OF HARTLAND DO ORDAIN AS FOLLOWS:

**Section 1:** Article II of Chapter 30 of the Village of Hartland Municipal Code of Ordinances pertaining to Municipal Court is hereby repealed in its entirety and replaced with the following.

**ARTICLE II. MUNICIPAL COURT**

**Sec. 30-21 Municipal Court Created**

There is hereby created and established a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes for the City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek (Contract Member), Town of Ixonia (Contract Member) and Town of Ottawa (Contract Member)” or so many of those municipalities which enact an ordinance identical to this ordinance pursuant to §755.01(4).

**Sec 30-22 Municipal Judge**

Such court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who shall reside in one of the following Municipalities: City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek, Town of Ixonia or Town of Ottawa or those municipalities which enact an ordinance identical to this ordinance and enter into an agreement pursuant to §66.0301 Wis. Stats. for the joint exercise of the power granted under §755.01 Wis. Stats. Such Municipal Judge shall be elected at large in the spring election for a term of four (4) years commencing May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10 Wis. Stats., and selection at a primary election if such is held as provided in §8.11 Wis. Stats. The Town Board of the Town of Delafield shall provide for a primary election whenever three (3) or more candidates file nomination papers for such position of Municipal Judge as provided in §8.11(1)(a) Wis. Stats., and such primary election shall be held on the third Tuesday of February as provided in §5.02(22) Wis. Stats.

**Sec 30-23 Elections**

The Municipal Clerk of each municipality shall see to the compliance with §5.58(1c), 5.60(1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(bm) to provide for the election of a Municipal Judge under §755.01(4).

**Sec 30-24 Oath and Bond**

The Judge shall, after his election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$5,000.00. The Judge shall not act until his oath and bond have been filed as required by §19.01(4)(c) Wis. Stats. and the requirements of §755.03(2) have been complied with.

**Sec 30-25 Salary**

The salary of the Municipal Judge shall be fixed by the governing bodies of the municipalities that created and established this Municipal Court, which shall be in lieu of fees and costs. No salary shall be paid for any time during his/her term during which such Judge has not executed his official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c) Wis. Stats. The municipalities may by separate ordinances, resolutions, or through the budget process, allocate funds for the administration of the Municipal Court pursuant to Wis. Stats. §66.0301.

**Sec 30-26 Jurisdiction**

The municipal Judge of the Municipal Court shall have such jurisdiction as provided by §755.045 and 755.05 Wis. Stats., and as otherwise provided by State Law. The Municipal Judge is authorized to issue inspection warrants under §66.0119 Wis. Stats.

**Sec 30-27 Location and Hours**

The Municipal Court shall be held in the Council Chambers of the City of Oconomowoc City Hall at 174 E. Wisconsin Avenue, Oconomowoc, Wisconsin. The Municipal Court shall be open at such times as determined by the Municipal Judge.

**Sec 30-28 Fines and Forfeitures**

The Municipal Judge may impose punishment and sentences as provided by §800.09, Wis. Stats., and as provided in the ordinances of the following municipalities: City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek, Town of Ixonia or Town of Ottawa. All forfeitures, fees, penalty assessments and costs shall be paid to the Treasurer of the Municipality within which the case arose within 7 days after receipt of the money by the Municipal Judge or

other court personnel. At the time of the payment, the Municipal Judge shall report to the Treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessment and costs, if any.

**Sec 30-29 Stipulations and Deposits in Municipal Court**

The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of Chapter 800 Wis. Stats., and, where applicable, other provisions of the Wis. Stats. as referred to in subsection (10) below. The Municipal Judge shall establish in accordance with §800.037 Wis. Stats., a schedule of deposits for violations of City, Village and Town ordinances, resolutions and by-laws, except traffic regulations which are and shall be governed by §345.26 Wis. Stats., and boating violations which are, and shall be governed by §23.66 and 23.67 Wis. Stats. Such deposit schedule shall be approved by the respective governing bodies of the municipalities creating and establishing this Court and shall be posted in the office of the Municipal Court Clerk and the police departments of the respective communities.

**Sec 30-30 Procedure in Municipal Court**

The procedure in Municipal Court shall be as provided by this Ordinance and State Law including, but not excluding because of enumeration Chapters 66, 345, 751, 755, 757 and 800 of Wis. Stats.

**Sec 30-31 Contempt Procedures**

(a) The Municipal Judge may impose a sanction authorized under §800.12(2) for contempt of court, as defined in §785.01(1) Wis. Stats., in accordance with the procedures under §785.03 Wis. Stats.

(b) The Municipal Judge may impose a forfeiture for contempt under §800.12(1) Wis. Stats., in an amount not to exceed \$50.00 or, upon nonpayment of the forfeiture and the penalty assessment under §757.05 Wis. Stats., a jail sentence not to exceed 7 days.

**Sec 30-32 Abolishment**

The Municipal Court hereby established shall not be abolished while the 755.01(4) agreement is in effect.

**Section 2:** If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

**Section 3:** This Ordinance shall take effect and be in full force after adoption and proper publication.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

VILLAGE OF HARTLAND

ATTEST:

By: \_\_\_\_\_  
Jeffrey Pfannerstill, Village President

\_\_\_\_\_  
Darlene Igl, MMC, WCPC, Village Clerk

## MEMORANDUM

**TO:** Plan Commission

**FROM:** David E. Cox, Village Administrator



**DATE:** February 17, 2017

**SUBJECT:** Hawk's Haven Final Plat

The Plan Commission is being asked to consider the Final Extraterritorial Plat for the Hawk's Haven subdivision in the Town of Delafield. In the intervening months between Preliminary Plat and today, the developer has been working with the Town and the County, with some assistance from our Village Engineer, to design the subdivision including the infrastructure aspects. As the Commission will recall, the sanitary sewer for this subdivision will be provided by the Village of Hartland under the terms of the Lake Country Corridor Compact. Additionally, because of the area's topography, the storm water from the site flows through Hartland as well.

Staff has reviewed the Final Plat and the engineering aspects of the project. While the Final Plat itself is substantially compliant with the Preliminary Plat and merits approval, staff recommends that it be approved conditionally. Based on the final plans, staff makes the following comments.

- The proposed utility installation and storm water plan calls for removal of a section of the berm that has separated the Hawk's Haven area from the River Reserve in Hartland for a number of decades. Staff is concerned about this and recommends that it be restored after utilities are installed.
- A number of issues arise from the fact that our sewer utility will be serving outside the corporate limits that require some coordination between the Town and the Village. Among the issues are the design and inspection of the utility and the matter of collecting our proper connection fees as well as the assessment of charges against a tax bill if charges are not paid.
- At issue is also the fact that the storm water from this subdivision will be entering Hartland and the Village will be responsible for the quality of this water under our permits. As such, it is appropriate for Hartland to permit the pond and regulate it in accordance with our Village Code including inspection and maintenance requirements.
- The residents of this subdivision should be required to contribute to the cost of the Village's maintenance of the infrastructure and regulatory compliance efforts related to the water from the subdivision. This cost is paid by properties in the Village via the general tax levy.

Staff recommends approval of the Final Plat conditioned on a three party agreement between the Developer, the Town of Delafield and the Village that addresses the utility and stormwater issues

Plan Commission - Hawk's Haven Final Plat

February 17, 2017

Page 2

outlined above and that establishes the coordination of efforts necessary to undertake the project and future relationship.

DC Hawks Haven Final Plat

cc: President and Village Board  
Larry Krause, Chair, Town of Delafield Board  
Mary Elsner, Clerk/Treasurer, Town of Delafield  
Scott Hussinger, Building and Zoning Official  
Mike Einweck, Public Works Director  
Ryan Amtmann, Village Engineer  
Developer

# HAWKS HAVEN

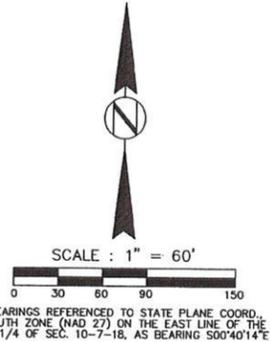
BEING A PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 10,  
T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

NOTE: SEE SHEET 2 FOR RESTRICTIONS, GENERAL NOTES AND CURVE TABLE

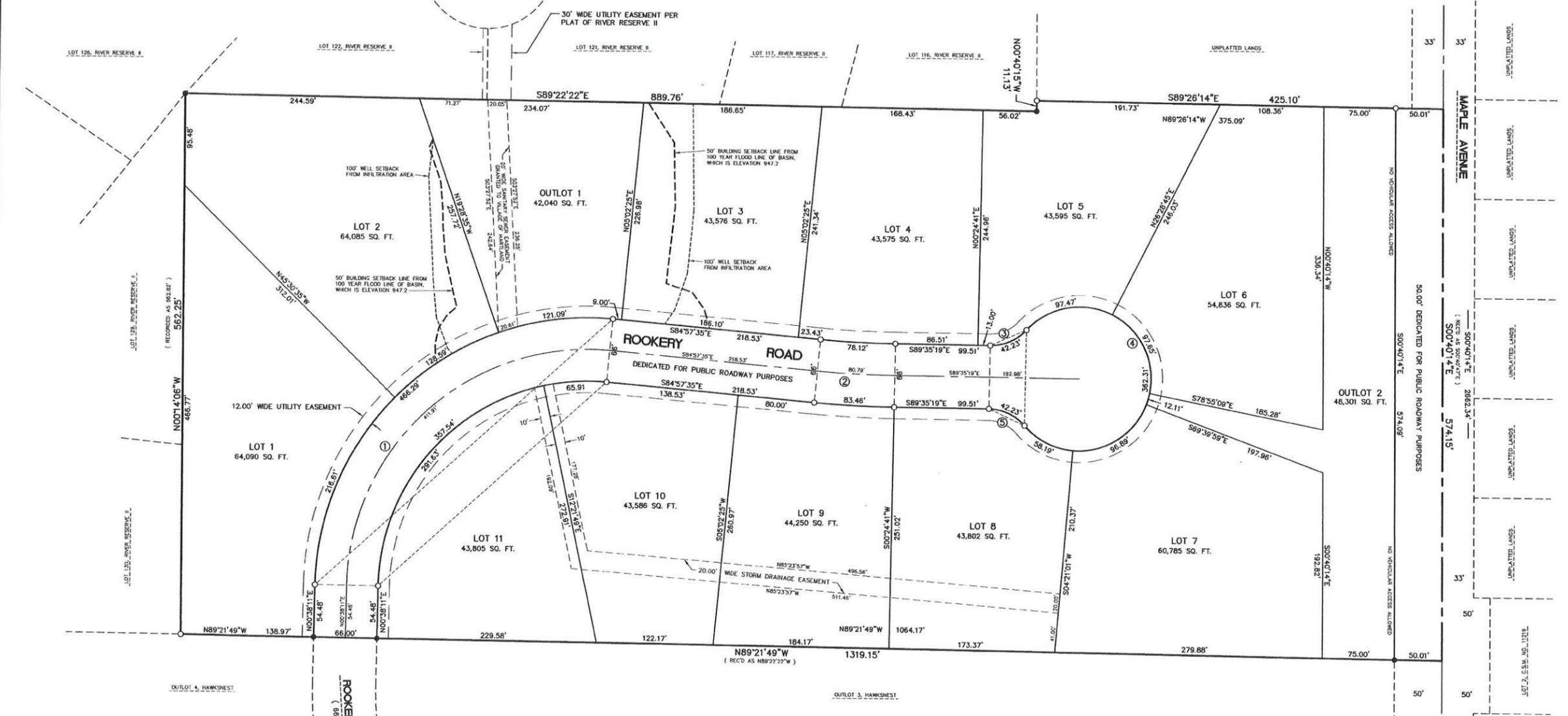
DISTANCES ARE COMPUTED TO THE NEAREST 0.01' AND  
MEASURED TO THE NEAREST 0.01'  
ANGLES ARE COMPUTED TO THE NEAREST 00'00'00.5" AND  
MEASURED TO THE NEAREST 00'00'05"

### LEGEND

- - 2.25" O.D. IRON PIPE FOUND
- - 2.25" O.D. IRON PIPE SET, 18" LONG, WT. = 3.93 LBS./LIN. FT.
- ⊕ - 3/4" O.D. x 18" IRON REBAR SET AT ALL OTHER LOT CORNERS, WT. = 1.50 LBS./LIN. FT.
- ⊙ - CONCRETE MONUMENT W/ BRASS CAP FOUND



BEARINGS REFERENCED TO STATE PLANE COORD.  
SOUTH ZONE (NAD 27) ON THE EAST LINE OF THE  
SE 1/4 OF SEC. 10-7-18, AS BEARING S00°40'14\"/>



**UTILITY EASEMENT NOTE:**  
NO POLES, PADS, BOXES OR BURIED CABLES ARE TO BE PLACED  
SUCH THAT THE INSTALLATION WOULD DISTURB ANY SURVEY STAKE,  
OR OBSTRUCT VISION ALONG ANY LOT LINE OR STREET LINE. THE  
DISTURBANCE OF A SURVEY STAKE BY ANYONE IS A VIOLATION OF  
SECTION 236.32 OF WISCONSIN STATUTES.

LAKE COUNTRY ENGINEERING, INC.  
970 S. SILVER LAKE STREET, SUITE 105  
OCCONOMOWOC, WI 53066  
(262) 569 - 9331



There are no objections to this plat with respect to  
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),  
Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration

THIS INSTRUMENT DRAFTED BY MARK A. POWERS

# HAWKS HAVEN

BEING A PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 10,  
T.7N., R.18E., TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

**GENERAL NOTES:**

- 1) EACH INDIVIDUAL LOT OWNER SHALL HAVE AN UNDIVIDED FRACTIONAL OWNERSHIP IN OUTLOT(S) 1 AND 2 AND WAUKESHA COUNTY OR THE TOWN OF DELAFIELD SHALL NOT BE LIABLE FOR ANY FEES OR SPECIAL CHARGES IN THE EVENT THEY BECOME THE OWNER OF ANY LOT OR OUTLOT IN THE SUBDIVISION BY REASON OF TAX DELINQUENCY
- 2) OUTLOT 1 IS COVERED, IN ITS ENTIRETY, BY A STORM DRAINAGE EASEMENT.
- 3) THERE SHALL BE NO FURTHER DIVISION OF LOTS OR OUTLOTS WITHIN THE SUBDIVISION.
- 4) ALL REFERENCED ELEVATIONS ARE ON THE NGVD 1929 DATUM.
- 5) THERE SHALL BE NO DIRECT VEHICULAR ACCESS TO MAPLE AVENUE FROM OUTLOT 2.
- 6) OUTLOT 2 IS TO BE USED FOR LANDSCAPING AND PEDESTRIAN PATH PURPOSES
- 7) THE CENTER ISLAND IN THE CUL-DE-SAC IS PART OF THE PUBLIC ROAD RIGHT-OF-WAY, BUT WILL BE MAINTAINED BY THE HAWKS HAVEN HOMEOWNERS ASSOCIATION.
- 8) ALL BASEMENT FLOORS MUST BE A MINIMUM OF 1 FOOT ABOVE THE SEASONAL HIGH GROUNDWATER MARK
- 9) THE MAINTENANCE OF ALL STORM DRAINAGE EASEMENTS ON LOTS 8, 9, 10 AND 11 ARE THE RESPONSIBILITY OF THE INDIVIDUAL PROPERTY OWNERS WHO OWN THOSE AFFECTED LOTS

**STORM WATER MANAGEMENT PRACTICE MAINTENANCE**

The title holders of lots 1 through 11 of the Hawks Haven Subdivision each shall hold 1/11 undividable interest in Outlot 1, where storm water management practices are located. There are one or more separate documents recorded on the property title through the Waukesha County Register of Deeds entitled "Storm Water Management Practice Maintenance Agreement" ("Maintenance Agreement") that apply to Outlot 1. The maintenance agreement subjects this subdivision plot, and all lot owners therein, to covenants, conditions and restrictions necessary to ensure the long term maintenance of the storm water management practice. The agreement also outlines a process by which the Town of Delafield may levy and collect special assessments or charges for any services the community might provide relating to enforcement of the Maintenance Agreement.

In accordance with Chapter 14 - Article VII of the Waukesha County Code of Ordinances ("Storm Water Ordinance"), the Storm Water Permit Holder is responsible for constructing the storm water management practices following plans approved by Waukesha County and the Town of Delafield and is responsible for maintaining the storm water practices until permit termination by Waukesha County and the Town of Delafield. Upon termination of the Storm Water Permit, the owners of lots 1-11 shall be responsible for maintenance of the storm water management practices in accordance with the Maintenance Agreement.

**RESTRICTIONS**

All lands within areas labeled "storm drainage easement" are reserved for storm water collection, conveyance, treatment or infiltration. No buildings or other structures are allowed in these areas. No grading or filling (other than construction of the Storm Water BMP's) is allowed in these areas that may interrupt storm water flows in any way. The Maintenance Agreement may contain specific maintenance requirements for these areas. The Town of Delafield, or their designee are authorized access in these areas for purposes of inspecting the storm water management practices or enforcing the terms of this Maintenance Agreement.

The maintenance of all storm drainage easements on Lots 8, 9, 10 and 11 are the responsibility of the individual property owners who own those affected lots.

All lands within areas labeled "well setback" are restricted from the placement of any well due to potential risk of contamination in accordance with the Storm Water Ordinance and Wisconsin Administrative Codes.

**UTILITY EASEMENT PROVISIONS**

An easement for electric, natural gas, and communications service is hereby granted by

\_\_\_\_\_, Grantor, to

**WISCONSIN ELECTRIC POWER COMPANY and WISCONSIN GAS, LLC, Wisconsin corporations doing business as We Energies, Grantee,**

\_\_\_\_\_, Grantee, and

\_\_\_\_\_, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

CURVE NO.	LOT NO.	RADIUS LENGTH	CENTRAL ANGLE (DMS)	ARC DISTANCE	CHORD DISTANCE	CHORD BEARING (DMS)	TAN. BEARING 1 (DMS)	TAN. BEARING 2 (DMS)
1-W	-	283.00'	94-24-14	466.29'	415.30'	N47-50-18E	N00-38-11E	S84-57-35E
1-W	1	283.00'	43-51-14	216.61'	211.36'	N22-33-48E	N00-38-11E	N44-29-25E
1-W	2	283.00'	26-02-00	128.59'	127.48'	N57-30-25E	N44-29-25E	N70-31-25E
1-W	O.L. 1	283.00'	24-31-00	121.09'	120.17'	N82-46-55E	N70-31-25E	S84-57-35E
1-C/L	-	250.00'	94-24-14	411.91'	366.58'	N47-50-18E	N00-38-11E	S84-57-35E
1-E	-	217.00'	94-24-14	357.54'	318.45'	N47-50-18E	N00-38-11E	S84-57-35E
1-E	11	217.00'	77-00-00	291.63'	270.17'	N39-08-11E	N00-38-11E	N77-38-11E
1-E	10	217.00'	17-24-14	65.91'	65.66'	N86-20-18E	N77-38-11E	S84-57-35E
2-N	4	967.00'	04-37-44	78.12'	78.10'	S87-16-27E	S84-57-35E	S89-35-19E
2-C/L	-	1000.00'	04-37-44	80.79'	80.17'	S87-16-27E	S84-57-35E	S89-35-19E
2-S	9	1033.00'	04-37-44	83.46'	83.43'	S87-16-27E	S84-57-35E	S89-35-19E
3	5	50.00'	48-23-40	42.23'	40.99'	N66-12-51E	S89-35-19E	N42-01-01E
4	-	75.00'	276-47-20	362.31'	99.60'	S00-24-41W	N42-01-01E	N41-11-39W
4	5	75.00'	74-27-44	97.47'	90.75'	N79-14-53E	N42-01-01E	S63-31-15E
4	6	75.00'	74-36-06	97.65'	90.90'	S26-13-12E	S63-31-15E	S11-04-51W
4	O.L. 2	75.00'	09-15-10	12.11'	12.10'	S15-42-26W	S11-04-51W	S20-20-01W
4	7	75.00'	74-01-00	96.89'	90.29'	S57-20-31W	S20-20-01W	N85-38-59W
4	8	75.00'	44-27-20	58.19'	56.74'	N63-25-19W	N85-38-59W	N41-11-39W
5	8	50.00'	48-23-40	42.23'	40.99'	N65-23-29W	N41-11-39W	N89-35-19W



Mark A. Powers  
January 31, 2017

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_

Department of Administration





<b>Board/Committee</b>	<b>Appointee</b>	<b>Term Expires</b>
<b>Jt. Arch/Plan Commission</b>	James Schneeberger (citizen appt.)	4/30/2020
	Randy Swenson (Village Bd. Appt.)	4/30/2018
	Jeffrey Pfannerstill (Vill. Pres.)	
<b>Police &amp; Fire Commission</b>	Dr. Christopher Rebholz	4/30/2022
<b>Board of Review</b> *requires annual appointment	Jeffrey Pfannerstill, Village President	4/30/2018
	Darlene Igl, Village Clerk	4/30/2018
	Ryan Bailey, Finance Director	4/30/2018
	Karen Compton (Village Trustee)	4/30/2018
	Mike Meyers (Citizen Member)	4/30/2018
<b>Del-Hart</b>	Karen Compton	5/31/2018
	Richard Landwehr	5/31/2018
	Michael Meyers	5/31/2018
	Rick Stevens	5/31/2018
	Jeffrey Pfannerstill	Indefinite
<b>Ice Age Trail Community Committee</b>	Jeff Romagna	4/30/2019
	Dave Van Thiel	4/30/2019

## **BEFORE THE VILLAGE BOARD OF TRUSTEES OF HARTLAND, WISCONSIN**

### **A PUBLIC COORDINATION HEARING REGARDING THE DEEMING REGULATIONS<sup>1</sup> ISSUED BY THE FOOD AND DRUG ADMINISTRATION**

On April 27 through 29, 2017, a Hearing Board<sup>2</sup> appointed by the Hartland, Wisconsin Village Board of Trustees<sup>3</sup> heard evidence in a fact finding coordination hearing, and then concluded the Hearing on May 1, 2017 with a decision that the Food and Drug Administration failed to coordinate its Deeming Regulations regarding the e-liquid industry<sup>4</sup> with the Village of Hartland. The Deeming Regulations refers to the set of regulations placed in the Code of Federal Regulations by the Food and Drug Administration. The decision will be presented to the Commissioner of the Food and Drug Administration with an urgent request that the regulations be stayed, shelved, withdrawn, or rescinded outright because they were developed and imposed in violation of multiple statutes and laws, as will be set forth herein.

#### **BACKGROUND**

On February 13, 2017, the Board of Trustees resolved to request that the Food and Drug Administration enter into coordination with it regarding the Deeming Regulations, which the Trustees understood to contain provisions that would endanger survival of a thriving business in the Hartland community, Johnson Creek Enterprises. The issue was brought to the Village's attention by Mark Block, Founder and Director of the Electronic Vaping Coalition of America (EVCA), and Linda J. Hansen, Strategic Consultant and Co-Founder of EVCA. (See Attachment 1) These two presented the Board with authorities showing that there is a duty on the part of federal agencies to coordinate with local governments. The request was memorialized in Resolution 02/13/2017-01; In a second Resolution, enacted the same date, Hartland set forth its understanding of the duty of federal agencies to coordinate regulations and rule making with local governments. See Resolution 02/13/2017-02

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<sup>1</sup> The Board will use the term "Deeming Regulations" to refer to the regulations issued by the Food and Drug

<sup>2</sup> Herein, "Hearing Board" or "Board" will refer to the Hearing Board appointed by the Hartland Village Board of Trustees.

<sup>3</sup> The Hartland Village Board of Trustees will be referred to as "Trustees"

<sup>4</sup> The Board will use the term "e-liquid" to refer to any and all equipment, supplies and devices that are used by the industry and are in widespread use of what many call "vaping" or "electronic cigarettes" or "e-cigarettes" or "vaping devices"; the Board finds that none of those terms do justice to the entire industry and following and so will simply refer to them as "e-liquid".

For two months, the Food and Drug Administration<sup>5</sup> had still not coordinated, so on April 18, 2017, the Trustees set a public hearing for April 27 through 29, 2017 to hear evidence related to the Deeming Regulations and the e-liquid industry. Notice of the hearing went to the Secretary of Health and Human Services who is the overall supervisor of the Food and Drug Administration, since it is situated within his cabinet department, and to Stephen Ostroff, the Acting Commissioner of the FDA office in Silver Spring, MD, and to the Milwaukee office of the FDA.

The Board designated Fred Kelly Grant, Esq., to serve as a Hearing Officer. Grant's curriculum vitae is attached as Board's Attachment 2. The two Resolutions of the Board relating to coordination are attached as Exhibits 1 and 2, and the letter setting and notifying the Food and Drug Administration of the date of the hearing is attached as Exhibit 3.

The official hearing notice was prepared by and executed by Village Administrator, David Cox, and is attached hereto as Exhibit 4, and the instructions of the Hearing Officer to witnesses is attached as Exhibit 5.

The hearing was held beginning at 5:30 pm Central Standard Time on April 27, recessed at approximately 9:00 pm, resumed at 9:30 am on April 28, recessed at approximately 5:00 pm, and resumed at 9:00 am on April 29, and recessed at approximately 2:00 pm, to reconvene at 5:00 pm on Monday, May 1, 2017 to consider and make this decision.

At the commencement of this hearing, the Hearing Officer presented a statement of the laws applicable to the proceedings.

At the conclusion of the evidence presentations on April 29, the Board answered general questions put to it by the Hearing Officer. The answers to those questions provided the guidance for the drafting of these Findings and Conclusions by the staff of the Hearing Officer.

The questions, all of which were answered unanimously are as follows:

Has there been coordination with the County or the Village?

(Unanimously answered, "No")

Will the Deeming Regulations have an adverse impact on the Village of Hartland?

(Unanimously answered, "Yes")

Is Johnson Creek Enterprises a reputable business in the community?

(Unanimously answered, "Yes")

Would the Deeming Regulations put Johnson Creek Enterprises out of business?

(Unanimously answered, "Yes")

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<sup>5</sup> Herein, Food and Drug Administration may be referred to as Food and Drug or as FDA

Is there a danger from the industry that would justify implementation of the Deeming Regulations that run the risk of putting the industry out of business?

(Unanimously answered “No”)

Is there sound basis for regulations that are harsher than those imposed on combustible cigarettes?

(Unanimously answered, “No”)

Is there sound basis for saying the e-liquid or vaping business is a dangerous business?

(Unanimously answered, “No”)

Is there evidence that the FDA did analysis of cost or provided alternatives that would allow the e-liquid vaping industry to stay in business?

(Unanimously answered, “No”)

**The unanimous answers form the basis for these Findings, calling on the Commissioner to rescind the Deeming Regulations.**

The Board will see that its decision reaches the Commissioner of the Food and Drug Administration and the Secretary of Health and Human Services. **The Board submits its decision with a most earnest request that this terribly flawed set of regulations be withdrawn.** Representative Duncan Hunter (R-CA) has introduced H.R. 2194, which would replace the Deeming Regulations. For that Bill to be successful the Commissioner must halt or rescind the current Deeming Regulations or there will be no industry to be saved by the Bill. The Board finds within this decision that the current Deeming Regulations will destroy the e-liquid industry, an industry that lends solace and alternatives to a vast number of Americans, including many in Hartland, who are addicted to nicotine and rely on dangerous combustible cigarettes for relief, a reliance which leads to death for 480,000 people per year.

This nation is committed to protecting and preserving species of animals that are on an “endangered species” list (Under the Endangered Species Act). Once a species is on such list, it is protected against harm by every department of our federal government. Yet, 480,000 discernable Americans are doomed to die this year from smoking combustible cigarettes, and instead of protecting them, the Food and Drug Administration will doom them by enforcing the Deeming Regulations that will destroy an effective alternative to smoking. This Board finds it unacceptable that a government committed to protecting endangered species of animals would intentionally destroy an industry that offers protection to a doomed sub-group of human beings.

The Tenth Amendment, which reserves police powers to the Village of Hartland as a local unit of state government, dictates that we do all we can to protect the public health of our citizens.

From that position of protection, we urge the Commissioner to do what is right, what is Constitutionally called for, what is dictated by plain old Hartland common sense! Stop the insanity that is embedded in these regulations!

## FINDINGS AND CONCLUSIONS

As a preliminary observation: Most of the members of the Board had no experience with the e-liquid industry, so the testimony as to the industry, and its effectiveness and safety as an alternative to traditional smoking was a true wake-up. Moreover, the Board had no idea that the Food and Drug Administration was so determined to put this industry out of business. We live in a troubled world, where the bad news stories come so blended in with the good news stories, and all blended in to fit a 30 minute newscast, that a story as deep as the one presented to this Board during the hearing is simply not told, or is told in such abbreviated fashion that the true meaning is never revealed. The Findings which the Board makes include a Finding that the Deeming Regulations are ill conceived because they will result in destroying an industry committed to, and doing, outstanding work in converting people away from deadly tobacco smoking; the Board further has found that this industry should be looked to by the Food and Drug Administration as an example of how the free market system of small businesses can work and create the American dream. It is disingenuous for the United States government and state governments to be taking money from the tobacco companies at the same time that the federal government is trying to put the industry that can stop smoking deaths out of business. The Secretary of Health and Human Services, who is responsible for this department, should take action immediately if the newly appointed commissioner of Food and Drug does not. If the Secretary does not, then the President of the United States ought to pay special heed to the fact that he could save as many as 480,000 people from death this year by stepping in and putting a stop to enforcement of the Deeming Regulations.

### **I. PURSUANT TO OUR GENERAL INTRODUCTION, ALL OF WHICH SHOULD BE TAKEN AS FINDINGS OF FACT, WE MAKE THE FOLLOWING SPECIFIC FINDINGS. THE COMMISSIONER OF THE FOOD AND DRUG ADMINISTRATION FAILED TO COORDINATE WITH THE VILLAGE OF HARTLAND AND WITH WAUKESHA COUNTY, AND WITH THE STATE OF WISCONSIN, AND AS A RESULT, THE REGULATIONS MUST BE SET ASIDE PENDING RE-ISSUANCE.**

1. The Board finds from the testimony of Village Administrator David Cox that the Food and Drug Administration did not ever coordinate with Hartland, Wisconsin regarding the Deeming Regulations or any other issue. On the day prior to the commencement of this hearing, a spokesperson for the Food and Drug Administration left a voicemail message for Administrator Cox, stating they would be unable to attend the hearing but would respond by letter to Hartland's concerns. No letter has yet been received.

2. The Board finds from the testimony of Paul Farrow, County Executive of Waukesha County, Wisconsin, that the Food and Drug Administration did not ever coordinate with the County regarding the development or enforcement of the Deeming Regulations.

3. State Senator Chris Kapenga offered a statement that is admitted in evidence as Exhibit 6. In it he states: “Despite my role as an elected official in state government tasked with overseeing federal issues, I never received any contact from FDA pertaining to the Deeming Regulations. At no point did anyone from the FDA contact me to coordinate with state government to ensure there would be no negative economic impact on our communities as a result of the deeming regulations.”

4. The failure to coordinate with Hartland is critical because the Deeming Regulations threaten a specific business, Johnson Creek Enterprises, with going out of business. Johnson Creek Enterprises is one of the largest manufacturers in the industry. If it goes down, all small companies will surely fail. The Board agrees with Senator Kapenga in that he stated:

“I believe the FDA failed to comply with the coordination requirement under federal law. Had the FDA coordinated with local governments, I would have explained the significant negative economic impact the Deeming Regulations will have on Hartland and the surrounding communities. Within my district there are several small and medium sized businesses that operate within the field the Deeming Regulations seeks to regulate. The increased regulation to bring a product to market and to maintain compliance will cost our economy jobs and income. In addition, many of my constituents utilize the products regulated by the Deeming Regulations as an effective means of tobacco harm reduction. If the FDA regulates these materials as tobacco is regulated, these individuals will likely have limited access to products that are far less harmful than tobacco.”

The Board finds that the Senator has hit the issue squarely and finds with him that these regulations will hamstring any effort to persuade smokers in our communities to abandon smoking for the e-liquid devices.

5. State Senator Leah Vukmir, testified in writing that, “It is clear that the deeming regulations from the FDA that treat vaping products similarly to tobacco products are overly burdensome to the vaping industry. Because of the presence of Johnson Creek Enterprises, these new rules disproportionately affect Hartland—and the state of Wisconsin—and may cause many to lose their jobs. **Additionally, I struggle to see how overregulating an industry which provides a product many use to gain independence from tobacco is helpful for the public health of our country.**” The Senator’s statement is Exhibit 7.

The Board agrees with the Senator’s misgivings, and finds that there is no sound reason why the Deeming Regulations should have been developed without coordination during which the economic damage could be pointed out with the plan for a legal alternative.

United States Senator, Ron Johnson, (R-WI), is Chairman of the Senate Homeland Security and Governmental Affairs Committee, with oversight of the FDA. He has written several letters to the FDA seeking rescission of the Deeming Regulations, for reasons consistent with our Findings. If the FDA does not feel compelled to talk with, to coordinate with, the Chair of their oversight committee, then it is no wonder they have failed to coordinate with the Village of Hartland.

As a result of the failure to coordinate, Hartland was deprived of the opportunity to point out the specific losses that will be felt. Within the structure of coordination there is a place for constructive disunion to set the base for reaching consistency between the goal of the federal agency and goal for the Village. The failure to coordinate renders these regulations invalid as far as Hartland is concerned, and pursuant to the remedies applied in California Resources Agency v. USDA, northern district of California, and Uintah County v. Norton, district court for district of Utah, the regulation should be set aside, and the agency must begin again after proper coordination.

## **II. E-LIQUID INDUSTRY PROVIDES A SAFE, EFFECTIVE ALTERNATIVE TO THOSE WHO SMOKE TRADITIONAL CIGARETTES AND FACE SERIOUS ILLNESS AND DEATH AND THE INTERESTS OF HARTLAND IN PROTECTING THE PUBLIC HEALTH CALL FOR RESCISSION OF THE OFFENDING REGULATIONS**

1. The Board finds that at least 480,000 preventable human deaths will occur this year as a result of smoking of combustible traditional cigarettes. The illness and deaths that result from such smoking come from the by products of the combustion, not from the tobacco product, i.e., nicotine which is the addictive portion of tobacco.

Jeff Stier, Senior Fellow at the National Center for Public Policy Research, has devoted considerable time for the past twenty years studying the problem created for the public health system of the nation by the vast number of sick and dying smokers. He testified, and the Board finds that smoking of combustible cigarettes is the number one preventable cause of death in this country. He pointed out to the Board how the Food and Drug Administration tried to regulate this industry out of existence once before and was stopped by court intervention, when the court pointed out that the agency had no authorization from Congress to enforce a law against tobacco products. He testified that, ironically, the Court outlined for Food and Drug how they could accomplish regulation after obtaining Congressional authorization. He testified, and the Board finds, that the Deeming Regulations impose such a formidable dollar cost on the application process that few, if any of the current industrial entities will be able to afford the cost. He also testified as to the irony of the fact that Food and Drug, created for the purpose of protecting the public health, seems determined to destroy an industry that offers the only effective method for transforming smokers of combustible cigarettes to a way of life that will save their lives. The public health can best be affected by the FDA promoting, rather than destroying, the e-liquid industry.

2. Stier testified that the Royal College of Physicians, one of the most, if not the most, distinguished and revered forums of medical experts in the world recommended this industry as offering the best means of greatly reducing the methods of smoking. He testified that this group contends that the e-liquid uses are safe and effective as an anti-smoking diversion. The Board credits his testimony and the opinion of the Royal College and finds consistently that the industry does provide a safe alternative.

3. Stier also testified as to how the regulations ban any efforts on the part of people in the industry from telling the public, by label or otherwise, that this is a safe---or even a less harmful---means of obtaining nicotine. The Board finds such effort at curtailing speech a violation of the First Amendment, which states that the government should not abridge anyone's freedom of speech. The amendment does not have an addendum that says "except for speech regarding safety of alternatives to smoking." The Board finds that the efforts to curtail speech violate the First Amendment and should be abandoned immediately. If the First Amendment can protect the release of the Pentagon Papers with the damage they did to a war effort, it surely protects the ability to warn a person that combustible cigarettes kill and e-liquid saves lives.

The Board finds from his testimony that the e-liquid industry indirectly would make inroads on the high cost to society of tobacco abuse. He testified that the combustible cigarette is the top priority health issue in America. The Center for Disease Control says the cost to society is 300 billion dollars yearly, yet the FDA sets out to regulate the industry that reduces, not increases, medical costs. He points out that it seems the FDA has set a goal to punish those who would escape tobacco damage and death in favor of a far less harmful, safe use of nicotine.

The e-liquid industry hardly existed, if at all, when the Family Smoking Prevention and Tobacco Control Act of 2009 was passed, yet it is the object of the regulatory ban to purportedly implement the Act. The Board finds that the Deeming Regulations were developed without direction to the FDA from the Congress.

The Board finds that the Deeming Regulations are evidence of government overreach designed to accomplish a special interest and bias, and have no place in the Code of Federal Regulations.

He testified that it is his opinion that the Deeming Regulations constitute a de-facto ban on the e-liquid industry. The Board agrees and finds that such ban is contrary to what Congress ordered and therefore should be rendered null and void. To give these ultra vires regulations effect would be to endow the FDA with legislative authority. This authority to regulate must be limited to the four corners of the statute passed by Congress. The statute authorized no ban.

4. Dr. John Dunn, M.D., J.D., an experienced and well qualified medical expert in toxicology and epidemiology, testified that the e-liquid industry is safe and provides the most effective means of converting people from the combustible cigarette habit. He explained that the ceremony of smoking a cigarette is important to the user; that the taking out of the cigarette from the package, lighting it up, is what gives the smoker relief even though the nicotine itself is a

stimulant. The ceremony with the e-liquid device and the flavor offer the same type of self-moving ceremony. So even as to that aspect of use, the e-liquid industry provides an effective means of diverting from smoking combustible cigarettes. Dr. Dunn testified, and the Board finds, that the e-liquid industry provides a safe alternative to smoking of combustible cigarettes and to the death path that such smokers are on when they choose to use traditional combustible cigarettes. He explained that the flavoring provides variety that adds to the ceremonial experience. Dr. Dunn said it as plain as could be: Combustible cigarettes kill; e-liquid does not. He now teaches emergency room physicians and provides emergency room service to the Army Hospital at Fort Hood, Texas, where he sees tobacco damage every day. He testified and the Board finds that the pharmaceutical companies will fight the e-liquid industry to the end because e-liquid is more effective than the nicotine replacement therapies made by the pharmaceutical companies. Sales of those nicotine replacements make a fortune for pharmaceutical companies, and they will resist to the bitter end. He pointed out the addictive features of nicotine, yet the FDA did not attempt to control it and certainly did nothing to harm sales of the nicotine replacements therapies. Rather, it sets out to control the non-addictive hardware and software of the e-liquid industry – which has no addictive powers and does no harm of any kind. The controls within the Deeming Regulations are designed only to protect special interests, not the people who seek to save their lives from combustible cigarettes.

Dr. Dunn spoke of what he believes is a culture of hate directed against anything that even looks like smoking. He contends that the FDA will continue its effort against vaping because it looks like cigarette smoking. He contends the FDA has gone off the rails in retroactively regulating safe products, contending that its job should be restrictively regulating dangerous products. He concludes that if the FDA really wanted to protect the public it would favor the e-liquid products because of their safety.

5. Lou Ritter, Founder and President of the E-Research Foundation and President Emeritus and Co-Founder of the American E-Liquids Manufacturing Standards Association (AEMSA), testified as to how the e-liquid industry is consumer driven, made up of small businesses with the desire to be innovative in creating new devices and flavors in order to provide the variety that helps keep people from ever reverting to smoking combustible cigarettes. He demonstrated to the Board how each component of an e-liquid vaping device is a non-tobacco item, but when put together the Food and Drug Administration then “deems” the product to be tobacco even though it is not, and then regulates it in a fashion that will outlaw its use. The elements presented were the battery, the coil, the mouthpiece, and the case. Such convoluted government logic, or rather lack of logic, is one of the major issues we need to take on directly.

Lou Ritter agreed with the testimony of Jeff Stier that current Deeming Regulations constitute a de-facto ban of the industry.

The Board finds that it is against the public interest of Hartland to have e-liquid deemed out of business, and the village will do whatever it can to try to avoid and evade such government waste and destructiveness. With these findings, we urge the Commissioner to begin

coordination with us and with other localities where the industry is present, and do so at once before it is too late for the industry. The evidence is clear, and the Board finds that these preventable deaths could be prevented if smokers would all turn to the e-liquid industry and switch from combustible cigarettes to e-liquid products. The industry will not be there to offer alternatives if these regulations are enforced.

6. Azim Chowdury testified as a witness in order to assist the Board to understand technicalities in the Act and regulations. He explained terms and pointed out that the FDA is treating e-liquid products unfairly in comparison to tobacco companies – the grandfather clause gives traditional combustible cigarettes an advantage. Without the harsh grandfather rule, e-liquid products would go through a much less onerous approval of a pre-existing product. It was not the intent of Congress to ban e-liquid products, as they were not an issue in 2007-2009. Congress told the FDA to promote “less harmful alternatives” to tobacco, and the FDA created a de-facto ban instead.

Bill Godshall, of Smoke-Free Pennsylvania, testified that only the big tobacco companies would be able to afford the cost to file the required Pre-Market Tobacco Application (PMTA) costs. He also pointed out that there is no guarantee the FDA will consider the PMTA once it is filed. So, a company faces the possibility that it will pay the high cost of preparing and filing a PMTA, only to have the FDA refuse to consider it. He also testified as to the extent that opponents will go to discredit the e-liquid industry. He told of a Portland State study that said vaping products contain formaldehyde. It later was found that the study results were fraudulent because excessive heat had been used in order to produce a negative report, referring to the futility of expecting fair and objective analysis and treatment from the FDA. He pointed out that Sweden has the lowest rate of lung and heart disease in the world, and the lowest risk products in the world. Yet, an application submitted from there for a Modified Risk Tobacco Product to the FDA, was rejected.

7. An e-liquid store owner and operator from Milwaukee, Cory Winston, testified that he quit smoking combustible cigarettes when his four year old daughter asked him one day, “When are you going to die, Daddy?” He said he was staggered and shocked by the question and he asked her where she got the idea he was a going to die. She told him that in school she heard about smoking and that it killed people. He took his daughter in his arms and decided he had to quit. He turned his life around, and for the past year has not been smoking, but is using an e-liquid device; he tried other ways to quit smoking, but this was the only effective way to do it. He testified as to how he recovered his taste for foods and his sense of smell, and when he realized just how bad everything smelled from smoke he called everyone in his phone log and apologized for subjecting them to second hand smoke for all the years he had smoked. He owns and operates an e-liquid shop in a neighborhood in Milwaukee where he serves an inner city clientele that will be disparately impacted by outlawing the e-liquid devices because so many of them are without transportation to go out of state or to some area of the states where they could get the devices or the liquid with nicotine.

Cory also sells tobacco products in his shop. He does this for two reasons: his shop serves people who are in the inner city with no way to really travel around as do many in our cities. They walk to shop, they walk wherever they go, and all stores in the neighborhood carry extra items for the convenience of these folks. The second reason is that it gives him a chance to talk to the tobacco smokers about the e-liquid products and try to get them switched off the combustible cigarettes. He feels an obligation to do as Michael McCrary said, “pay it forward” and share with others the blessings they have received from being free of tobacco’s clutches.

Cory has expertise in technical matters, and because of that, he enjoys working on the coils for e-liquid devices. However, if he does, he is then considered a manufacturer and is subject to the restrictive and expensive FDA requirements. He expressed frustration at the fact that the Deeming Regulations do not allow him to do repairs to client’s devices and they are then forced to simply buy a replacement product. Cory also testified that his client’s find flavorings to be very effective in helping them to switch from combustible cigarettes to e-liquid products.

The Board finds that these deeming regulations will put Cory Winston’s Vapor Lust shop out of business, and that will put an unconscionably disparate impact on citizens of a city neighborhood. The Board finds this is exemplary of the shop owners who testified and the Board finds they are doing a public service by not only selling the e-liquid devices, but by becoming and serving as missionaries to convert those who are smoking combustible cigarettes. Every shop owner who testified told of the community service and commitment they have to try to get the word to smokers of the danger they can avoid by switching to the e-liquid device. The Board commends the shop owners for their commitment to public health, and finds that the Commissioner of Food and Drug could and would do well to follow the lead of the shop owners in trying to eliminate combustible cigarette smoking.

Antonio Lauria is owner of a manufacturing facility and a shop, both located in southeastern Wisconsin. He testified that the businesses will be going out of business if the Deeming Regulations remain in effect. Sixteen employees depend on his business; they and their families will have to relocate, and the result on the small towns will be as harsh as it will on Hartland if they lose Johnson Creek Enterprises. He testified that the PMTA process would destroy his business; even if he could afford the cost, the subjectivity of the “moving target” as the Johnson Creek CEO called it, puts the future of his business in the same light as if it depended on him winning on a lottery ticket. He objects to being told he must sell a zero nicotine product labeled as, “this is a tobacco product”; he resents being forced to falsely label a product, and to be restrained by law from even orally advising a person that it is not a tobacco product. He testified that the FDA has turned the vaping industry into a pariah---even many banks would not work with him, and so he opened his accounts with small local banks. He, as the other owners, treat his and his wife’s customers as clients, and offer them a quality service. The FDA, he says and the Board agrees and finds as fact, has stifled innovation and safety concerns through the Deeming Regulations. He is prevented by the regulations from even changing by improvement any of his products; he cannot even switch suppliers if he is let

down on quality because to switch would subject him to one of the costly procedures for seeking permission.

Charlie Bilek, Michael McCrary, and Gary Fluaitt---McCrary from Ohio and the others from Wisconsin, all testified as to how they quit smoking through the e-liquid methods when all other types of prevention had failed. They all testified as to how the shops are social spots where those seeking to escape the binds of tobacco can come and visit and find out about the new flavors and the benefits of e-liquid. All said that if the regulations stayed in place, the industry would be lost. All agreed that users would then either go to the black market for products where there would be no quality controls, or go back to smoking combustible cigarettes. They all agreed that flavors are critical as variety for people to try until they find just the right product to help them. They agreed with Dr. Dunn's testimony that trying the flavors is part of the important "ceremony."

Jeff Steinbock owns Uhle's Cigar shop in Milwaukee, an old and traditional cigar and pipe shop. The blending of tobacco is what makes his business, and blending subjects him to the regulations and to destruction of his business because he will not be able to afford the processes. He serves 100 to 120 customers a day and is one of the last of the pipe and cigar stores. The FDA has already warned that blends will have to be subjected to the PMTA process, but cannot tell anything about the cost even though the Office of Management and Budget (OMB) and the Regulatory Flexibility Act require that they know and state the cost before putting the regulations into effect. He has studied documents, records and news reports and is certain that big pharmaceutical companies are the beneficiaries who have paid for their benefits from the regulations. They know, he said, that their "cash cow" in the nicotine patches and replacements---that sell for hundreds times more than they cost---will be lost if the e-liquid products are available. Without flavors, pipe smoking will end because all pipe tobacco is flavored. Once the base line is set, whenever he experiments with a new mixture of flavors, he becomes a manufacturer, and he believes this harms his rights. He agrees with the concept put forward by Aaron Biebert, that corruption runs rampant in favor of big tobacco and big pharmaceuticals---they have the money to buy the influence.

Matthew Wiener, co-owner of Wolfpack Wholesale in Plano, Texas, testified that they will have to move out of America if the Deeming Regulations stay in place, and they are already planning the move even though he doesn't want to do so. He is a veteran of the United States Armed Forces and after fighting for his country, is saddened by the loss of freedoms imposed by the government. He has 250 employees with their jobs at stake, and he hires with preference for veterans and their families. (He has been forced to lay off employees since the implementation of the Deeming Regulations.) His business spends over \$100,000 per month just on shipping and shipping supplies. He believes in a "second chance" mentality in hiring, giving people a second chance when they have had trouble making it previously. In addition, they are actively engaged as a business in providing training and guidance, especially to female veterans, who

need help to become acclimated to civilian life after service. He and his wife got into the business to fight against cigarette smoking.

The Board has noted and finds as fact that the majority of all the owners who appeared got into the e-liquid business to end smoking after they were able to quit by using the products. All agreed that if the regulations stay in place, users will go to the black market, and we will have another version of prohibition, which was not a successful venture for our nation.

8. Shaun Casey, President of FlavourArt North America, is in the business of developing and selling flavors all over the world. He testified that flavors in the e-liquid are very important because they do give the person the benefit of variety that is not present in the smoking of the traditional combustible cigarettes. He testified, and the Board credits his testimony, that it is not flavors that attract kids to the market; it is the advertising. The flavors actually provide variety that helps keep people from relapsing back into their smoking habit. He testified, as did others, that flavors are important to the diversion from smoking, so they should not be curtailed. The Board agrees and so finds. The high cost of seeking preliminary approval will limit the ability of a manufacturer to secure approval of mass flavors, thus will lessen the protective nature of the e-liquid industry. To ban flavors would lessen the appeal to e-liquid product users.

The Act prohibits the banning of cigarettes, “all smokeless tobacco products,” cigars, pipe tobacco, and “roll-your-own” tobacco. It also prohibited reduction of nicotine yields of a tobacco product to zero. 21 U.S.C. 387

More importantly, Congress instructed the FDA to determine how best to “encourage the development of innovative products and treatments (including nicotine and non-nicotine products and treatments) to better achieve, in a manner that best protects and promotes the public health –

- A) total abstinence from tobacco use;
- B) reduction in consumption of tobacco and
- C) reduction in the harm associated with continued tobacco use.”

9. The Family Smoking Prevention and Tobacco Control Act does contain the provision that Congress encourages the development of a product that is less harmful than tobacco. By developing and establishing the Deeming Regulations, the Food and Drug Administration has done just the opposite of what Congress ordered in the statute. As an inconsistent set of regulations designed to reach a conclusion opposite from the goal of the statute, these regulations must not be enforced. **The Board finds that to enforce these regulations would provide for results not called for by Congress, and in fact would be in direct opposition to what Congress mandated.**

**III. THE BOARD FINDS THERE IS EVIDENCE THE U.S. FOOD AND DRUG ADMINISTRATION IS ACTIVELY PROMOTING BAD SCIENCE REGARDING THE E-LIQUID INDUSTRY; AND FURTHER THAT THE FDA BEHAVIOR CONSTITUTES A THREAT TO PUBLIC HEALTH. PROMOTION OF BAD SCIENCE IS VIOLATION OF THE SPIRIT OF THE DATA QUALITY ACT.**

The board agrees with testimony from several witnesses and many expert analyses that the FDA's premarket tobacco application (PMTA) process will require each e-liquid manufacturer to submit many dozens (and potentially hundreds) of separate PMTAs for every combination of product, flavor and formula they create.

- The Board finds from evidence presented that each PMTA will cost a minimum of \$300,000 (based on FDA projections), and plausibly more than \$1 million (according to Jeff Stier, Lou Ritter, and Bill Godshall), leading to cumulative approval costs exceeding tens of millions of dollars or more for every e-liquid manufacturer.
- The Board finds from evidence presented that the PMTA process presents potential applicants with neither objective criteria by which products will be judged for approval, nor sufficient assurance that approval will be granted or denied in a timely manner.
- The Board agrees with evidence presented that the excessive cost and uncertainty of the PMTA process will cause all e-liquid manufacturers to severely reduce the number of flavors and product options on the market; AND will drive nearly all manufacturers out of the market; AND that the severe reduction of product options on the market will drive most e-liquid retailers out of the market as well.
- The Board strongly agrees with testimony and evidence presented that the variety of flavors and product options currently on the market is a significant reason for traditional cigarette smokers to switch to much safer e-liquid products; AND THE BOARD FINDS that a severe restriction of flavors and options resulting from subjecting the e-liquid industry to the PMTA process and *FDA policy will lead inevitably and immorally to e-liquid consumers switching back to using vastly more dangerous traditional cigarettes.*
- The Board also agrees with testimony and evidence presented that the FDA's Deeming Regulations regarding e-liquid products require manufacturers and retailers to conceal the considerable health improvements available to traditional cigarette smokers who switch to e-liquid products. The Board also finds that the manufacturers and retailers are prohibited from saying their product is less harmful than traditional tobacco. That prohibition is an immoral, offensive violation of the First Amendment Freedom of Speech protection. ***THE BOARD FINDS this FDA policy to be both a severe threat to public health and a violation of the manufacturer and retailer's rights under the U.S. Constitution's First Amendment guarantee of free speech.***

#### **IV. THE BOARD FINDS THAT JOHNSON CREEK ENTERPRISES PROVIDES AN ECONOMIC BENEFIT AND SOCIAL COHESIVENESS TO THE COMMUNITY.**

Johnson Creek Enterprises is an industry within the Village of Hartland and was established in 2008.

It manufactures and sells four brands of vaping products in forty-three flavors to businesses and consumers in the United States and worldwide. The company recently began selling third party brands online as well. Under the regulations, their companies would have to go through PMTA, and so their businesses would be lost to Johnson Creek Enterprises.

Payroll and benefits total \$1.2 million per year for 20 employees; however the company has employed more people at different times. The numbers of employees and the overall payroll have fluctuated over the years, depending on season and demand. At times they have employed as many as 70 people.

The company's business drives other local economic activity as well. For instance, 85 percent to 90 percent of shipping for e-commerce sales goes through the Hartland Post Office. Larger scale customers sometimes opt for other carriers such as Fed-Ex, UPS, or other shipping companies.

The company supplies 60-70 retail stores, just in Wisconsin. The target customer for the company's online sales is a current e-liquid product user.

Management and workers are involved in many volunteer efforts in the community either individually or as a team, such as the Make-a-Wish Foundation and Feeding America - Southeast Wisconsin, with \$11,000 and 2,000 pounds of food, Donate Life - Wisconsin, Special Olympics of Wisconsin, ATI Foundation, Extra Life benefitting Children's Miracle Network Hospitals. Johnson Enterprises President and COO, Heidi Braun, testified that employees are granted time off to volunteer where they wish. In one instance, three employees played video games for 24 hours straight, in exchange for donations that went to the Children's Miracle Network Hospitals. So, if the company goes out of business, the community will suffer in more ways than just economically.

Johnson Creek Enterprises Director of Business Development, Tom Pangborn, testified that he is a longtime Hartland resident, attended the local Arrowhead High School, and currently lives in the community with his wife, who works in a nearby community, and two children, one of whom attends a public school and another who attends a local day care.

President and COO, Heidi Braun, said that if the company goes out of business all of the employees and their families would likely have to relocate outside the area to find

comparable jobs. So, the local communities would lose a substantial number of valuable citizens.

Witnesses agreed when asked by the Hearing Officer that everything the business does affect business in the community and Wisconsin.

#### **V. THE BOARD FINDS THAT THE FULL IMPLEMENTATION OF THE FDA DEEMING REGULATIONS WOULD PUT JOHNSON CREEK ENTERPRISES OUT OF BUSINESS.**

- The FDA Deeming Regulation requires a Pre-Market Tobacco Application (PMTA) for each e-liquid product manufactured by Johnson Creek Enterprises. The company makes 43 flavors of e-liquid across four brands, and provides different nicotine levels for each flavor, which means PMTAs for more than 240 different products.
- The PMTA cost estimate ranges from \$330,000 to \$1 million per application. Mr. Pangborn testified that if the Deeming Regulation is upheld, Johnson Creek Enterprises would potentially have to get rid of a lot of their flavors, which would dramatically drop sales: "If we were to pare down our 43 flavors, even down to five, we'd only be reaching that audience who only liked those five flavors."
- Johnson Creek Enterprises Director of Business Development, Tom Pangborn, President and COO Heidi Braun, and Director of Operations Shanelle Bolling, testified that their company does not have the same size staff as a big tobacco company such as R.J. Reynolds, that it could take five people to complete the PMTA process, and they would probably have to hire an outside consultant to help. The advantage is to R.J. Reynolds (and similar companies) that have hundreds of people to put to the task and mega dollars to spend.
- The witnesses also testified that the FDA has only communicated with them via a general email list, and offered no assistance in the PMTA process nor did the FDA offer any objective standard to base their application on, leaving the approval process of such application to be totally subjective and ill-defined. Heidi Braun, President and COO of Johnson Creek Enterprises, said they had been provided a "moving target."
- The first milestone in the deeming regulation was completing the product registrations. The witnesses testified that it was very time consuming and costly to submit the registration for the "SKUs" (FDA required stock-keeping units) over 240 flavors.
- The Board finds as stated by Hartland Trustee Ann Wallschlager, that Johnson Creek Enterprises has been "an outstanding business in our community, whenever we go to you for help or donations, you've always helped." Loss of the company would disrupt

and harm the cohesiveness of the community and would harm the human environment that is protected by the National Environmental Policy Act.

## **VI. THE FDA VIOLATED THE REGULATORY FLEXIBILITY ACT BY FAILING TO PERFORM AN ADEQUATE COST ANALYSIS VIS A VIS SMALL ENTITIES OF GOVERNMENT AND SMALL BUSINESSES AND FAILING TO OFFER ALTERNATIVES TO AVOID ADVERSE ECONOMIC HARM**

Under the Regulatory Flexibility Act, every government agency is required to conduct a cost analysis before any regulation is put into place. That analysis is supposed to detect and avoid adverse, harmful economic damage to small government entities under 50,000 in population and to small businesses. The agency is supposed to offer alternatives to avoid adverse economic impact.

Hartland is under 50,000 in population, and Johnson Creek Enterprises is a small business for purposes of the Act. Yet, the Food and Drug Administration (FDA) did not study the impact of the regulations on either. The evidence is beyond dispute that Johnson Creek Enterprises will go out of business if the high cost of the preliminary applications turns out to be correct. Even if it is not, at the lower cost, the company can only afford to seek approval for 4 or 5 of its flavors which will deeply cut into its business. The FDA shows no concern for that, in fact never has contacted Johnson Creek Enterprises to see what impact there will be to the business.

The FDA has not coordinated with Hartland, so the FDA has no idea of the economic impact and has not a clue as to whether there is an alternative that would avoid it.

Stephen Moore, Senior Fellow in Economics for the Heritage Foundation, produced evidence that if a company with employees in 25 range, like Johnson Creek Enterprises, goes out of business, a wage loss of \$1 million dollars occurs. (This is corroborated by the fact that Johnson Creek Enterprises has a payroll of \$1.2 million.) He estimates that the loss to the community would be at least \$1.5 million per year. He pointed out that small businesses account for 60-70 percent of all new jobs in America, and the “spinal cord” of local communities. He said regulations cost small businesses an estimated \$1-2 trillion a year and excessive regulations do put small businesses out of business.

The Board finds that Moore’s opinions are born out here and that the Deeming Regulations are examples of the excessive regulations that will eliminate business and jobs in this community.

A Heartland Institute study shows that one to two businesses close a day in Pennsylvania because of strangling regulations, and that the only reason some are staying open is that they cannot get out of their building leases, so must hold on for dear life. Michael McCrary, a store operator in the Cleveland, Ohio area, testified as to the economic gloom facing him and others in that area, and there is nothing in the record here or anywhere to our knowledge or the knowledge of the very skillful researchers who appeared here to show that FDA knows it, has done anything about it, or even cares about it. However, that would be true only in a make

believe world. In the real world, the FDA knows it and intends for it to be that way---adverse economic impact to drive the industry out of business.

The FDA itself acknowledges that the cost for a Pre-Market Tobacco Application (PMTA) will be a minimum of \$300,000 to 330,000, and more expert witnesses say the cost will be from \$1 to 2 million dollars. Each flavor of each brand must be submitted for the testing and scrutiny, so it seems beyond question that most will go out of business.

Yet, the FDA blithely goes along, preparing for processing PMTAs without acknowledging and admitting that the cost will be prohibitive. To make such admission would mean that they would have to comply with the Regulatory Flexibility Act, and by not doing the math they can pretend the Act will not be broken.

Under the Regulatory Flexibility Act, no regulation should be put into place when there is such a danger of deep, deep economic harm, and should never be enforced until the cost is verified and alternatives are explored. But all that would interfere in FDA 's movement to put e-liquid out of business. So, when compliance would spoil the departmental intent, the department ignores the law. That is what has happened here. **Under the Regulatory Flexibility Act, the regulations should be set aside and never implemented or enforced.**

The Heartland Institute economic study in Pennsylvania turned up no Regulatory Flexibility Act study, and none of the other witnesses who testified as to the economic harm were aware of any Regulatory Flexibility Act study or attempt to gather information. Bill Godshall is from Pennsylvania and he heads Smoke Free Pennsylvania. He spoke of no Regulatory Flexibility Study, and it is the Board's opinion that he is so thorough with his research work that he would have reported had there been one.

**Because of the violation of the Regulatory Flexibility Act the commissioner should stay, and then rescind the regulations.**

**VII. THE DEEMING REGULATIONS ARE ARBITRARY AND CAPRICIOUS; NO BASE STANDARDS ARE IDENTIFIED; THEY SET NO STANDARDS FOR THE CONDUCT THEY MANDATE; THEY PROVIDE NO GUIDANCE AS TO PARAMETERS WITHIN WHICH CONDUCT AND PERFORMANCE MUST BE CHanneled; THEY CONTAIN A REGULATORY SCHEME DESIGNED TO OVERSEE FAILURE AND DESTRUCTION OF THE E-LIQUID INDUSTRY. AS SUCH THEY VIOLATE DUE PROCESS OF LAW PROCEDURALLY AND SUBSTANTIVELY AND ARE INVALID.**

1. The evidence is clear that, without a doubt, the Deeming Regulations will result in huge business loss in the e-liquid industry. First, the regulations establish an arbitrary baseline for what is necessary to permit a device without the extraordinary cost of the preliminary analysis and testing. They establish a predicate date that eliminates most all currently in use devices. As a result, the regulations force the industry to consider devices that have been in use for six to seven years as "new" devices subject to the required preliminary analysis, study and

certification. This creates an extraordinary unbalanced benefit to traditional combustible type cigarettes, most of which were in use prior to the “grandfather date”. According to the evidence, most of the e-liquid devices that are the most effective as diversions from dangerous combustible cigarette smoking will be banned unless the manufacturer can afford the cost of the preliminary testing. So, the Food and Drug Administration has set up a system that will categorically destroy the most effective alternative for those who would make the effort to quit traditional smoking of combustible cigarettes and save their lives.

2. There is no element of proof of science, economics or policy to support the deadly result outlined in the preceding Finding. There is nothing that even begins to justify the arbitrary determination of the predicate date. It is simply a date picked from the air, as far as the Record shows. The cost of submitting a product for testing, analysis and certification will be enormous. The evidence shows that the FDA acknowledged that the cost would be as much as \$300,000. But, witnesses, like Jeff Stier and Bill Godshall, estimate the cost will be closer to a million and a half or two million dollars per product. A successful business will have many, many flavored products, all of which will have to undergo the testing. For example, Johnson Creek has 43 flavors in 4 brands. To test them all would require the cost times 172, prohibitive even at the \$300,000 mark. And even if they could afford that cost, there is no guarantee that certification could be completed. There are no standards in the regulations as to what will lead to approval. In other words, the manufacturer is not told what state of performance his product must reach to be approved. It is, as the CEO of Johnson Creek said, “a moving target” which could change moment by moment. Neither is there any time limit provided for the agency review. Submission of paperwork by the due date does not guarantee that agency action will be completed prior to the drop-dead date on which all currently operable devices must cease operation. So, it is completely within the discretion of the agency as to when to begin analysis of the submissions, when to end it, and to what standards to submit it.

3. The objective of these Regulations, designed to control without bounds as to cost or performance, is to doom an industry---an industry that provides an effective alternative to smokers. The John K. Maclver Institute for Public Policy report points out that the regulations “are likely to destroy the budding vapor industry” because of the exorbitant cost for a standard less review. The Maclver report states:

“The FDA, using authority granted to it under the Tobacco Control Act, has seemingly arbitrarily picked February 15, 2007 as the ‘predicate date’ for the new rules. Any product, even products that consumers have been using for years, that entered the market after that date will be subject to the stringent new requirements, including the byzantine approval process and the massive price tag that it costs these small businesses to seek permission from the FDA to sell a product.” (See Exhibit 8)

No wonder the prediction by every witness that the regulations will drive out of business virtually every manufacturer now producing these life saving devices.

4. In May, 2016, a year ago, the FDA advertised for comments as to development of “Guidance for Industry” as to the premarket tobacco product application, but the FDA has not issued any such guidelines. To this day, nothing has ever been issued regarding setting such guidance or providing any objective standards to be met by applicants. There is nothing that identifies any standards by which the FDA staff will do the analysis and make the decision as to whether the product being tested will pass or not. The Board sees no evidence that the FDA has any intent of making this testing procedure efficient enough to allow any device now in existence and use to continue so after August of 2018. Bill Godshall testified that the FDA originally has estimated that only 25 PMTAs will be processed. He also said that the FDA estimated that there were 1600 products on the market. The witness said that number is woefully low, indicating the FDA has no clue to the depth of the industry. But this figure shows that they expect to ban 99 percent of products.

5. Public Health policy has not been considered in any way by the FDA and as a result, a purely discretionary, non-objective, non-measurable system of review has been set up that will permit FDA to deny clearance to every e-liquid device on the market today without even stating a reason for doing so.

6. Clearly, this process denies due process of law. See *Goldberg v. Kelly*, [397 U.S. 254](#) (1970); *Mackey v. Munry*, 443 U.S. 1 ; *Fuentes v. Shevin*, 407 US 67; *Cleveland Bd of Ed v. Loudemiller* 470 U.S. 532 all of which would hold this regulatory scheme unconstitutional. They stand for the proposition that whenever a person must submit to this type of testing these factors must be present:

- A) **The government must provide notice** of what the person must meet or do
- B) The government must be able to show that there is an **articulated (non-vague) standard** of conduct that has caused the person to have to respond (here there is a real problem as to that, because no one has or probably can show why a life saving body of work must fail.)
- C) The government must provide an **opportunity to rebut a case against one in a meaningful way and at a meaningful time** (the "hearing requirement").
- D) In order to sustain its position (i.e., its deprivation of liberty or property), the government must establish--at a minimum--that there is **substantial and credible evidence supporting its action**
- E) The government must provide some **explanation** to the individual for the basis of any adverse finding.

**The process in this case does not meet any of the five tests, thus it is unconstitutional and should not be carried forth.**

7. Greg Troutman, attorney for a major manufacturer in Kentucky, testified that the regulatory scheme also blocks all future innovativeness within an industry noted for mom and pop stores and manufacturers who have developed an innovative, creative industry. “The immediate effect of the FDA Deeming Regulation is that it froze the e-vapor as of August 8, 2016. The Regulation allowed all e-vapor products on the market as of August 8, 2016 to remain on the

market until the two year Pre-Market Application deadline. The introduction of new e-vapor products is prohibited after August 8, 2016 unless they clear the pre-market application process. It has been estimated that 99 percent of the e-vapor industry will have to shutter as of August 8, 2018 if they cannot submit Pre-Market applications.”

He points out that “most manufacturers simply will not be able to comply with the Pre-Market application process for two reasons: (1) the two year time period is woefully insufficient, and (2) the cost of compliance.” He points out further that the time element is being analyzed right now by Judge Jackson, a United States District Judge in the District of Columbia. He said that, in a very recent oral argument Judge Jackson remarked to an attorney for the government that it appeared that this regulatory scheme had been “set up...to fail.” (*Right to Be Smoke Free Coalition v. Food and Drug Administration*, Civ. No. 1:16-cv-0878-ABJ)

8. Troutman’s testimony provides a picture of an industry that started on a shoe-string, (for example, Johnson Creek started in its Founder’s basement) and has grown to great heights. Steve Hong provided expert opinion in the Legato Vapors case in the Indiana United States District Court, that at the end of 2015 the industry had consisted of approximately 8500 retail stores, accounting for approximately \$4 billion of product sales----certainly a competitor that the big tobacco companies would like to be rid of. (Hong is a consulting researcher with Roebing Research LLC, in New York City, AND has a Master’s Degree in Business Administration from the University of Virginia.) From that standpoint, it is no surprise that FDA used the Tobacco Control Act as a means to regulate out of business big tobacco’s biggest competitor. Now the current e-liquid gathering is facing big pharmaceutical companies that control the sales of prior alternatives such as the nicotine patch. The Board sees evidence that money and influence are being used to try to drive manufacturers and retailers out of business. The testimony of Jeff Stier, Dr. Dunn, Bill Godshall, Jeff Steinbock, and common sense underlie our Finding.

The Regulations not only deprive the industry of due process of law as to the procedures, they also deprive of due process substantively. The Supreme Court cases defining the parameters of the due process clause of the 5<sup>th</sup> and 14<sup>th</sup> amendments hold when a statute adversely affects economic interest, as this clearly does, there must be some rational relationship between the law and a “legitimate [government] interest.” City of Cleburne v. Cleburne Living Ctr. 473 US 432. There cannot possibly be a legitimate interest of the government in preserving and protecting regulations that will put out of business the most effective reduction of tobacco related illness and death. But even if there were such rational relationship between putting out of business the e-liquid industry and the regulations, there must also be a rational relationship between the legitimate interest and “the means chosen...to accomplish it.” Casket Royale, Inc. vl Mississippi, 124 F. sup. 2d at 434. Cornwell v. Hamilton, 80 F. Supp. 2d 1101, St. Joseph Abby v. Castille, 712 F.3d 215. In other words, if there was a legitimate interest in curbing the use of e-liquid products, there must also be a rational relationship to the means used, that is, regulations by the FDA. And there is none. Congress should be the power that puts e-liquid out

of business if that is a legitimate interest, not the FDA. Since Congress directed, by statute, that less dangerous products be encouraged, it is not appropriate for the FDA to regulate or to discourage use of such products. **So, the means used violates substantive due process of law.**

In Casket Royale, 124 F. Supp. 2d at 440 it is held that not only must the means rationally relate to the government's interest, the law fails if it appears that the law actually diminishes the government's interest. The government's interest should be the public health, which will be diminished by this regulation. Here it appears that the government's regulations will put out of business the industry that has been most successful in fighting smoking. It should be in the government's best interests to fight smoking, if the government were really interested in the public good and the public health.

Had the FDA coordinated with Heartland, all these elements of due process would have been on the table and perhaps they could have arrived at a better solution. The FDA had an opportunity to meet and try to do that. Having failed, it seems bent to destroy an industry that deserves plaudits, not threats.

On the basis of the 4<sup>th</sup> and 14th amendments to the United States Constitution the regulations must fail – they must be set aside by the Commissioner, the Secretary, the President, or by a Court. To the Commissioner we say: Stick with the Constitution. You can't go wrong that way!

### **VIII. THE BOARD FINDS THERE IS NO SOUND BASIS FOR THE U.S. FOOD AND DRUG ADMINISTRATION'S DECISION TO USE THE DEEMING REGULATIONS TO TREAT THE E-LIQUID INDUSTRY AS A COLLECTION OF DANGEROUS BUSINESSES THAT IMPERIL PUBLIC HEALTH AND SAFETY.**

- The Board agrees with Dr. John Dunn, with the study by Dr. Brad Rodu, Matthew Glans, and fellow witness, Lindsey Stroud, of the Heartland Institute, and reputable studies from the Royal College of Physicians that e-liquids present (at very most) only 5 percent of the risk of smoking traditional cigarettes.

- The Board finds from the testimony of many expert witnesses including Dr. Dunn, that the inhaling of smoke from burning tobacco – rather than the ingestion of nicotine – is the primary cause of traditional smoking hazards. The Board further finds that this opinion is shared by numerous independent credentialed scientific researchers, many of whom are interviewed in the documentary film, *A Billion Lives*, produced by Aaron Biebert.

- The Board finds from the testimony and agrees with numerous witnesses that the primary motivation of using e-liquid products is as a healthier replacement for traditional cigarette smoking; AND further that many traditional cigarette smokers became business people within the e-liquid community specifically because of their desire to help and encourage others to kick the proven dangerous smoking habit.

- The Board finds no evidence the e-liquid industry markets products to children, and all witnesses favored preventing use by children.

- The Board finds that the Food and Drug Administration has conducted itself boldly by ordering manufacturers to label even zero-level nicotine products as “This is a Tobacco Product”. That is a false label and use of it violates the false claim and brand statutes. The only link of any e-liquid device or product to tobacco is nicotine. If a product is derived from a non-tobacco source, or is a zero-level nicotine product, there is no tobacco, thus it is not a tobacco product. The FDA is forcing an individual or company to issue a false and misleading label.

**Due to the fact that false labeling is widely known and proven to be a criminal offense, and due to the fact that the FDA has demanded that individuals and businesses commit acts of false labeling in order to comply with the Deeming Regulations, the Board finds that the Commissioner should stay, and then rescind the Deeming Regulations.**

#### **IX. BIG MONEY HAS SPOKEN TO PROTECT TOBACCO COMPANIES AND PHARMACEUTICAL COMPANIES AT THE EXPENSE OF THE MUCH SAFER E-LIQUID INDUSTRY**

The Board was privileged to hear from Aaron Biebert, a Milwaukee-based filmmaker and producer of the multi award winning documentary, A Billion Lives, which tells the story of how tobacco abuse will kill a billion people. (What this refers to is that of all the people currently smoking combustible tobacco, one billion will die if they do not quit.) He told us that he was skeptical when he first heard that tobacco and pharmaceutical money found its way into the coffers of the organizations that oppose smoking. So, he went to the lung and cancer organizations to interview them, but found that they did not want to be interviewed. That made him curious to find the answers. When he did, he found that the Center for Disease Control (CDC) is the source for funding many state health departments and CDC gets money from the big pharmaceutical companies, and many of the departments are lobbying against the much safer e-liquid products. State organizations get money from tobacco through grants for anti-smoking programs; yet provide money for lobbying against the most effective anti smoking program there is in the e-liquid products. Legislatures are beneficiaries of tobacco money and they are imposing harsh taxes and regulations on the anti-smoking e-liquid industry. He has concluded that to follow the money is to find that tobacco companies and big pharmaceutical companies are bankrolling public agencies and anti-smoking organizations in order to get their support for their products as opposed to the e-liquid products.

He has concluded that there is total corruption involved in the anti-smoking campaigns that have turned into campaigns dedicated to destroying the most effective, safest means of escaping the illness and death that comes from tobacco abuse and addiction: the e-liquid products that are available now, but threatened with destruction at the hands of the FDA. He has found that in California, for example, money has been pulled from anti smoking campaigns

and re-directed to anti-vaping campaigns. Further, he has concluded from his extensive research that the main fear of the states and their agencies is that they will lose the big amounts of tobacco money they have been receiving over the years since the big tobacco settlement. That settlement has been used as a staple of funding by state legislatures for so long now that they are addicted to the money and either can't or don't want to do without it. State governments have been funded for years with the proceeds from an industry that sells death.

The Board finds there is a rationale to his statements and finds that the anti smoking efforts to destroy the e-liquid industry are at odds with good public policy because the evidence is clear, and is not disputed by facts or science, that e-liquid products are safer and are the most effective weapon against continued addiction to tobacco and the death that results.

## DECISION

The Board has made sufficient Findings to justify its decision that the Deeming Regulations, issued by the FDA, in fact are Ultra Vires, that they harm public policy and health, that they violate the Regulatory Flexibility Act, and that they were issued without coordination with Hartland. Too often, we believe, agencies ignore local governments. President Trump has said that in Executive Orders issued in the past three months.

It is time for local governments to be heard. As it was in the beginning of the nation – when the patriots spoke up at town meetings – it shall now be again in Hartland, Wisconsin. We are told by the most ancient Bible teachings, “To every things there is a season, and a time to every purpose under the heaven.” Ecclesiastes 3:1

It is time. It is the season. Hartland, Wisconsin says to the Commissioner of the Food and Drug Administration, “Do you job for, not to, our citizens. Follow the law and coordinate with us and with other local governments that serve the hard working, enterprising American citizens trying to live their American Dream – trying to make a living in peace for themselves and their families in the local communities of their choice. We call on you now to step forward and serve within the parameters of our Constitution and its limitations on government.”

“We call on you to shelve the Deeming Regulations, issued with no respect for the Regulatory Flexibility Act, the Data Quality Act, the National Environmental Policy Act, the Small Business Administration Act, local governments like Hartland, and American citizens like those in Hartland who are harmed by the harshness of the Regulations. It is time.”

## CONCLUSIONS, SIGNATURE PAGE AND ACKNOWLEDGEMENT

The above Statements of Findings are the documentation of the Findings of Fact that we the undersigned have made as our Findings based on the testimony we have heard over the course of the Hearing. They lead to the conclusions we state below. Any narrative statements made in the above document shall be taken as Findings of Fact whether the magic phrase "the Board Finds" is used or not.

### CONCLUSIONS:

1. The e-liquid industry provides a safe, effective alternative to tobacco use and does not threaten major illness and death as does the use of combustible cigarettes.
2. The FDA has overstepped its authority and bounds of decorum and law by issuing regulations that are contrary to what Congress directed it to do; instead of promoting less dangerous alternatives, they have issued a de facto ban on the most effective and safe alternative that exists.
3. The Deeming Regulations will destroy the e-liquid industry if left in place and enforced in their current state.
4. It is contrary to public policy and against the interests of public health to implement and enforce the Deeming Regulations.
5. It is not in the best interests of the people of Hartland to see the Deeming Regulations implemented and enforced.
6. It is not in the best interests of the people of Waukesha County or the state of Wisconsin to see the Deeming Regulations implemented and enforced.
7. The FDA has violated the National Environmental Policy Act by failing to Coordinate with The Village of Hartland and the County of Waukesha. The FDA has also violated the orders given it by President Barack Obama and by President Donald Trump. President Obama's order to coordinate with local governments was in place when the Deeming Regulations were being developed, and President Trump has ordered that all agencies including, FDA examine all regulations and review them to see whether there is any adverse impact on jobs and business; the Deeming Regulations fall within that mandate from the current President, thus today the FDA stands in violation of his Order.

8. The FDA has also violated the Regulatory Flexibility Act and the Data Quality Act by not doing the impact analysis on small entities and businesses and by not verifying its own data as to accuracy, integrity, confidentiality, relevance and utility, all requirements of the Data Quality Act.

9. The FDA has violated due process of law procedurally and substantively in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States of America.

10. The FDA has acted in derogation of public health and public policy, thus contrary to the duty owed to the people of Hartland and Waukesha County.

11. The FDA has violated federal statutes that prohibit false labeling, and has made innocent third parties in the e-liquid industry accomplices to their violation.

12. The FDA has violated the freedom of speech provisions of the First Amendment to the Constitution of the United States of America.

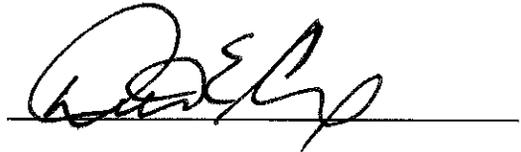
13. In the exercise of the police powers of the Village of Hartland, it is the duty of the Village Board of Trustees to Oppose and Resist Implementation and enforcement of the Deeming Regulations, and to that end we entreat the Commissioner of FDA to stay the implementation and enforcement of the Regulations until he has the chance to review them in view of our Findings and Conclusions and the evidence upon which we base them, and then to rescind the Regulations as being ultra vires and unlawfully developed, and unconstitutional and unlawful if applied. To that end, we instruct the Village Administrator to assure that copies of these Findings and Conclusions and the record supporting them be delivered to the Commissioner of FDA, to the Secretary of the Department of Health and Human Services, to the Chairman of the Council on Environmental Quality in the White House and to President Donald Trump. Courtesy copies should be delivered to the County Executive of Waukesha County, to the legislators who represent Hartland in the Wisconsin legislature, to Governor Scott Walker, Representative F. James Sensenbrenner, Jr., Speaker Paul Ryan, and to United States Senators Ron Johnson and Tammy Baldwin.

14. Implementation of the Deeming Regulations will violate the due process rights of every person to whom they apply, thus will constitute a violation of the Civil Rights Act of 1866 as interpreted and applied by the United States Supreme Court in the case familiarly known as the "Monterey Dunes" Case.

The above Findings of Fact and resulting Conclusions are entered in Hartland, Wisconsin on this 1<sup>st</sup> day of May, 2017 by the following Members of the Hearing Board designated by the Hartland Village Board of Trustees and by the Village Administrator.



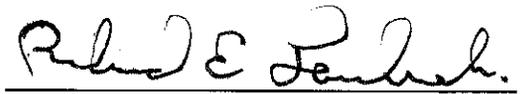
Chair of the Hearing Board



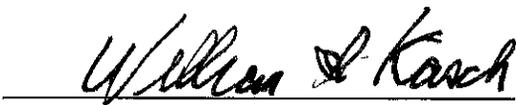
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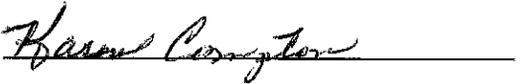
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Member, Hearing Board



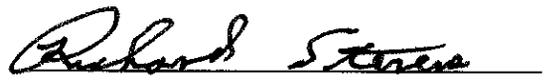
Member, Hearing Board



Member, Hearing Board



Member, Hearing Board



Member, Hearing Board



Hearing Officer