



Special Common Council MEETING AGENDA

March 23, 2023 - 5:00 PM
Via Zoom Meeting ID: 893 5503 8744

- This agenda was published on 3/21/2023.
- On March 20, 2023, Mayor Ament declared a [State of Emergency](#) within the City of New Berlin regarding the existence of an environmental hazard.
- The governing body has satisfied the requirements per [section 6-36](#) of the Municipal Code to hold this meeting via electronic means. The municipal code can be viewed online at www.newberlin.org
- Any comments that the public wishes to make may be communicated to the city via email at citizencomments@newberlin.org and will be forwarded to the Mayor and City Council.

Interested parties may participate in this Zoom meeting in one of the following ways:

1. Downloading the ZOOM app located at <https://zoom.us/> and utilize this unique ID to join: 893 5503 8744
2. Following this direct link to the meeting: <https://us02web.zoom.us/j/89355038744>
3. Dial by phone: (312) 626-6799 and use Meeting ID: 893 5503 8744

AGENDA

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE**
2. **ROLL CALL; DECLARATION OF QUORUM**
3. **ACKNOWLEDGEMENT OF THE DECLARATION OF EMERGENCY AND THE FULFILLMENT OF THE REQUIREMENTS TO HOLD THIS MEETING VIRTUALLY VIA ELECTRONIC MEANS**
4. **NEW BUSINESS**
 - A. Report from Emergency Management regarding the oil spill at 3890 S. Moorland Rd and the City's response
 - B. Discussion and possible action to ratify the action of the Mayor to retain Clean Harbors to remediate the oil spill originating at 3890 S. Moorland Rd and migrating through the City's storm water management system and into the creek flowing into City storm water pond #2
5. **ADJOURN**

Supplemental Information:

- The meeting agenda and agenda packet are available online at www.NewBerlin.org. The minutes are published online and are approved at the next regularly scheduled meeting.
- It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order.
- You may provide comments to the City Clerk via email at CitizenComments@NewBerlin.org. Comments will be forwarded to the Mayor and members of the governing body. Emailed comments are not read during the meeting.
- The City of New Berlin strives to host inclusive, accessible meetings that enable all individuals to engage and participate fully. Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible, please contact City Clerk Rubina R. Medina at (262) 786-8610 or via email at CityClerk@NewBerlinWI.gov at least 48 hours before the scheduled meeting time. Efforts will be made to accommodate the needs of disabled individuals through appropriate aids and/or services.

- *It is also possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to in the above notice.*

Oil Spill Response Update to the Common Council

(03/23/2023)

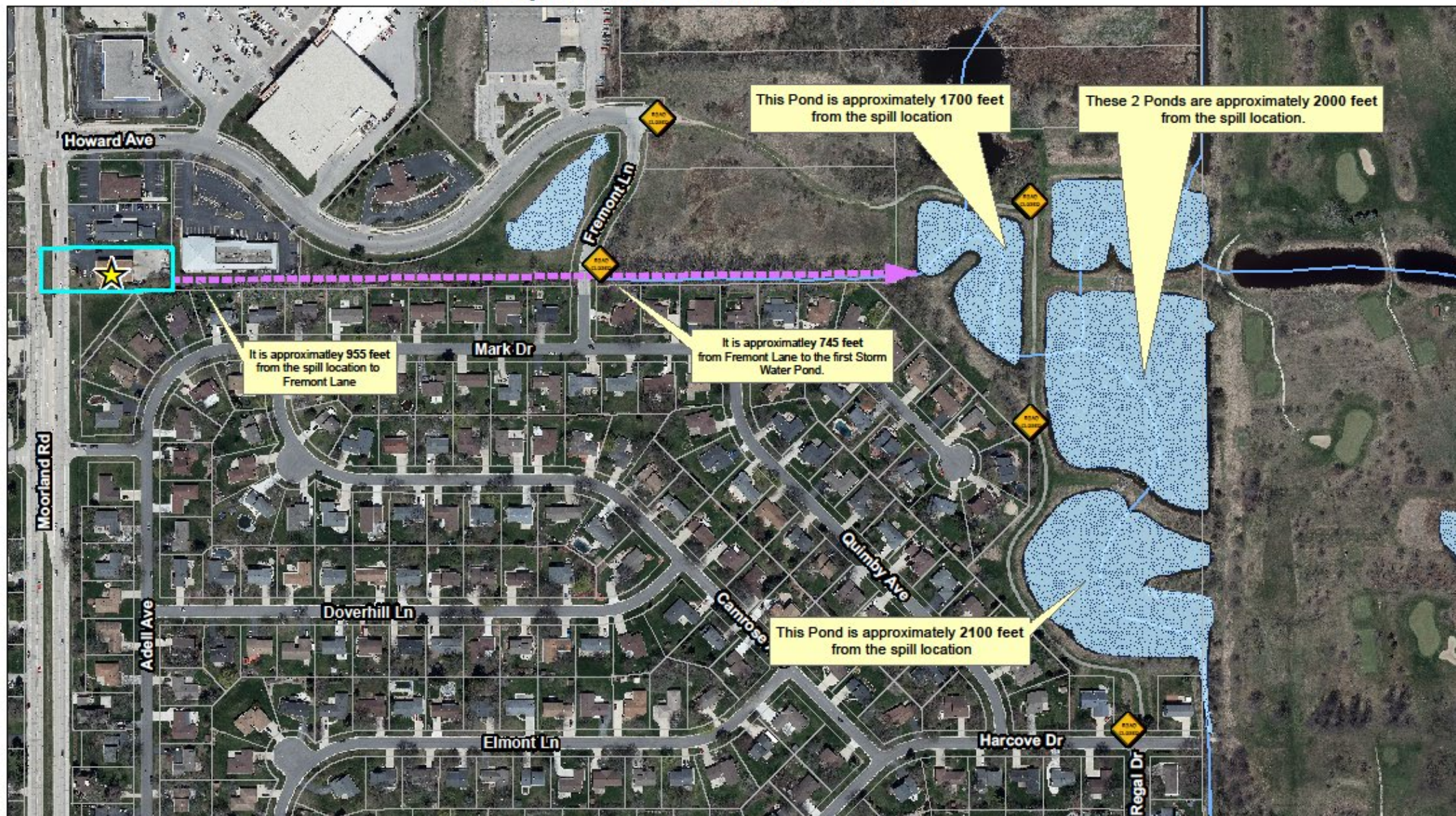
- **Sunday, March 19th City received notice of a smell and presence of oil in the storm water pond SP-2 just east off of the end of Howard Avenue behind the Post Office.**
- **New Berlin PD, FD and Emergency Management Departments responded immediately.**
- **The State DNR spill hotline was immediately contacted to make them aware of the situation.**
- **FD and Emergency Management staff deployed booms and absorption matting to contain the spill at the SP-2 Pond location.**
- **Reportedly, the spill originated from the Moorland Road Auto Repair business located at 3890 S. Moorland Road on Thursday, March 16th. A storm drain on that property feeds into the City's storm sewer system.**
- **The spill went unreported until the City received a report from a resident on Sunday, March 19th – three (3) days following the spill.**



City of **New Berlin** Emergency Management
Division of the Department of Community Development

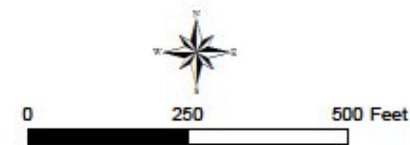


Oil Spill at 3890 S. Moorland Rd.



Legend

- Oil Spill Location
- Flow Path
- Storm Water Ponds
- Parcels



© 2010 City of New Berlin, WI. All rights reserved. 3890 S Moorland Rd. Spill

Oil Spill Response Update to the Common Council

(03/23/2023)

Summary of Initial Activities (after initial report and earlier this week):

- **Deploy booms and absorbent matting immediately. Begin investigation as to the source and ensure that the spill did not migrate further into the City's storm sewer and regional storm water pond system.**
- **Identify and document extent of spillage and begin to isolate the site.**
- **Retain an experienced licensed spill abatement cleanup contractor to continue the process of containment and remediation.**
- **Establish a Public Information Officer (PIO / City Clerk) and begin to inform the public about the incident with the assistance of Emergency Management (Facebook and City's Website).**
- **Meet with DNR and spill abatement contractor (cleanup) contractor onsite to develop containment and cleanup plan.**
- **Replace contaminated containment materials as needed.**
- **Mayoral Declaration of Emergency Issued Monday, March 20th.**



City of **New Berlin** Emergency Management
Division of the Department of Community Development



Oil Spill Response Update to the Common Council

(03/23/2023)

Purpose of Mayoral Declaration of Emergency

- Pursuant to Municipal Code Chapter 24, such a Declaration allows for the expedient deployment of resources and materials (including financial), this includes the issuance of protective orders and the retention of an abatement contractor to contain and address emergency situations expeditiously.
- Chapter 24 requires that the emergency management organization take action in accordance with the City's Emergency Management Plan and the Declaration itself.
- In this instance, the extent of the spill was initially unknown and, therefore, resources were needed to be mobilized and distributed immediately in order to protect the public health, welfare and safety. Time was of the essence to help to contain the spill from advancing and to give the City and DNR the time needed to understand the extent of the spill and to develop a cleanup plan.
- The Order also provides the ability for the City to cordon off the spill location(s) in order to limit any exposure and to protect the public health.



City of New Berlin Emergency Management
Division of the Department of Community Development



Oil Spill Response Update to the Common Council (03/23/2023)

Current Activities (Wednesday and Thursday):

- **Containment booms will remain in place and be replaced as necessary.**
- **Flushing and vacuuming of the storm sewer began today (03/23/2023).**
- **The City and DNR are in continuous communication and meet daily or as needed.**
- **Both the City and DNR will continue to cooperatively work together on this effort but, the transition has begun in that the DNR will, from this point forward, take charge of the cleanup and cost recovery components of this incident.**



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Oil Spill Response Update to the Common Council (03/23/2023)

Acknowledgements of key City staff:

- **Mayor's Office – Mayor David Ament and Maya Schneider**
- **New Berlin Police Department – Police Patrol and Drone Units**
- **New Berlin Fire Department – Asst. Chief Scott Gillard, Asst. Chief Steve Kon and “A” Shift**
- **New Berlin DPW – Joshua Radomski, Don McMullen, Bob Loohaus and the Sign Shop & their entire crew of skilled equipment operators**
- **City Clerk's Office / Public Information Office (PIO) – Rubina Medina**
- **DCD / Water Resources Management – Nicole Hewitt and Cathy Schwalbach**
- **DCD / GIS – Jarrett Livesey**
- **DCD / Inspection Services – Shari Wieckowski and Ethan Maxson**
- **DCD / Emergency Management – Jim Burns and Nikki Jones**
- **Finance Department – Ralph Chipman**
- **City Attorney – Mark Blum**
- **And many others from City staff**



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Drone Flight Video