

VILLAGE BOARD MINUTES
Special Meeting
Tuesday, January 24, 2023
6:30 PM
BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD AVENUE

Call to Order

Roll Call

Present: Trustees de Boer, Truttschel, Pfeiffer, Conner, Hallquist, President Pfannerstill

Others present: Village Attorney de la Mora, Police Chief Misko, Village Manager Bailey, Clerk Igl, John Freuler, Janine Chatfield.

1. Pursuant to Village of Hartland Ordinance Section 66-12 (e), the Village Board will hear the appeal of John Freuler to be exempted from the moratorium regulating residency in the village.

Attorney de la Mora stated that the previous proceedings in this matter had been adjourned because of uncertainty of whether the appellant was subject to register in the State of Wisconsin as a registrant of the California sex offender and arson registry. The State of Wisconsin had now received the necessary information and is finalizing Mr. Freuler's registration procedure. Attorney de la Mora stated that he had spoken to Mr. Freuler and was informed that he has a scheduled conference to complete the process on Jan. 25. Attorney de la Mora reminded the board that anyone registered as a sex offender in another state residing in Wisconsin is required to register as a sex offender. He stated that he is participating in the proceedings as counsel to the Village Board and recommended conducting the hearing similar to those held previously allowing the appellant to present evidence related to his request to be exempt from the moratorium. He stated that the Police Chief would be allowed to ask questions of the appellant and could provide information to the Village Board. He stated that the Village Board should consider the information received at the previous hearing and information provided at this meeting but not any other information in making their decision.

Clerk Igl swore in John Freuler. Mr. Freuler stated that he had grown up in the area and moved back here to assist his ex-wife. He stated that she had been living in an unsafe situation in Oconomowoc and he moved with her to Hartland. He stated that their long-term goal is to save money over the summer to move to Texas in fall.

Clerk Igl swore in Janine Chatfield. Ms. Chatfield stated that they had been married 45 years ago, were divorced but stayed in touch over the years. She stated that her doctor had deemed him her full-time caregiver. She stated that she had lived in Texas for a year and her doctor had recommended she move back there. She stated that Mr. Freuler has been working to restore the house that they are residing in. She stated that this is where Mr. Freuler's roots are and pleaded with the Village Board to allow them to stay.

Chief Misko was sworn in. Chief Misko stated that the PD had arrested Mr. Freuler on Oct. 26,

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2022 for lewd and lascivious behavior after he exposed his genitals while checking out at a retail business. At that time, the department learned of an incident in Ashwaubenon. Additionally, it was discovered that Mr. Freuler had been arrested in CA on July 5, 2014 for indecent exposure to an adult woman in a parking lot. Mr. Freuler had admitted at that time to a sex addiction. Chief Misko stated that Mr. Freuler had missed his annual registration on Nov. 20, 2022, and was placed out of compliance in CA. He stated that Mr. Freuler was convicted of exposing genitals to a child and that the child enticement was dismissed and read into the case. Mr. Freuler was also referred to the DA for felony bail jumping but there was no conviction for those charges.

Chief Misko stated that Mr. Freuler had been arrested in Brown County in June of 2019 for lewd and lascivious behavior after exposing himself to a 16 year old employee of a hotel. He also was in possession of THC and drug paraphernalia at that time. He stated that the child enticement was read into the case and that Mr. Freuler was also referred to the DA for felony bail jumping but there was no conviction for those charges. Chief Misko stated that Mr. Freuler had returned to the hotel, which was against his bond conditions. There were photos of Mr. Freuler taken with alcohol which was also against his bond conditions. Chief Misko stated that there was some type of violation in May of 2021 at which time there was a temporary hold placed on him but he was subsequently released.

WI Dept. of Justice had confirmed that John Freuler was active on the CA registry and therefore, as a WI resident must comply with the WI Sex Offender Registry requirements and was placed on the registry in January 2023. Chief Misko stated his concerns with the recent behavior (October 2022) after Mr. Freuler had stated that he wouldn't do anything that would jeopardize his being allowed to stay in Hartland. Chief Misko stated that he felt it appropriate to deny residency in the Village.

Attorney de la Mora asked Chief Misko the status of the charges stemming from the October incident. Chief Misko stated that the charge is working its way through the court process with the next court date scheduled for March 6, 2023. Attorney de la Mora stated that the pending charge and arrest cannot be considered until there is a conviction, however, he believed that for the purposes of completeness, the Village Board should know the status of the matter. Mr. Freuler stated that the District Attorney had offered him one year's probation for the charge if he pleads guilty in the case. Mr. Freuler stated that he intends to plead guilty.

Trustee Pfeiffer asked if Mr. Freuler pleads guilty and receives a year's probation, how this will impact his intent to move to Texas. Attorney de la Mora stated that the Village Board would have no recourse if Mr. Freuler changes his mind and does not plead guilty. Trustee Conner asked Mr. Freuler if he was taking care of Ms. Chatfield in October 2022. Mr. Freuler stated that he was not, that no one was taking care of her but that they moved to Hartland at the end of October. Trustee Conner asked Mr. Freuler when he started taking care of her and he responded that he had been providing assistance to her but once they moved here her health declined to the extent that her doctor wrote a letter designating him as her full-time caregiver. Trustee Conner asked that he define what he is assisting her with now compared to then. Mr. Freuler stated that he is running errands, grocery shopping, driving

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her as needed as she hasn't driven since August, and helping her in and out of the bathtub.

Attorney de la Mora instructed the board to make a decision in the best interest of the community based on the facts and circumstances presented. He reminded the board that when the moratorium was put into place, the Village had a concentration of sex offenders that was six times greater than the rest of the county. He stated that in this instance, they should decide whether allowing Mr. Freuler to reside in the Village compromises the goal in light of the fact that he expressed an intention to live here for a limited period of time. He stated that per the moratorium, a sex offender cannot reside here unless they go through the appeal process with the board making a determination on a case-by-case basis considering whether the offender poses a threat to the community. Trustee Pfeiffer stated that it is the Village Board's job to keep the village safe and that he felt based on Mr. Freuler's admission in 2014 that he has a problem, he does not believe Mr. Freuler would be a safe addition to the Village.

Chief Misko reminded the board that the moratorium only applies to residing in the Village and does not limit commuting, shopping, etc. He stated that the current number of sex offenders residing in the Village is 26 compared to the original number of 35 which resided in the Village at the time the moratorium was enacted. Chief Misko stated that the saturation level is currently 4.09.

Trustee Truttschel asked for and received confirmation that Mr. Freuler was placed on the sex offender registry in Wisconsin on Jan. 13, 2023. He stated that the previous board had created a moratorium for the safety of the residents, stated that Mr. Freuler's pattern is disturbing and expressed concern that he had not reported on time. President Pfannerstill attempted to confirm with Mr. Freuler the timeframe of his move to Hartland. Mr. Freuler stated that the act in Hartland in October was not intentional. He clarified that the act in California had been intentional and that he had gone through counseling.

President Pfannerstill asked Mr. Freuler several questions including what causes this behavior to happen, whether he knows that this is not appropriate public behavior and what will keep him from being triggered again. President Pfannerstill expressed concern that the behavior would happen again as he felt this is an uncontrolled issue for Mr. Freuler.

2. Following the submission of testimony under oath /evidence, the Village Board will deliberate in open session and render a decision regarding the appeal.

Motion (Pfeiffer/Conner) to deny the appeal of John Freuler to be exempted from the moratorium regulating residency in the village. President Pfannerstill and Village Trustees cited public safety as their reason to deny the appeal. Roll call vote taken; all ayes. Motion carried.

3. Adjournment

Motion (Pfeiffer/Truttschel) to adjourn at 7:31 p.m.

Respectfully submitted,

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Darlene Igl
Village Clerk