
WAUKESHA POLICE MEMORANDUM

DATE: Tuesday, July 16, 2013

TO: Chief of Police, Russell P. Jack

FROM: Specialist Nicholas S. Hendriksen #463

SUBJECT: Noise Complaint - School Care Learning Academy 101 W. Sunset Dr

Surveillance was conducted at the School Care Learning Academy located at 101 W. Sunset Dr. by myself as well as Specialist Wolbert. Surveillance was conducted at various times utilizing unmarked vehicles as well as undercover vehicles. The reason for conducting surveillance at this location was due to citizen's complaints indicating that the noise from the learning academy was excessive and becoming a nuisance for the neighborhood. After conducting surveillance at the Learning Academy we have come to the conclusion that noise stemming from the academy is not excessive and that it has not become a nuisance. Surveillance was conducted on the following days:

Thursday, June 27, 2013 from 1930 hrs to 2000 hrs, Specialist Hendriksen. No children observed in the playground and no noise heard.

Monday, July 02, 2013 from 1900 hrs to 2100 hrs, Specialist Wolbert. One approximate 2 year old child observed on the playground with a teacher monitoring. The child was on the playground from 2000 hrs. to 2030 hrs. The noise was not excessive and did not cause a disturbance.

Monday, July 08, 2013 from 2030 hrs to 2115 hrs, Specialist Hendriksen. No children observed on the playground and no noise heard.

Wednesday, July 10, 2013 from 1900 hrs to 1920 hrs and 2040 hrs to 2055 hrs. Specialist Hendriksen. No children observed on the playground and no noise heard.

Respectfully Submitted,



Nicholas S. Hendriksen #463

07-16-13 RECEIVED JPH #423
7/18/13 RD

7/26/13



Nicholas Hendriksen

From: Joseph Hendricks
Sent: Monday, June 24, 2013 4:37 PM
To: James Wolbert; Nicholas Hendriksen
Cc: _PD Early-Supr; Joseph Hendricks
Subject: FW: Noise Complaint - School Care Learning Academy 101 W. Sunset Dr Waukesha, WI 53189

Nick and Jimmy,

Please see me about this assignment. I'd like you guys to complete it by July 15th. The reason for this covert operation is to see if the business will get the permit or not.

Sergeant Joe Hendricks
Criminal Investigations Division
Waukesha Police Department
1901 Delafield St.
Waukesha, WI 53188
262-524-3766

From: David Wanner
Sent: Sunday, June 23, 2013 7:37 PM
To: Joseph Hendricks
Cc: _PD Early-Supr
Subject: FW: Noise Complaint - School Care Learning Academy 101 W. Sunset Dr Waukesha, WI 53189

Joe,

We are hoping the project below is something that Wolbert and Hendriksen are able to help out with. It seems to be more suited for an undercover dress/car position. It will also be difficult for the shift to address with the drastic uptick in CFS as summer has arrived.

The biggest part of the Chief's email is to make sure a memo is submitted with the results of the study. If for some reason you guys are unable to handle this please let me know.

Thanks!

From: Russell Jack
Sent: Sunday, June 23, 2013 10:05 AM
To: Mayor Jeff Scrima, City of Waukesha; _PD Early-Supr
Cc: SGREENACRE@wi.rr.com; Steve Johnson; Steve Crandell; rachjan@yahoo.com; tomelert@yahoo.com; Jennifer Andrews; KGreenacre@trcsolutions.com; Dennis Angle
Subject: RE: Noise Complaint - School Care Learning Academy 101 W. Sunset Dr Waukesha, WI 53189

Early Shift, please have an officer covertly monitor the day care and surrounding areas for noise or other problems. Please have the officer submit a memo on their finding so the Common Council will have information on which to make a decision on the conditional use permit. Thanks!

----- Original message -----

From: "Mayor Jeff Scrima, City of Waukesha" <jscrima@ci.waukesha.wi.us>

Date: 06/22/2013 7:21 PM (GMT-06:00)

To: Russell Jack <Rjack@ci.waukesha.wi.us>

Cc: Stephen Greenacre <SGREENACRE@wi.rr.com>, Steve Johnson <sgjohnson10@hotmail.com>, Steve Crandell <SCRANDEL@ci.waukesha.wi.us>, Rachel Janssen

<rachjan@yahoo.com>, tomelert@yahoo.com, Jennifer Andrews <JMAndrew@ci.waukesha.wi.us>, Karin Greenacre <KGreenacre@trcsolutions.com>

Subject: RE: Noise Complaint - School Care Learning Academy 101 W. Sunset Dr Waukesha, WI 53189

Chief Jack,

See below.

Please respond to, or have your staff respond to, Stephen and circle back with me.

Thanks.

Jeff Scrima

Mayor, City of Waukesha

www.ci.waukesha.wi.us

201 Delafield Street

Waukesha WI 53188

262.524.3700

From: Stephen Greenacre [<mailto:SGREENACRE@wi.rr.com>]

Sent: Thursday, June 20, 2013 7:49 PM

To: Mayor Jeff Scrima, City of Waukesha

Cc: Steve Johnson; Steve Crandell; Rachel Janssen; tomelert@yahoo.com; Jennifer Andrews; Karin Greenacre

Subject: Noise Complaint - School Care Learning Academy 101 W. Sunset Dr Waukesha, WI 53189

Mayor Scrima,

My neighbors and I have been dealing with a relatively new Day Care operator on the rear of our property lines. The School Care Learning Academy has been in their location for about a year. The Conditional Use Permit issued to this facility does not have any limit on the time the playground in the parking lot can be used. The facility has large groups of children in the lot at all hours of the day and night. As I write this at 7:25pm the playground is in full swing. This facility also operates 7 days a week. As a result of the constant noise my neighbors and I have been unable to enjoy our backyards, decks, and patios. We had our alderman approach the operator with our concerns but this has had no impact on their use of the playground. My neighbors and I are currently working together and will be approaching the City Council in the near future with a plan to limit the hours of use so that we can once again enjoy the homes we've lived in for many years. Until that time I've done some research on Waukesha Zoning rules and am asking you to enforce the following:

Chapter 12 Public Nuisances

12.06 Abatement of Public Nuisances

(1) INSPECTION OF PREMISES. Whenever complaint is made to the Mayor that a public nuisance exists within the City, he shall promptly notify the Chief of Police, Health Department or Building Inspector, who shall immediately inspect or cause to be inspected the premises and shall make a written report of his findings

to the Mayor. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the City Clerk.

(2) NOTICE AND DEMAND TO OWNER. If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Mayor may direct the Chief of Police to serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of such notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.

(3) ABATEMENT BY THE CITY. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Health Department in case of health nuisances, or the Chief of Police in other cases, shall cause the abatement or removal of such public nuisance.

(4) ABATEMENT BY COURT ACTION. (Am. #42-95) If the inspecting officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Mayor, who shall cause an action to abate such nuisance to be commenced in the name of the City in the Circuit Court of Waukesha County in accordance with Chapter 823, Wis. Stats., and any amendments thereto.

(5) OTHER METHODS NOT EXCLUDED. Nothing in this chapter shall prohibit the abatement of public nuisances by the City or its officials in accordance with the laws of the State.

(6) COST OF ABATEMENT. In addition to any other penalty for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and, if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes.

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Chapter 12 Public Nuisances

12.06 Abatement of Public Nuisances

WAUKESHA MUNICIPAL CODE 03/04/98

Chapter 12 Public Nuisances

12.02 Public Nuisances Defined

A public nuisance is a thing, act, occupation, condition or use of property which continues for any length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- (2) In any way render the public insecure in life or the use of the property. (3) Greatly offend the public morals or decency.
- (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct, or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

I hope you can help in this matter. I've lived in the home for 20 years and have always enjoyed my surroundings until recently. Summers are short enough in this state and feeling like I'm trapped inside is not how I want to spend the warm weather days. Thank your for your time.

Sincerely,

Stephen Greenacre
153 Debbie Dr.
Waukesha, WI 53189
262-524-9675