

Library prepares to defend policy banning Web link

Board already may have violated 'due process' guarantees by not providing a timely appeal following arbitrary forum denial

SHOREWOOD, Wis. (May 8, 2005) --

The Library Board of Trustees is scheduled to go into a secret huddle during its 5:30 p.m. meeting on Monday to meet with 'counsel with respect to litigation in which it is or may become involved.' But not much reading between the lines is necessary because a federal appeals court dealt with the question of government banning Web speech.

Board President Jeff Hanewall, frequently referred to on these pages as a 'creme-filled sponge cake,' has refused to recuse himself from the decision-making in the question, although money that could have been used to buy books is going instead to pay legal fees arising from a challenge to the arbitrary decision by library staff on who is "worthy" of a link to the library's Web page.

Judge orders Shorewood Foundation to pay \$35,180 'Costs and Fees' from Benjamin Institutional Fund

By GEOFF DAVIDIAN
Editor, ShorewoodVillage.com

MILWAUKEE, Wis. (May 7, 2005) -- When the Shorewood Foundation promised to put in place a neutral attorney from another county to ask the probate court to expand the uses of the Benjamin Fund, there was hope that some elements of the community would give up on trying to funnel the million or so dollars to improve the Village Center Building, which is used by the Senior Resource Center, and give the money to the seniors for programs, which they needed and wanted.

But little by little, the hope for the appearance of neutrality was replaced by a sense that the uttered words meant nothing, were "meaningless." Rather than finding three qualified lawyer candidates from Waukesha County as promised, the job instead went to Jennifer R D'Amato of 2624 Shorewood Blvd., Shorewood, whose practice with the Reinhart Boerner firm specializes in estate planning and trusts.

"There are surprisingly few estates and trust attorneys with experience with cy pres matters," Kurtz tells us in an e-mail "We sought to hire someone with relevant experience, who would be cost-effective, who had no real conflicts of interest, and who had no appearance of conflict of interest. Although you may characterize our selection of the Reinhart Boerner firm as 'local,' I consider that characterization meaningless."

Of course, it is not "meaningless" at all because the foundation announced it would go outside Milwaukee County. What is meaningful is that the statement was false, and made to allay fears there was a scheme to divert the trust to the library. Then, something else was done -- the exact thing that was said would not happen.

Kurtz goes on to explain that "one of the three attorneys that we employed at that firm resides in Shorewood, but, as an overworked mother of small children, she was totally apolitical and did not even contribute to the Library fundraising campaign."

Still, the issue was not that the attorney be apolitical, or a mother or have children, but that it be someone not from Milwaukee County.

What we have here is a series of other statements attempting to change the criteria that were established by the foundation at the beginning.

Dow opposes goals he failed to achieve when he had the chance

By GEOFF DAVIDIAN
Editor, ShorewoodVillage.com

SHOREWOOD, Wis. (May 7, 2005) -- In an interesting letter this week to the North Shore Herald's public forum, former Shorewood official Rodney Dow wrote that Village President Mark Kohlenberg is not "progressive," but merely embraces ideas that his friends on the board had suggested in earlier years, when Kohlenberg opposed them.

This is what Dow did not say: While these may be old ideas, they remain undone. They remain undone although Dow himself was village president. Was Kohlenberg such a savvy politician that he was able to thwart, single-handedly, all the other trustees with whom Dow is associated WHILE DOW WAS PRESIDENT?

What kind of leader uses the fact that during his tenure as president he did not achieve the "good ideas" he now acknowledges were out there when he was in office? Are they good ideas or not?

Were they raised during Dows tenure? Do they remain undone?

Now, hiding in the back and looking for ways to discredit a president who has NOT CLAIMED AUTHORSHIP but merely stated goals, Dow is apparently trying to see that the good ideas put forth by his friends but left to die on the vine fail again. The reason: forcing Kohlenberg to fail is more important than achieving the good ideas Dow criticizes Kohlenberg for opposing before.

So it is apparently not about bringing about the goals at all. It is about making Kohlenberg fail the way Dow failed. If Eckman really wants there to be bike paths, now is the time. If Eckman wants to work against her own idea for political advantage, she is not worth the support of the community. Can there be a group of people who will support a can didate who opposes the same ideas she takes credit for? Why would anyone want such a person in office? Seriously, this is the root of the village's problem. [More of this story](#)

Kurtz said the legal fees were driven up by the attempt of Shorewood dentist James Kircher, who challenged the foundation in court over how the money should be used. Although Kircher's lawyer, Lawrence Zieger failed to persuade the court -- he didn't even show up at the hearing but sent a school girl in his place -- there is no indication the foundation will attempt to recoup the fees from Kircher or Zieger.

In a message, Kurtz writes, "When the court rules on the legal fees they will be paid. Any amount in excess of \$15,000 is attributable solely to the opposition to the petition that developed. That amount, in excess of \$15,000, is very close to \$25,000 and I am confident the judge will approve it in full.

Apparently the foundation's fiduciary duty does not kick in on such small amounts.

Meanwhile, the first meeting of the 'advisory' committee Kurtz cobbled together without asking the foundation first, will be at 7 p.m. Tuesday in the Village Center Conference Room.

This is especially meaningful because Kurtz is the partner of Dow, who tried to grab the money before, while Schmeckpepper, who agreed to find an out-of-county attorney, has a conflict because he is on the library board, which could benefit.

To further this seeming process, Kurtz announced without first publically discussing it with the other members of the foundation that there would be a committee formed to discuss how the money should be used. Trustees Ellen Eckman and Guy Johnson, who opposed a strict system of accountability or an audit of library funding -- that is, the last people you want touching the money -- jumped at the chance to get in on the spending. Thus, the first three members of the unauthorized committee were Eckman, Johnson and Kurtz, who is a partner Rod Dow, whose firm was funneled tens of thousand of village dollars in the waning weeks of his destructive tenure. Clearly, the appearance of impropriety was not avoided, but rather, it was ignored if not embraced.



Dow



Kurtz



D'Amato