

**PUBLIC HEARING & MONTHLY MEETING - APRIL 12, 2004**

On Monday, April 12, 2004, the Town Board of the Town of Salem held a Public Hearing at 7:00 PM, for the APPLICATION FOR COMBINATION CLASS "B" FERMENTED MALT BEVERAGES AND "CLASS B" INTOXICATING LIQUOR LICENSE THAT HAS BEEN FILED WITH THE CLERK OF THE TOWN OF SALEM IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 125.04 OF THE WISCONSIN STATE STATUTES BY THE FOLLOWING:

**APPLICATIONS FOR 2003-2004**

<b>TRADE NAME &amp; LOCATION NAME</b>	<b>LEGAL DESCRIPTION</b>	<b>APPLICANTS AND ADDRESS</b>
KICKSTAND, LLC LLC 9622 - CAMP LAKE ROAD CAMP LAKE, WI 53109 Road WI 53158	66-4-120-283-0635	KICKSTAND,  Greg Frost, Agent 11205-Old Greenbay  Pleasant Prairie,  WI 53158

Chairman Walsh called for comments regarding the above liquor applicants. Hearing none, the Public hearing was closed at 7:03 PM.

At that time, the Board held their regular monthly meeting. The Pledge of Allegiance was recited. Roll call was taken as follows: Present - Chairman Tom Walsh; Supervisors, Diann Tesar; Joseph Meier; Dennis Faber and Patrick O'Connell. Also present were: Deputy Clerk, Linda Terry; Treasurer, Chris Lamb; Building Inspector, Jack Rowland; Director of Public Works, George Vujovic; Utility District Administrator/Land Development Coordinator, Brad Zautcke; Utility District Engineer, Chris Kaempfer; Town Engineer, Len Roecker; Town Planner, Patrick Meehan; and Town Attorney, Richard Scholze.

Minutes from previous meetings of 3/8/04 and 4/7/04, were **APPROVED ON AN O'CONNELL/MEIER MOTION. MOTION CARRIED 4-0.**

Chris Lamb read the Treasurer's Report as follows:

**MARCH, 2004 - CASH REPORT FOR THE GENERAL ACCOUNT:**

<b>March</b>	<b>1,</b>	<b>2004</b>	<b>-</b>	<b>Beginning</b>	<b>Balance</b>
					<b>\$2,226,880.08</b>
				RECEIPTS	\$529,061.20
				Transfer from Tax Fund	\$ 906.03
				DISBURSEMENTS	\$296,191.38
				PAYROLL	<u>\$ 80,095.26</u>

		<b>Total</b>		<b>\$376,286.64</b>	
<b>March</b>	<b>31,</b>	<b>2004</b>	<b>-</b>	<b>Ending</b>	<b>Balance</b>
<b>\$2,380,560.67</b>					
State Pool - General		\$2,073,564.68			
General Checking		\$ 306,995.99			
<b>Totals</b>		<b>\$2,380,560.67</b>			

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**MARCH, 2004 - CASH REPORT FOR THE TAX ACCOUNT:**

**March 1, 2004 - Beginning Balance** **\$**  
**490,214.42**

RECEIPTS	\$ 9,269.47
DISBURSEMENTS	\$236,013.20
Transfer to General Fund	\$ 906.03

**March 31, 2004 - Ending Balance**  
**\$ 262,564.66**

State Pool - Tax	\$ 33,509.41
Tax Checking	\$229,055.25
<b>Total</b>	<b>\$262,564.66</b>

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**MARCH 2004 - CASH REPORT FOR THE PARK ACCOUNT:**

**March 1, 2004 - Beginning Balance** **Balance**  
**\$987,247.31**

RECEIPTS	\$ 1,957.17
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**March 31, 2004 - Ending Balance**  
**\$989,204.48**

State Pool - Parks	\$347,991.78
Zone 1	\$151,829.54
Zone 2	\$ 92,909.34
Zone 3	\$ 70,455.55
Zone 4	\$ 54,349.01
Zone 5	\$204,689.52
Zone 6	\$ 61,582.65
Zone 9	\$ 5,397.09
<b>Totals</b>	<b>\$989,204.48</b>

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**MARCH, 2004 - CASH REPORT FOR THE MAINTENANCE ACCOUNT:**

March 1, 2004 - Beginning Balance  
\$23,792.60

RECEIPTS \$9.06

**March 31, 2004 - Ending Balance**  
**\$23,801.66**

The Treasurer's Report was **APPROVED ON A MEIER/TESAR MOTION.**  
**MOTION CARRIED 4-0.**

Chairman Walsh read the Vouchers as follows:

**TOWN:**

**UTILITY**

**DISTRICT:**

End of March, 2004 = \$128,861.55  
= \$813,768.01  
April, 2004 = \$96,464.67  
\$37,092.26

End of March, 2004  
April, 2004 =

**TOWN PAYROLL:**

**UTILITY DISTRICT**

**PAYROLL:**

#6 = \$45,268.93  
#7 = \$54,784.77

#6 = \$16,209.53  
#7 = \$16,052.36

Vouchers were **APPROVED ON A TESAR/FABER MOTION.** **MOTION CARRIED 4-0.**

**CITIZEN COMMENTS:**

Mrs. Virginia Winker stated that she saw no reason for the Town to have charge cards. Also, she wondered why the citizens are feeding the Town Board? Chairman Walsh stated that it is an expense that is incurred. The previous Town Chairman took people out for meals too.

Mr. Dave Buckingham questioned the group home that is on "AH". He would like to see "no parking" signs posted along "AH". The people from the group home have been parking on "AH". Mr. Vujovic stated that the proper way to handle this is for the Town to request in writing, that Kenosha County Highway Department place "no parking" signs on that portion of "AH". This is due to the fact that Highway "AH" is a County road. Mr. Buckingham then questioned getting stop signs on some of the East/West roads in his Subdivision.

Mr. Vujovic suggested that Mr. Buckingham get on the next Town Board Agenda.

**UTILITY DISTRICT BUSINES:**

1. **DISCUSSION AND POSSIBLE ACTION REGARDING AN AGREEMENT FOR A LONG LATERAL CONNECTION FOR RACHEL HETLAND:**  
Mr. Zautcke stated that this is a typical agreement. The homeowner will be charged for this cost.  
**APPROVE AGREEMENT, MADE ON A MEIER/FABER MOTION. MOTION CARRIED 4-0.**

2. **CONSIDERATION OF FORMAL HIRING OF KRISTIN SCHALCK AS THE UTILITY DISTRICT OFFICE CLERK:**  
**APPROVED ON AN O'CONNELL/TESAR MOTION. MOTION CARRIED 4-0.**

3. **CONSIDERATION OF JODIE AWE ATTENDING A SEMINAR BY WI STATE LAB OF HYGIENE AND WDNR ON APRIL 29<sup>TH</sup> IN MADISON, WISCONSIN:**  
**APPROVED ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.**

4. **CONSIDERTAION OF GARY CAPUTO, FRED FUCHS AND DAVE ECKHART ATTENDING THE SOUTHEAST WISCONSIN WASTEWATER OPERATOR'S ASSOCIATION ANNUAL MEETING ON MAY 13<sup>TH</sup> IN UNION GROVE, WISCONSIN:**  
**APPROVED ON A TESAR/MEIER MOTION. MOTION CARRIED 4-0.**

5. **DISCUSSION AND CONSIDERATION OF PROCEEDING WITH NEIGHBORHOOD PLANNING:**  
**APPROVE PROCEEDING WITH NEIGHBORHOOD PLANNING, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.**

6. **DISCUSSION AND CONSIDERATION OF PROCEEDING WITH THE FORMATION OF A WATER UTILITY:**  
**APPROVE CONTINUING WITH THE FORMATION OF A WATER UTILITY, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.**

**TOWN BUSINESS:**

1. **COMMITTEE REPORTS:**

Park Commission meeting on Thursday, April 15, 2004, at 7:00 PM, at the Salem Town Hall.

Planning and Zoning meeting on Thursday, April 22, 2004, at 7:00 PM, at the Salem Town Hall.

The County is paying for the briquettes for the mosquito abatement program. The Town's highway department will be distributing the briquettes in 300 - 325 catch basins. This is for the West Nile Virus.

**2. CONSIDERATION OF PLANNING & ZONING MINUTES FROM 3/24/04:**

MARK & JULIE FRAGALE; 65-4-120-154-0410, 9109-256<sup>TH</sup> AVENUE:  
REQUEST TO BUILD A SEPARATE 30 X 40 POLE BARN:

**APPROVE PLAN COMMISSION'S RECOMMENDATION FOR APPROVAL, MADE  
ON A MEIER/FABER MOTION. MOTION CARRIED 4-0.**

RACHEL HETLAND; 66-4-120-281-1655, 108<sup>TH</sup> STREET: VARIANCE  
REQUEST FOR SHOREYARD SETBACK OF 32.5 FEET (75 FT.  
REQUIRED); AND STREETYARD SETBACK OF 20 FEET (30 FT.  
REQUIRED), FOR THE PURPOSE OF BUILDING A SINGLE-FAMILY  
RESIDENCE WITH ATTACHED GARAGE ON EXISTING NON-CONFORMING  
PARCEL:

**APPROVE PLAN COMMISSION'S RECOMMENDATION FOR APPROVAL, MADE  
ON A FABER/MEIER MOTION. MOTION CARRIED 4-0.**

FRANK & PHYLLIS KRISKA; 67-4-120-303-0315, 308<sup>TH</sup> AVENUE:  
VARIANCE REQUEST FOR SHOREYARD SETBACK OF 35.5 FEET (75 FT.  
REQUIRED) FOR THE PURPOSE OF BUILDING A SINGLE-FAMILY  
RESIDENCE WITH ATTACHED GARAGE:

**APPROVE PLAN COMMISSION'S RECOMMENDATION FOR APPROVAL, MADE  
ON A MEIER/TESAR MOTION. MOTION CARRIED 4-0.**

DANIEL & CONNIE KLUGIEWICZ; 66-4-120-223-0120, 25850-100<sup>TH</sup>  
STREET: VARIANCE FOR SIZE OF BARN-STYLE OUTBUILDING FOR  
STORAGE OF 2240 SQUARE FEET (1800 FT. MAXIMUM) AND FOR  
HEIGHT VARIANCE OF 29 FEET (20 FT. MAXIMUM):

**APPROVE PLAN COMMISSION'S RECOMMENDATION FOR APPROVAL,  
CONTINGENT UPON PLACING THE BUILDING 20 FEET FROM THE  
SIDEYARD, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED  
4-0.**

**3. CONSIDERATION OF PARK COMMISSION MINUTES FROM 3/25/04:**

At this time, Supervisor Tesar gave a brief summary of the  
minutes.

**PARK COMMISSION MINUTES WERE APPROVED ON AN O'CONNELL/MEIER  
MOTION. MOTION CARRIED 4-0.**

**4. CONSIDERATION OF LIQUOR LICENSE FOR KICKSTAND, LLC:**

**APPROVED ON A MEIER/TESAR MOTION. MOTION CARRIED 4-0.**

**5. UPDATE AND POSSIBLE ACTION REGARDING RAZE ORDER FOR  
PROPERTY AT 11409-276<sup>TH</sup> AVENUE; PARCEL #66-4-120-283-0665:**

Mr. Jack Rowland stated that to date, all that has been  
done, is that a dumpster was placed by the home and some junk was  
cleaned up.

Chairman Walsh stated that last month the Town Board  
approved the raze order if something wasn't done by this month.  
He does not want this to drag on.

**6. CONSIDERATION OF MUNICIPAL JUDGE REPLACEMENT (EFFECTIVE JUNE 1, 2004):**

It was suggested that Attorney Ted Kmiec take this position. Supervisor Tesar felt that the position should be opened up to the Public, for the purpose of submitting resumes.

Attorney Scholze suggested that if the Town were to get a replacement, it should happen quickly, so that the new person could attend a Judge's Training Seminar.

Supervisor Tesar will be in charge of seeing that this gets posted in the Newspaper.

**7. REQUEST USE OF SALEM TOWN HALL FOR JAZZERCIZE / KAREN KLINE:**

Ms. Karen Kline was present for the meeting.

Chairman Walsh stated that he did not have a problem with her using the Town Hall for Jazzercize. The Town is present in the process of remodeling the existing interior offices as well as the basement. He also said he had no problem with the use of the meeting room (upstairs) for her classes during the daytime hours; however, the Town Clerk had some concerns about the noise.

Supervisor Tesar has concerns regarding the Monday and Wednesday evening hours - that's when most Town meetings occur.

Chairman Walsh stated that Ms. Kline should re-approach the Town Board in the future to see where we're at with remodeling.

**8. DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE #04-04-12A, AN ORDINANCE REPEALING AND RECREATING SECTION #18.0301 OF THE TOWN OF SALEM CODE OF ORDINANCES WITH REGARD TO PRE-APPLICATION CONFERENCE AND SKETCH PLAN REVIEW:**

Mr. Zautcke stated that this will fund the neighborhood planning that was previously approved. The subdivider will pay an additional 15% when paying impact fees.

**APPROVED ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.**

Mr. Zautcke also stated that he would like to discuss with Mr. Rowland, the possibility of additional fees at the time of building permit submittal.

**9. DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE #04-04-12B, AN ORDINANCE AMENDING SECTION 1.10(8) OF THE TOWN OF SALEM CODE OF ORDINANCES RELATING TO PETITIONS FOR ZONING AMENDMENTS OR VARIANCES:**

It was stated that this will create a filing fee of \$50.00 for the requesting party, as well as making them responsible for notification to neighbors.

Supervisor Tesar questioned people that live within 250 feet, but live in the Village getting notification?

Attorney Scholze stated that this ordinance states that "All" people living within 250 feet of the requesting property must be notified - this would include Village residents.

Chairman Walsh then asked the Town's Attorney, to draft a letter to the surrounding Villages (Silver Lake and Paddock Lake), and the Town of Bristol, to make them aware of the Town's new ordinance. Maybe they will reciprocate.

**APPROVED ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.**

**10. DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION #04-04-12; A RESOLUTION ESTABLISHING SPEED LIMITS ON TOWN ROADS WITHIN THE TOWN OF SALEM, KENOSHA COUNTY, WISCONSIN:**

Attorney Scholze suggested that items #10 and #11 be done at one time.

Mr. Vujovic stated that he was made aware of the fact that the Town's Speed Limit Ordinance was not up to par. However, by adopting the Ordinance and Resolution, the Town will be in compliance with all State Laws.

**MOTION TO ADOPT ORDINANCE #04-04-12C AND RESOLUTION #04-04-12, MADE ON A MEIER/TESAR MOTION. MOTION CARRIED 4-0.**

**11. DISCUSSION AND POSSIBLE ACTION REGARDING ORDINANCE #04-04-12C; AN ORDINANCE AMENDING SECTIONS 7.02 OF THE TOWN OF SALEM CODE OF ORDINANCES WITH REGARD TO SPEED LIMITS WITHIN THE TOWN:**

**12. BOARD UPDATE ON DOG CALL POLICY AND POSSIBLE CONSIDERATION OF CONTRACTING WITH KENOSHA COUNTY HUMANE SOCIETY / FINANCE COMMITTEE:**

**SUPERVISOR FABER MADE A MOTION TO DISCUSS THIS MATTER, SUPERVISOR MEIER SECONDED THE MOTION.**

Supervisor Tesar stated that the Kenosha Humane Society is willing to pick up dogs in the Town of Salem. The dogs will not be euthenized.

Supervisor Faber stated that in 2003, 37 dogs were picked up by the Town's Highway Department, for a total cost of \$5517.00, which included over \$4,000.00 in overtime pay. The Town reclaimed only \$960.00; thus, leaving a loss of \$4,557.00. He felt that, even though the Humane Society would charge approximately \$100.00 per dog picked up, the Town would save money.

The Humane Society would accept calls from the Town Hall Monday - Friday from 8:00 - 4:00 and from the Sheriff's Department all other times.

Chairman Walsh felt this would be more costly.

Mr. Vujovic stated that the Highway Department has been in charge of dogs for 15 - 16 years. He also felt that the Town may get complaints from people, regarding response time. He also stated that is in the Union Contract that this item is a bargaining item.

Supervisor Faber also suggested changing the message on the Town's answering machine to state "if you are calling about a dog, please contact the Sheriff's Department."

Chairman Walsh would like the 7-day holding time clarified.

Supervisor O'Connell would suggest going with the Humane Society on a trial basis.

Chairman Walsh would like to see a clearer contract.

**TABLE THIS MATTER FOR CLARIFICATION FROM KENOSHA COUNTY HUMANE SOCIETY, MADE ON A FABER/TESAR MOTION. MOTION CARRIED 4-0.**

**13. CONSIDERATION OF TOWN EXPENDITURES / FINANCE COMMITTEE:**

Chairman Walsh stated that this is for discussion only.

Supervisor Faber stated that he would like a motion for the finance committee to get with the Town Attorney to get a procedure in place for expenditures.

He would also like to terminate the charge cards until a procedure is in place.

**MOTION TO TEMPORARILY CANCEL THE CHARGE CARDS, MADE ON A FABER/TESAR MOTION. MOTION CARRIED 4-0.**

Supervisor Faber also stated that there is not a procedure for charge cards in place, and the Town needs one. He also stated that this is necessary, due to the fact that the Town does not have an administrator.

Mr. Zautcke stated that, putting a hold on the charge accounts will deter the Utility District procedures. At the present time, the Utility District has a procedure regarding receipts and purchase orders.

Chairman Walsh stated that most of the charges that have been made were pre-approved. He had spoken with the Clerk and Deputy Clerk regarding the purchase of the lap-top computer, prior to the purchase.

Supervisor O'Connell feels that the Town Chairman should have a charge card - he doesn't see a problem with it.

Mr. Zautcke stated that there is a difference between an employee having a charge card and an elected official having a charge card. An employee can be disciplined for misuse.

**MOTION TO RE-OPEN CREDIT CARD ACCOUNTS FOR ONE MONTH, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.**

Supervisor Faber read from the Town's Association paperwork, that there should be a policy in place.

Supervisor Tesar would like to get bids on the telephone matter. She also feels that the Town Chairman's telephone should be in the Town's name.

Chairman Walsh stated that he will cancel his cell phone contract, have the Town pay the cancellation fine, but then, no one will be able to reach him. Either the Town will allow people to get ahold of him, or they won't. Could citizens reach Chairman Boening as well as they can reach him?

He also stated that he does not have a problem with the Town's name being on the cell phone.

Supervisor Tesar then questioned the lap-top computer.

Chairman Walsh stated "stop right there". He has made the first payment, and he talked to the Clerk and Deputy Clerk prior to this purchase. He has paid approximately \$600.00 for this, and, he has not turned in his phone bill to the Town since the

first of the year (which is \$100.00 per month), which would bring his pay-back amount to approximately \$1000.00; which means, he still owes approximately \$400.00 for the lap-top.

Supervisor Tesar just wants things taken care of.

Chairman Walsh stated that he won't even use the lap-top for Town Business anymore.

Supervisor Faber stated that this entire matter is due to the lack of procedure. He also stated that the Town tax was reduced due to a lot of things that the Town Chairman has done - he feels that he is doing a fine job.

Chairman Walsh said that Onyx has repaid the Town \$3800.00 from when the garbage strike was on.

**Supervisors Faber and Tesar will meet with the Town Attorney to get a procedure in place for Charge Accounts.**

**14. DISCUSSION AND POSSIBLE ACTION REGARDING DISPOSAL OF 1989 BLUE S-10 (NOT ROADWORTHY) / GEORGE VUJOVIC: MOTION TO DONATE THE 1989 BLUE S-10 TO THE BOY SCOUT CAMP, MADE ON A MEIER/O'CONNELL MOTION. MOTION CARRIED 4-0.**

**15. DISCUSSION AND POSSIBLE ACTION REGARDING UPDATE FUEL PUMPS AT HIGHWAY DEPARTMENT / GEORGE VUJOVIC**

Mr. Vujovic stated that the fuel pumps not only service the Highway Department, but also, the Utility District, Water Patrol, Public Safety, and now the Fire and Rescue Departments. Thus, there will be a need for computerized monitor. He feels that this would be feasible.

The total price is \$8880.00, plus \$5.90 per key. Mr. Vujovic stated that the cost would be incrementally taken from each department for payment of this item.

Chairman Walsh asked about the mandatory "shut down" time on the gas pumps? He was very concerned about this, especially when his fire trucks or rescue squad need gas on the weekends.

Mr. Vujovic stated that is a mandate by the State and the DNR.

Supervisors Tesar and Faber think this update is a great idea; however, they would like to see more than one bid.

**TABLED TO ALLOW TO GET MORE BIDS, MADE ON A TESAR/FABER MOTION. MOTION CARRIED 4-0.**

**16. BOARD ACTION REGARDING PROPOSED TEXT AMENDMENTS TO THE KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE - CHAPTER 12, ADDRESSING THE ADULT ENTERTAINMENT ORDINANCE:**

Chairman Walsh stated that the Town needs to come up with a zoning district for this.

**APPROVE TEXT AMENDMENTS, MADE ON AN O'CONNELL/MEIER MOTION. MOTION CARRIED 4-0.**

**17. CONSIDERATION OF AUDITING CONTRACT FOR 2004 - 2006 WITH JAMES FRECHETTE, C.P.A.:**

Supervisor Faber would like to see this bid out.

APPROVE AUDITING CONTRACT, MADE ON A MEIER/O'CONNELL MOTION.  
MOTION DENIED 2-3, WITH SUPERVISORS O'CONNELL AND FABER, AND  
CHAIRMAN WALSH DENYING.  
THIS WILL BE PUT OUT FOR BIDS AND BROUGHT BACK TO THE TOWN BOARD.

18. DISCUSSION AND POSSIBLE ACTION REGARDING TOWN OF  
SALEM'S 2<sup>ND</sup> ANNUAL ARTS & CRAFT FAIR ON SATURDAY, OCTOBER  
30, 2004:  
APPROVED ON AN O'CONNELL/MEIER MOTION. MOTION CARRIED 4-0.

19. DISCUSSION AND POSSIBLE ACTION REGARDING LETTING OF  
BIDS FOR RENOVATION OF TOWN HALL:  
Mr. Cayo stated that the Town needs to advertise the bids  
for remodeling of the existing offices.  
MOTION TO PUT OUT FOR BIDS, MADE ON A FABER/O'CONNELL  
MOTION. MOTION CARRIED 3-0, with Supervisor Meier absent for the  
vote.

Building Inspector Jack Rowland, Chairman Tom Walsh, and Mr.  
Phil Cayo will meet to put the paperwork together.

20. CONSIDERATION OF OPERATOR'S LICENSES PENDING CLEAR RECORD  
CHECKS:

Brian Delaney  
Michael Eul

Cony Frost  
Andrea Rinaldo

APPROVED ON A TESAR/FABER MOTION. MOTION CARRIED 4-0.

AT 8:45 PM, THE MEETING WAS ADJOURNED ON A TESAR/MEIER  
MOTION. MOTION CARRIED 4-0.

Minutes prepared and submitted  
by \_\_\_\_\_ Deputy Clerk.