

Wisconsin Towns Association

July 2025



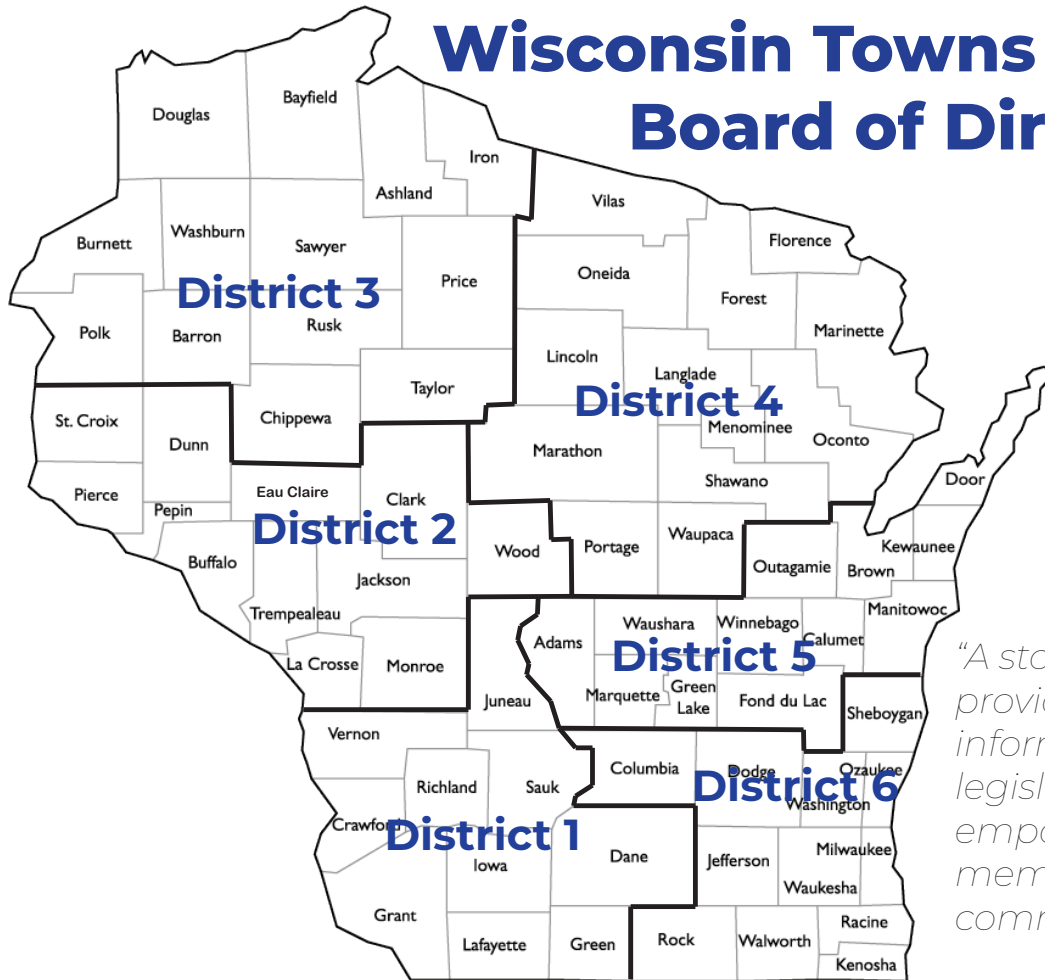
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Shawano, WI 54166

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Wisconsin Towns Association Board of Directors



"A statewide association providing education, legal information and grassroots legislative advocacy to empower and inspire our members to lead in their communities."



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Volume 449

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Wisconsin Towns

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Empowering Town Officials

FROM THE EXECUTIVE DIRECTOR



By
Mike Koles

Happy July 2nd

For those of you who have read my magazine articles or spoken with me about Independence Day, you might have recognized that rarely do I wish you greetings by exclaiming Happy Fourth of July. In my opinion, the marking of such a courageous moment should be commemorated by recognizing its true meaning.

It came as a surprise to me as I was visiting Independence Hall some 25 years ago that the Congressional vote approving a resolution that declared Independence took place on the **Second of July**. The resolution submitted by Richard Henry Lee of Virginia read: *“That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.”*

A draft document outlining the colonists’ grievances against the Crown and their rationale for breaking ties accompanied the resolution; however, the Declaration of Independence wasn’t approved until July 4th. The signing of the document by most didn’t actually occur until August 2nd (some signed even later). Consequently, a good number of the founding generation viewed July 2nd as the true Independence Day.

I am perpetually awestruck at the amount of fortitude it took for the founding fathers to

declare their freedom from the British. All of those approving the resolution and document, as well as those signing the Declaration of Independence knew that if they were caught, they would likely be hanged. They recognized this and made an unbreakable promise to each other and their countrymen in the Declaration’s last sentence: “And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honor.”

“And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honor.”

Holy cow did they mean it. Not one went back on the promise even when it meant going broke, the death of their family, or meeting their own end.

Twelve of the 56 signers actively fought. Nine didn’t live through Revolutionary War, six of them directly or indirectly due to the fighting.

Ten lost their homes, including Thomas Nelson. When he realized British officers occupied it, he told American forces to fire upon it. Nelson’s home was destroyed, a reminder of what he pledged when he signed the Declaration. Seven lost all or nearly all of their land.

Many lost their fortunes. William Paca spent all of his money on uniforms for the Continental Army. Robert Morris, who was appointed the Revolution’s Superintendent of Finance, ended up in debtor’s prison, in part, because he diverted many of his company’s resources to the

manufacture of munitions for the army.

It is easier to depart with one's property, money, or even life than it is to sacrifice that of your own children. Yet, that's what Abraham Clark did. The British captured two of his sons and imprisoned, starved, and tortured them. Clark was offered their freedom in return for recanting his signature on the Declaration. He did not break his pledge.

Today, we open WTA events by reciting a different pledge, the Pledge of Allegiance. The Oxford dictionary defines allegiance as: *loyalty or commitment of a subordinate to a superior or of an individual to a group or cause*. Each time we say the Pledge, we promise to be loyal and subordinate ourselves to the Republic for which the flag stands.

Each of us has said this so many times, from grade school on up, that it rolls off the tongue. This often occurs without recognition of the meaning behind the words and connection to the deeper roots of sacrifice embedded in the original pledge of lives, fortune, and sacred honor.

During the Independence Day holiday, or the next time you recite the Pledge of Allegiance, I challenge you to search out what it truly means to make a pledge to serve your citizens, your community, and your country. I'm certain you'll feel blessed with the fortunes bestowed upon us by previous pledgers, and I'll bet you just might feel a bit more passion to go the extra mile for your town.

Happy Independence Day!



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SEEKING ASSESSOR

The Town of Amberg, Marinette County, is looking for Assessment Services starting January 1, 2026. The town is going to need a reassessment in 2027. Please call the Town Clerk at 715-759-5095.

\$25/month. Email wtowns@wisctowns.com for complete details.

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Rustic Roads

Q. I have seen Rustic Road signs around the state. What are the benefits of such a designation?

A. Rustic roads show local community pride by highlighting a scenic roadway and local governments may benefit from Rustic Road designation by providing travelers an additional incentive to visit their town. The Wisconsin Department of Transportation's website includes a Rustic Road locator map and a link to an online map to assist travelers. The website also lists features that a traveler can expect to see along the route. The program is promoted through WisDOT's social media sites and is often featured in travel articles.

Q. What are the criteria for Rustic Road designation?

A. To qualify for Rustic Road designation, a roadway must have outstanding natural features such as rugged terrain, native vegetation, or other cultural and historic qualities, such as agricultural vistas, that uniquely set it apart from other roads in the area. It should be a low traffic, local access road at least 2 miles in length, connect with major highways to form a loop, and should not be scheduled for major improvements. The specific criteria are found in the formal rules of the program: https://docs.legis.wisconsin.gov/code/admin_code/trans_rr/1/04.

Q. What is the default speed limit on a designated Rustic Road?

A. The maximum speed limit on a Rustic Road is 45 mph. A town board may follow existing statutory procedures to consider lowering the speed limit by ordinance. See Wis. Stat. §§ 346.57 and 349.11.

Q. Can Rustic Roads be repaired?

A. Under state law, a rustic road shall receive the level of maintenance necessary for safe public travel by auto, bicycle, or hiking for recreational enjoyment, while still preserving the rustic qualities of the route. Rustic roads may be dirt, gravel, or hard surface. Necessary improvements may be made to improve safety or drainage or to reduce maintenance problems, but care should be taken not to disturb the rustic characteristics. Drainage and road improvements must be kept as narrow as possible to retain the rustic charm of the road and speeds lower. Improvements must be kept to a minimum to avoid disturbance of vegetation or unusual scientific or cultural sites which have been designated. Where necessary for safety or protection of the traveling public, tree branches and shrubs may be trimmed or whole trees removed.

Information about the Rustic Road application process can be found on the WisDOT website:
<https://wisconsindot.gov/Pages/travel/road/rustic-roads/create.aspx>



Mark Your Calendars!



Wisconsin Towns Association Annual Convention

**Sunday, October 12 - Tuesday, October 14, 2025
Kalahari Convention Center, Wisconsin Dells**

Featuring an exciting mix of educational opportunities on the following topics:

- **WI DSPS 2% Fire Dues Reporting**
- **Cemeteries Come to Life!**
- **Recycling Rule Revision: Changes for Responsible Units**
- **Elections 2026: Preparing for the Year Ahead**
- **Taking Action: Adopting and Enforcing Local Ordinances**
- **Legal Cracker Barrel**
- **WISLR 101**
- **Simplify Your PASER Ratings and Road Planning**
- **RESET: Engaging Wisconsin Communities in Renewable Energy**
- **Local Government and Social Media**
- **WI DSPS Delegation Program for Residential and Commercial Construction**
- **Clerk Cracker Barrel**
- **Leveraging Generative AI for Local Government**
- **And more!**



**Watch for the complete schedule of convention
events in the August magazine!**

Convention Lodging

Sunday, October 12 - Tuesday, October 14, 2025
Kalahari Resort & Convention Center, Wisconsin Dells

Booking Information

Phone: 877-254-5466

Website: <https://book.passkey.com/e/50924325>

Rates: Single - \$129.00, Double, Triple or Quad - \$159.00

Room Rate Includes 1 Waterpark Pass per Registered Guest

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Please DO NOT call our office concerning rooms.

Salute to Local Government Awards

Deadline for nominations: August 1, 2025



The Wisconsin Policy Forum is accepting nominations for their Salute to Local Government Awards program. These awards recognize a local government, school district, or local governmental unit that demonstrates use of an innovative solution or management

technique to address a fiscal or programmatic challenge and produce budget savings and/or programmatic improvements.

Participation in this program is not mandatory. For more information and/or to make a nomination, please visit: <https://wispolicyforum.org/salute-nomination-form/innovative-approach-to-problem-solving/>

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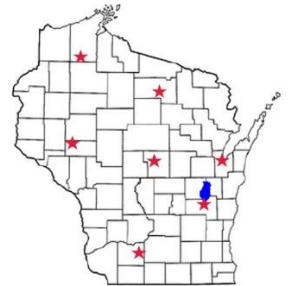
For wider cracks and depressed or cupped areas, Mastic is self-leveling and works great on cross-cracks that are dipped.

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Save the Date!

Fall Workshops September 2025



*Join us to learn about budgeting, levy limits, tax bills, EMS/
fire financing, capital improvement planning, and more!*

Tuesday, 9/9: Barneveld, Deer Valley Lodge
Wednesday, 9/10: Fond du Lac, Prairie Theater
Thursday, 9/11: Green Bay, Rock Garden

Monday, 9/15: Stevens Point, Holiday Inn
Tuesday, 9/16: Eau Claire, Florian Gardens
Wednesday, 9/17: Cable, Lakewoods Resort
Thursday, 9/18: Rhinelander, The Pines

Monday – Thursday, 9/22 – 9/25: Webinars

**Watch for a full schedule, program descriptions, and
registration information in the August magazine!**



Gifts and Donations

WTA receives a lot of questions about gifts and donations. Can we accept gifts? Can we make donations? Are there restrictions to follow if we do? This article will answer many of the common questions about gifts and donations that our office receives.

Q. The town board wants to host a holiday party for town employees. Is the board allowed to spend town funds on a party?

A. Yes. The town board sets the wages and benefits for town employees and may provide dinners or other parties as a benefit to town employees. With that said, any town board members or other elected officials who want to attend the event should pay their own way. Remember that all compensation for elected officials is locked-in for the current term of office and accepting free drinks or meals from the town would constitute unauthorized additional compensation.

Elected officials who are also town employees, however, may be able to accept a free meal or other benefit from the town as a benefit of that employment. A town board member who also serves on the town fire department, for example, may receive a free meal from the town because of their role on the fire department but not because of their role as a town official.

Similarly, town officials may attend events and receive benefits that are open to the public generally (whether hosted by the town or some other organization). Town officials may not receive gifts, meals, or anything of value because of their role as a public official, but they may receive the same benefits that are available to the public generally. Therefore, public officials may accept meals or refreshments at public events that anyone else could also receive.

Q. Can the town board give holiday bonuses or gifts to town employees?

A. Yes. The board may give bonuses and/or gifts to town employees for the same reason that the board may host a party for them. The board has the authority to set the compensation and benefits for town employees, including bonuses and/or gifts.

Q. Every year the town board is asked to make a donation to a local non-profit organization. We know they will put the money to good use. Is the town allowed to make donations?

A. Towns generally may not make unrestricted donations, but there are some fairly narrow instances where donations are allowed for specific purposes if authorized by the town electors. See Wis. Stat. §§ 60.10(3)(b) & 60.23(3). These purposes include: civic functions and agricultural societies; advertising of

town attractions, advantages and natural resources; attracting industry; establishing industrial complexes; establishing, maintaining and repairing ecological areas; town museums or bands; or a county-town auditorium. The electors have no authority to authorize a donation for any other purpose.

If the electors do vote to authorize donation(s) for one of these specific purposes, then it is up to the town board to decide whether or not to ultimately make the donation(s). Elector authorization is necessary before making one of these donations, but the electors do not have the authority to force the town board to do so.

Further, because towns collect and spend the public's tax money, town boards are limited by what is called the public purpose doctrine. Under the public purpose doctrine, the state and local units of government may only spend public resources on public, rather than private, purposes. So, for example, a town employee may use a town mower in front of the town hall, but he or she may not use the mower in his or her own front yard. Doing so would be using a public resource for a private benefit.

Q. What if a local school district or city library asks for a town donation because it also serves town residents? Is the town board allowed to donate to a public entity?

A. The analysis is different when a town is supporting another governmental entity rather than a private one. Governmental entities like towns, cities, villages, counties, and school districts are specifically allowed to cooperate with each other for the furnishing of services or the joint exercise of any power or duty required or authorized by law. See Wis. Stat. § 66.0301(2). In other words, the town may contribute to another governmental entity by entering into an intergovernmental agreement with them.

So, the town may contract with a local school district or with the city library to extend a service to town residents. This contract is not really a "donation" to the school district or to the city. Rather, the town is engaging in intergovernmental cooperation and providing money in exchange for a service or benefit to its town residents and taxpayers.

As with most contracts, it is best to formalize an intergovernmental agreement in writing to provide clarity and ensure that its terms are understood and followed.

Q. A resident would like to donate money to the town to help pay for a new town hall. Can the town accept donations?

A. Yes. Towns are allowed to receive and accept donations. Some donations come with conditions or terms attached, however, and the board should carefully consider whether or not the town can/should accept those conditions. It may be better to decline some donations rather than be stuck with undesirable terms or conditions.

If the town does accept a donation, the donor may request a receipt from the town that accounts for the donation for tax or other purposes.



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Director Dialogue

By: Jake Langenhahn, Outreach Specialist



Anyone who spends a few minutes talking with Jackie Beyer knows that she has a strong commitment to helping others in her community. Jackie was elected to the WTA Board of Directors at the 2024 Council Meeting. Her career in elected

office began as a town supervisor for the Town of Little Wolf in Waupaca County. She was elected in 2007 after a retiring supervisor asked her to run. She had prior experience in town government after serving on the Planning Commission, and Jackie viewed being a supervisor as an opportunity to help others in her community.

Jackie eventually became interested in the town clerk position due to her interest in working with numbers, elections, and town administration. After her term as a supervisor, she decided to run for the town clerk office. She's been the Little Wolf town clerk since 2009. Jackie enjoys her work as the town clerk, but being a town clerk is not without its challenges. The monthly town duties and annual reports to various state/federal agencies can sometimes be challenging, but she looks forward to hitting the "submit" button on those forms the most. One of the projects she's most proud of is helping her town get up to speed with records retention. This has tremendously helped the town streamline its schedule for the preservation of records, and it helps Jackie in her role as records custodian.

Jackie is currently the chairperson of the Waupaca County Unit. She fervently believes that county units are the most effective method for helping town officials understand their roles and responsibilities. As unit chair, Jackie is responsible

for selecting education topics for the county's unit meetings. "I enjoy mentoring new clerks and hope to make all of the board members' jobs less intimidating by providing resources and education."



Jackie Beyer working with clerks at Clerk Bootcamp.

Jackie says then when she's not busy with town responsibilities, she enjoys "practicing retirement" with her husband Rod, after a life of dairy farming. They have 3 kids and 5 grandchildren. Spending time with their grandkids is a priority. She also says that their monthly "Breakfast with the Friends" is a calendar must. Jackie also likes to garden, can, and freeze dry fruits and vegetables. She and her husband are also planning on doing more traveling in the future.

Jackie Beyer's commitment to good governance extends beyond the Town of Little Wolf. When asked about what she'd like to accomplish as a WTA Director, Jackie says that she hopes to be a resource for town officials in District 4. "I've learned a lot in the last year and look forward to the opportunity to continue learning. Attending county unit meetings allows me to continue meeting the [town] board members in my district and assisting them and learning from them as well."



Public Records FAQs

Q. What is the process for someone to make a public records request?

A. Public record requests are governed by Wis. Stats. §§ 19.31 to 19.39. These statutes allow record requests to be made orally or in writing. Under 19.35(1)(b), “Except as otherwise provided by law, any requester has a right to inspect a record and to make or receive a copy of a record.” Many local governments create public records request forms for members of the public to use, but under state law, requests are *not* required to be formatted a certain way or to contain any “magic words.” That said, a request must reasonably describe the specific records being requested. If you receive a request that seems overly broad or if you’re uncertain what records would be responsive to the request, you may contact the requester to clarify the scope of their request. If you deny any record request, in whole or in part, you must provide specific reasons for the denial. If the request was made in writing, your denial must also be in writing and must inform the requester of their right to appeal the denial to the circuit court.

Q. What notice must local governments provide to the public about public records fees and policies?

A. State law requires that each authority adopt and prominently display a public notice indicating the times and locations at which records may be inspected, the legal custodian’s identity, how to request access to or copies of records, and the fees that will be charged. See Wis. Stat. § 19.34. If you have regular office hours, you must permit access to municipal records during those office hours, unless otherwise specified by law. If you do not have regular office hours at the location where the records are kept, you must either permit access to records upon 48 hours’ written or oral notice or establish a period of at least two consecutive hours per week for public access to records. A sample notice is in the Town Law Forms.

Q. How much time does a local government have to respond to a public record request?

A. Local governments are required to respond to public record requests “as soon as practicable and without delay.” See Wis. Stat. § 19.35(4)(a). The Wisconsin Department of Justice (DOJ) has stated that, generally, it is considered reasonable to provide a response within 10 business days. However, the exact timeline for a response depends on how burdensome the request is and how difficult it is to locate the requested documents. For example, if someone requests a copy of a recently posted meeting agenda, it’s likely reasonable to provide a response in just a day or two. In contrast, if someone makes a large and complex request that will require hours of research and redaction time, your response may reasonably take more than 10 days. If you are unable to provide the requested records within 10 business days, you should contact the requester to explain the delay, share what progress has been made, and indicate when the records will likely be available. It is important to give record requests high priority to avoid potential investigations or penalties from your local district attorney or the DOJ.

Q. How much can local governments charge for responding to record requests?

A. The fees that can be charged for public records are outlined in Wis. Stat. § 19.35(3). Local governments may only charge fees for the actual, necessary, and direct costs of four specific tasks: 1) reproduction and transcription; 2) photographing and photographic processing; 3) locating; and 4) mailing or shipping. Town and village boards should adopt fee schedules indicating how these costs will be calculated. Fee schedules must be based on your actual, reasonable costs – local governments may *not* make a profit from responding to record requests. If the estimated cost of responding to a request will exceed \$5, you can send the requester an itemized bill and require prepayment before responding to the request.

Fees for making copies should be minimal and must be based only on your direct costs of reproducing the requested records, such as the actual cost of the paper and any time it takes staff to make the copies. You may not charge for time spent *redacting* records. You may charge a “location fee” if the time staff spend *searching* for records responsive to the request will amount to more than \$50 worth of work time. Fees charged for staff time must be based on the pay rate of the lowest paid employee capable of performing the task. For example, if that pay rate is \$15 per hour, no location fee may be charged if the records can be located in 3 hours or less, but a fee of \$60 could be charged if it takes 4 hours to locate the records.

Q. How can a local government determine whether a record should be released to the public?

A. The Wisconsin DOJ’s Public Records Compliance Guide suggests analyzing public record requests in four steps (see <https://www.wisdoj.gov/Pages/AboutUs/public-records.aspx>). First, determine whether any responsive records exist. The public records law only applies to records that exist at the time the request is made – you are *not* required to create new records in response to a request. However, keep in mind that the definition of what items are considered public records is fairly broad – see Wis. Stat. § 19.32(2) for details. Second, you must determine whether the requester is specifically **entitled** to access the record under state law. For example, meeting agendas, open session meeting minutes, and annual financial reports must be shared with the public. Third, determine whether the requester is specifically **prohibited** from accessing the record by law. For example, confidential voter registration information under § 6.47 and records made confidential by attorney-client privilege are protected from disclosure, and certain information found in employee records (such as social security numbers and home phone numbers) is exempted from the public records law under § 19.36(10).

Fourth, if no statutes or case law clearly indicate whether a record must be released or withheld, you must apply the “balancing test” outlined by Wisconsin case law. Under the balancing test, you may only withhold a public record when our state’s strong public policy favoring disclosure of public records is outweighed by some other even stronger public policy favoring limited access to or nondisclosure of the record in question. You must find a *public* interest in withholding the record, not a purely personal concern such as fear of embarrassment. For instance, courts have found a public interest in keeping personnel records private where disclosure of the records would likely inhibit a supervisor from making candid assessments about employees’ job performance in the future. The balancing test must be applied on a case-by-case basis, considering the specific circumstances of each individual record. We recommend contacting your town or village attorney to seek specific legal advice about a particular request.



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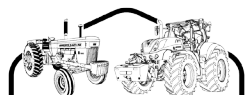
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Basic Financial Administration for Wisconsin Local Governments



Proper budgeting, accounting, and reporting practices are necessary to fund a local government's priorities and meet its day-to-day operations. There is now a great resource available to assist with these important tasks. The "Basic Financial Administration for Wisconsin Local Governments" handbook focuses on the needs of smaller local governments and addresses the financial operational needs of clerks, treasurers, other staff, and governing bodies. Chapters include topics such as payroll, budgeting, reconciliations, purchasing, and municipal borrowing. Order your copy today!

\$45
+shipping

Financial Handbook Order Form

Please complete and return this form with payment to:

Wisconsin Towns Association, W7686 County Road MMM, Shawano, WI 54166

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Mailing Address _____

Quantity of Handbooks _____ x \$45.00 = \$ _____

Quantity of Handbooks _____ x \$9.00 shipping (for each book ordered) = \$ _____

Total Enclosed = \$ _____

*Will ship in 1-2 business days.

July 2025 | 19

\$116 billion is a lot of money

That's the economic impact of Wisconsin's agriculture industry.

If you live here, your input is crucial to this driving force in food production.

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Attend an ACE® Twilight Meeting and learn how you can influence your community's use of its resources. Join us with other neighbors, leaders and local elected officials for an evening of important discussions. (And ice cream.)

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MONDAY, AUGUST 25
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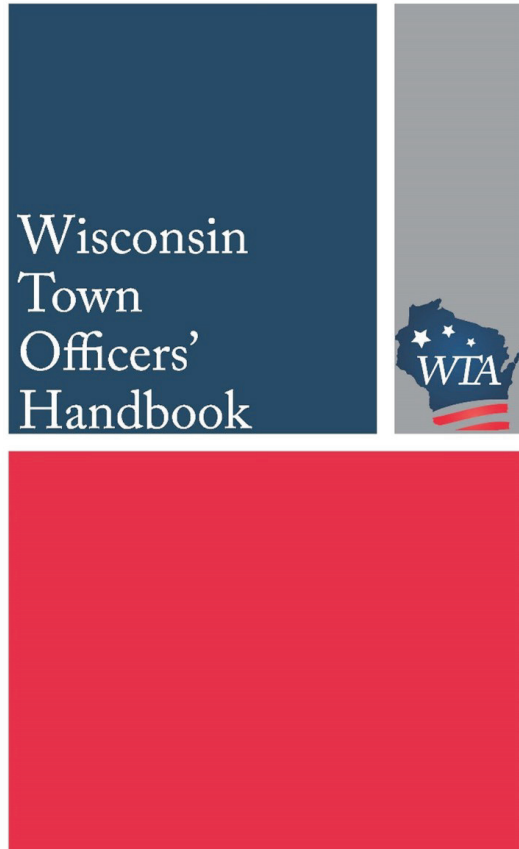
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Scan the QR code to watch our 60-second video and find out how Dynamic can support your community's electronic recycling needs.



Fourth Edition Town Officers' Handbook



Fourth Edition, 2023

The 2023 version of the Wisconsin Town Officers' Handbook is now available! This newly revised Fourth Edition incorporates recent law changes through the end of the 2021-2022 Wisconsin Legislative Session.

Topics discussed include ethics, open meetings, public records, town highways, bidding for public contracts, and zoning and related land use regulation, just to name a few. This is the “go-to” reference book for seasoned town officers and new officials who want to understand their role, powers, and duties and do things “by the book”.

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Town Officers' Handbook Order Form

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It's Time For Oak Work

Most Dangerous Period For Oak Wilt Ends in Mid-July

By Wisconsin Department of Natural Resources

Ready ... Set ... Prune!

The green light will come on July 15. That's the date on which foresters, town road crews and tree service companies can start again with pruning and cutting work on oak trees.

There's a serious reason: A deadly fungal disease called oak wilt, which will kill trees in the red oak group (northern red, northern pin and black oak) within a matter of weeks. Trees in the white oak group (white, bur and swamp oaks) can take up to several years after infection to wilt and die.

Worse than that, the disease will spread to infect neighboring oak trees through interconnected roots, eventually killing those trees, too.

Oak Wilt Is A Costly Problem

All of that can mean more expense for towns and more work for their employees, because girdling and trenching work may be needed to stop the spread of the disease — and dead trees become hazards and must be removed before they drop branches or fall.

All it takes to infect a tree during the danger period (April through mid-July) is to damage an oak tree through pruning or cutting, or even damaging the bark to expose the wood underneath. Even a bump from a roadside mower or flail chop mower can create an opening for infection.

(Continued on next page)

On The Web

- For more information from the DNR about oak wilt, including harvesting tips, an interactive guide and maps, please visit bit.ly/WIOakWilt
- To subscribe to the DNR's Forest Health Newsletter, please visit bit.ly/ForHealthNews
- For contact information for Forest Health staff members, please visit bit.ly/DNRForestHealthStaff



*The base of an oak tree's stem shows damage from a flail or chop mower. The damage took place during the oak wilt danger period of April 1 to July 15. As a result, this tree was infected with the fungal disease oak wilt and died later that summer. / **Photo Credit:** Minnesota Department of Natural Resources*

Thumbs Up For Oak Work

(Continued from previous page)

“Mowing of roadsides sometimes combines mowing of herbaceous plants on the ground and using those same mowers to remove tree branches,” said Linda Williams, Wisconsin Department of Natural Resources forest health specialist for the Northeast Zone. “This can be an issue when the mowers create large wounds or leave jagged, shattered wood, especially on oaks from April through July.”

Beetles, which pick up the fungus by feeding on dead trees, are attracted by the smell of freshly cut wood and bring the infection to the tree. The only certain way to protect oaks against infection during this time is to immediately coat any wounds with fungicidal wound paint.

The fungus infects the tree’s water conducting system, causing its leaves to wilt and turn bronze as the tree dies. Trees infected between April and mid-July often will be dead by September.

By mid-July, though, the beetles are less active and it becomes safer to perform maintenance duties. By far, the best way to protect high value oak trees is to avoid damaging them at all during the danger period.



*A worker uses a flail mower to cut roadside grass and trim adjacent trees. Damage to oak trees between April and early July leaves them susceptible to infection with the deadly fungal disease oak wilt. / **Photo Credit:** Wisconsin DNR*

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