

SPECIAL VILLAGE BOARD MINUTES
THURSDAY, JULY 11, 2019
6:00 PM
BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD AVENUE

Roll Call

Present: Trustees Anson, Dorau, Meyers, Wallschlager, Ludtke, Conner, President Pfannerstill

Others Present: Finance Director Bailey, Deputy Clerk Bushey, Police Chief Misko.

1. Hearing regarding the appeal of John F. Pace Rodriguez for relief from Village of Hartland Ordinance 850-18, An Ordinance Creating §66-12 of the Village of Hartland Code of Ordinances Establishing a Moratorium While it Enacts an Ordinance Regulating Residency and Presence Restrictions for Sex Offenders.

- a. Open Hearing-

President Pfannerstill opened the Public Hearing at 6:04pm and read the Hearing procedure.

- b. Presentation by Appellant and related examination by the Board President on behalf of the Board.

Mr. Rodriguez said that he was 18 yrs. old at the time of the offense and had a girlfriend that was 4 yrs. younger than him. He said he was successful discharge from probation but he did have a several revocations. He said he originally moved to Hartland in 2013. He said he is not a special bulletin sex offender so he only had to report to the Department of Correction, he said he is not on probation so he does not have to report to the police department so he didn't know. He said he lived here for about a year, but the landlord raised the rent so he moved out and in with his mother. He said he had just gotten of probation so he did not need to register. He said he was also homeless for a period of time. He said at that time he and his fiancé lost their children to social services. He said about 8 months ago he decided to try to get everything together and he got a job. He said he came to Hartland to start looking for places to live and went to his previous landlord. He said the landlord didn't say anything so a week later he signed a 6 month lease and moved in. He said he was there a month and the police department came and informed him of the moratorium. He thanked the police department for not kicking him out and for their patience. He said he has a court case on July 16 regarding getting his children back. He said he wishes his landlord had something to him about the moratorium. Mr. Rodriguez repeated several times he did not know. He said he understands the reason for the rule and that he did his time. He likes Hartland, it's a great community and would like to raise his children here.

President Pfannerstill then asked the questions given to him by board trustees:

1: How long have you worked at your current job?

Rodriguez: 6 months

2: How many residents will be living with you in your desired residence in Hartland?

Rodriguez: Currently him, his fiancé and baby on the way. After court hearing it could be 3 more children, but not sure at this point.

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3: Can you explain the length of the relationship with the minor that you had to serve time and probation for and Huber time for?

Rodriguez: 6 months. He dropped out of school when he was a sophomore

4: When you were confronted by law enforcement did the relationship end then?

Rodriguez: yes, but not right away because he wasn't arrested right away but when it did when he started going to court it ended, approximately 2-3 months. He said he also got arrested for the other charges.

5: The incident that occurred on 9-4-05, you were charged with carrying a concealed weapon, where you around a minor?

Rodriguez: No. He said when he was younger the 1st concealed weapon charge was a knife, the 2nd one was a bike lock he had under his shirt.

6: Can you give a brief explanation of the timeline of living locations in 2004, 2005 was Waukesha on West Ave and Oakdale, 2013-2014 the Hartland Apartments, also where and when did you live with your mother?

Rodriguez: I lived with my mother for 2 years in Waukesha. His mother then moved and he had nowhere to go so he was homeless.

7: In your comment to Det. Jewell you stated your girlfriend loves living in this community, how long have you two been dating, in your opinion what determines when a couple become boyfriend and girlfriend, how do you define that, is there a certain amount of time together before that happens. And back when you were 18, were her parents aware that there was a relationship?

Rodriguez: Yes they were aware of it. The DA is the one that picked up the charge not the parents. What I consider a relationship, my fiancé and I have been together for about 9 years. She was with me while I was in jail, during probation, she dealt with all of the probation. What do I think makes us boyfriend and girlfriend? We started dating when I was 19 and she was 17, she had a child a year later. I don't know how to explain it, we started dating and fell in love with each other.

8: Pfannerstill asked several questions- when was the moment that you decided you wanted to make a change in your life you were just describing?

Rodriguez: When I was living in an abandoned house about a year ago and it was getting pretty bad, I went to my uncle's house and he helped me get a job. He let me help him with landscaping, he had his own business with landscaping and repairing stoves and refrigerators. He signed me up to go to school for that too. I was going to school for that but my kids needed me to have job so I couldn't finish that. I got a job in Hartland, got a place to stay.

Pfannerstill: When you called DOC to let them know you moved into a new residence?, what did they say?

Rodriguez: They took it down, sent me a letter, I signed the letter and sent it back.

Pfannerstill: So you did what you are supposed to with the department of corrections? They sent you a letter of acknowledgement asking you to sign, you verified that data and then sent it back and that was it with the DOC?

Rodriguez: yes. I sent them that letter.

Pfannerstill: so you say the DOC and the landlord didn't tell you a moratorium place.

Rodriguez: When I was staying in a car I told her and she never said anything.

Pfannerstill: What is the amount of time for the lease and when did you move in?

Rodriguez: We moved in April 2019 and it was a six month lease.

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Pfannerstill: You explained the charge for not registering, do you think it will be difficult to not commit crimes in the future?

Rodriguez: No, other than the sexual assault, the only crime I committed, I work I make decent money, I have people to take care of, I don't associate with anybody.

Pfannerstill: I appreciate you coming for the appeal.

- c. Police Chief Misko thanked Mr. Rodriguez's for his co-operation during this process .He said the board was given a packet with a lot of information. He said the offense that was talked about was on September 4, 2005. The report did come in from a social worker at the Middle School, Butler Middle School, and the Village of Pewaukee Police Dept started their investigation on Sept 21, 2005. He said at that time Mr. Rodriguez was the suspect and the victim he was in a relationship with was an 8th grader at the Butler Middle School and at that point the victim was 13 yrs. old. Mr. Rodriguez was a resident of Waukesha at the time of the offense and ultimately plead guilty to 2nd degree sexual assault of child in 2006. Chief Misko said regarding the criminal history, Mr. Rodriguez has one open case that is pending. Chief Misko said Det. Jewell is assigned to the sexual offender zone and does monthly checks and when he did his check in mid June is when Mr. Rodriguez showed up on the registry. He said there are 2 different things when it comes to a moratorium, people who are on active supervision who are assigned a parole agent and have to follow the probation rules: and those that are on the sexual offender registry. Mr. Rodriguez is not on active supervision right now he is just on the registry as an offender. Chief Misko said even with the registry that is a violation of the moratorium. Chief Misko said from the Police Department point of view there is a moratorium in place so it is the recommendation of the Police Department that it be enforce the ordinance that is in place with the moratorium.
- d. Close Hearing-
Public Hearing was closed at 6:44pm.

2. Consideration of a motion to recess to closed session pursuant to *State Statutes §19.85 (1)(a)*, deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body; *State Statutes §19.85 (1)(f)*, considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations; and, *State Statutes §19.85 (1)(g)*, conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved regarding deliberating and considering an appeal of the Sex Offender Residency Moratorium and to adjourn thereafter without reconvening in open session pursuant to *State Statutes §19.85(2)*.

[ROLL CALL VOTE]

Motion (Ludtke/Dorau) to convene in closed session. Roll Call vote taken; all ayes. Motion carried. Adjourned to closed session at 6:45 p.m.

Respectfully submitted,

Deidre Bushey
Deputy Clerk