

**TOWN BOARD MEETING - MAY 10, 2004**

On Monday, May 10, 2004, the Town Board of the Town of Salem held their regular monthly meeting. Chairman Walsh called the meeting to order 7:00 PM. The Pledge of Allegiance was recited. Roll call was taken as follows: Present were - Chairman Tom Walsh; Supervisors, Patrick O'Connell; Dennis Faber; Diann Tesar and Joseph Meier. Also present were: Town Clerk, Toni Seitz; Deputy Clerk, Linda Terry; Town Treasurer, Christine Lamb; Utility District Administrator/Land Development Coordinator, Brad Zautcke; Director of Public Works, George Vujovic; Town Attorney, Richard Scholze; and Union Attorney, Bill Halsey.

Minutes from previous meetings of 4/12/04 and 4/13/04 were **APPROVED ON A MEIER/TESAR MOTION. MOTION CARRIED 4-0.**

Chris Lamb read the Treasurer's Report as follows:

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

**April 1, 2004 - Beginning Balance**  
**\$2,380,560.67**

RECEIPTS	\$166,562.73
Transfer from Tax Fund	\$ 753.56
DISBURSEMENTS	\$255,738.60
PAYROLL	\$124,301.36
<b>Total</b>	<b>\$380,039.96</b>

**APRIL 30, 2004 - Ending Balance**  
**\$2,167,837.00**

State Pool - General	\$1,820,075.22
General Checking	\$ 347,761.78
<b>Totals</b>	<b>\$2,167,837.00</b>

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

**April 1, 2004 - Beginning Balance**  
**\$262,564.66**

RECEIPTS	\$ 5,015.96
DISBURSEMENTS	\$ 3,767.86
Transfer to General Fund	\$ 753.56

**April 30, 2004 - Ending Balance**  
**\$263,059.20**

State Pool - Tax	\$ 33,538.01
Tax Checking	\$ 229,521.19
<b>Total</b>	<b>\$ 263,059.20</b>

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**APRIL, 2004 - CASH REPORT FOR THE PARK ACCOUNT:**

**April 1, 2004 - Beginning Balance**  
**\$989,204.48**

RECEIPTS \$ 8,527.74

**April 30, 2004 - Ending Balance**  
**\$997,732.22**

State Pool - Parks	\$351,958.87
Zone 1	\$151,891.76
Zone 2	\$ 92,947.42
Zone 3	\$ 71,558.95
Zone 4	\$ 56,520.32
Zone 5	\$204,773.41
Zone 6	\$ 62,682.41
Zone 9	\$ 5,399.08
<b>Total</b>	<b>\$997,732.22</b>

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

**April 1, 2004 - Beginning Balance** \$  
**23,801.66**

RECEIPTS \$ 8.78

**April 30, 2004 - Ending Balance** \$  
**23,810.44**

The Treasurer's Report was **APPROVED ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.**

Chairman Walsh read the Vouchers as follows:

**VOUCHERS:**

**TOWN GENERAL ACCOUNT:**

End of April, 2004 = \$229,735.55  
 #1=\$ 22,103.50  
 May, 2004 = \$ 54,089.63  
 #2=\$535,099.65

**UTILITY DISTRICT:**

End of April,2004-  
 End of April,2004-  
 May, 2004 = \$99,953.36

**TOWN PAYROLL:**  
**PAYROLL:**

**UTILITY DISTRICT**

#8	=	\$45,769.90	#8	=
\$16,997.93				
#9	=	\$59,773.14	#9	=
\$17,005.48				

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

**CITIZEN COMMENTS:**

At this time, Mr. and Mrs. John Bredican spoke at the meeting. They are actually on the agenda under Plan Commission Minutes; however, they were allowed to speak at this time.

They stated that they missed the monthly Plan Commission meeting in April, but were unable to attend due to a change in the date. They have constructed a carport and said that it is not a permanent structure, thus there should be no need for permits. However, Kenosha County stated that they would need a variance to keep the building up.

Mr. Wally Jaskowski, a neighbor, stated that most of the neighbors are upset with the structure. They feel it is an eyesore.

Chairman Walsh felt it is way too close to the road.

**At this point in the meeting, Chairman Walsh presented plaques to Salem's Judge, John Riesselmann; and Salem's Utility District Administrative Assistant, Sharon Riesselmann. They are retiring this month, and moving to Florida. On behalf of the Town, they will be missed.**

**UTILITY DISTRICT BUSINESS:**

**1. CONSIDERATION OF FORMALLY ACCEPTING THE SANITARY SEWER IN FALCON HEIGHTS SUBDIVISION:**

Mr. Zautcke asked that this be taken off of the agenda.

**2. CONSIDERATION OF TIM LUDVIGSEN, GARY CAPUTO AND BRAD ZAUTCKE ATTENDING THE COLLECTION SYSTEM SEMINAR IN WATERTOWN ON JUNE 3, 2004:**

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

**TOWN BUSINESS:**

1. **COMMITTEE REPORTS:**

\*\*May 20, 2004, is the Park Commission Meeting, at the Town Hall, at 7:00 PM.

\*\*Supervisor Faber stated that he attended the Lake Association District Meeting. In Dane County there is a ban on the use of phosphates in lawn fertilizer.

2. **TOWN BOARD ACTION REGARDING PLANNING & ZONING MINUTES OF 4/22/04:**

KEITH JOHNSON/LESLIE BABINGTON: CERTIFIED SURVEY MAP APPROVAL:

**APPROVE PLAN COMMISSION'S RECOMMENDATION TO APPROVE CERTIFIED SURVEY MAP, MADE ON A TESAR/FABER MOTION. MOTION CARRIED 4-0.**

IVY C. KELROY/PAT HAPP: CERTIFIED SURVEY MAP APPROVAL AND REZONING REQUEST FOR PROPERTY AT 9829-278<sup>TH</sup> AVENUE; FROM R-3 AND R-4 TO R-3:

**APPROVE PLAN COMMISSION'S RECOMMENDATION TO CONDITIONALLY APPROVE CERTIFIED SURVEY AND REZONING REQUEST, CONTINGENT ON THE SURVEY SHOWING SETBACKS AS WELL AS EXISTING AND PROPOSED ZONING, MADE ON A MEIER/TESAR MOTION. MOTION CARRIED 4-0.**

JOHN M. & THERESA J. BREDICAN; 12105-219<sup>TH</sup> AVENUE (LAKE SHANGRI-LA WOODLANDS): REQUESTING STREETYARD SETBACK OF 0 FEET (30 FEET REQUIRED); SIDEYARD SETBACK OF 0 FEET (5 FEET REQUIRED) AND RESIDENTIAL SETBACK OF 5 FEET (10 FEET REQUIRED), FOR THE PURPOSE OF AN 18' X 21' CARPORT:

**APPROVE PLAN COMMISSION'S RECOMMENDATION TO DENY REQUEST, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.**

TOWN OF SALEM HIGHWAY DEPARTMENT; 11200-258<sup>TH</sup> COURT, #66-4-120-273-0401: VARIANCE REQUEST FOR ADDITION OF A NON-CONFORMING EXISTING STRUCTURE:

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

HARVEST HOMES/JAMES & SUE ROGERS/WOODLAND MEADOWS SUBDIVISION: DISCUSSION AND POSSIBLE ACTION REGARDING PRELIMINARY PLAT APPROVAL AND REZONING FROM A-1, C-1 AND C-2, TO R-1 AND C-2. THIS PROPERTY IS APPROXIMATELY 225 ACRES NORTH OF THE INTERSECTION OF 98<sup>TH</sup> STREET AND WILMOT ROAD (HWY. C):

**APPROVE PLAN COMMISSION'S RECOMMENDATION TO TABLE THIS MATTER UNTIL THE NEXT MEETING, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.**

BRAD PFEIFFER; 22821-83<sup>RD</sup> STREET, PARCEL #65-4-120-123-0420; REZONING REQUEST FOR THE ABOVE PROPERTY, FROM A2/C1 TO R2/C1, FOR THE PURPOSE OF CONSTRUCTING A SINGLE-FAMILY RESIDENTIAL HOME, APPROXIMATELY 3000 SQUARE FEET:

**APPROVE PLAN COMMISSION'S RECOMMENDATION TO TABLE, DUE TO LACK OF INFORMATION, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 4-0.**

BRIAN ROBERS/GEORGE KELLUM; 9000-263<sup>RD</sup> AVENUE; REZONING REQUEST FROM C1 TO R2 FOR THE PURPOSE OF CONFORMING WITH A PRESENT WETLAND DELINEATION, AND CERTIFIED SURVEY MAP APPROVAL:

**APPROVE PLAN COMMISSION'S RECOMMENDATION TO APPROVE REZONING REQUEST AND CERTIFIED SURVEY MAP, CONTINGENT ON AN EXTRA 8 FEET BEING ADDED ALONG THE ENTIRE LENGTH OF THE PROPERTY (ON THE CSM), MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.**

RICHARD GNIADK / TEMPORARY USE PERMIT FOR THE USE OF A HOTDOG STAND ON THE CORNER OF HIGHWAY "C" AND HIGHWAY "83":

**APPROVE PLAN COMMISSION'S RECOMMENDATION TO APPROVE TEMPORARY USE PERMIT, MADE ON A MEIER/O'CONNELL MOTION. MOTION CARRIED 4-0.**

STEVE ZABOROWSKI/NORM SPIEGELHOFF: VARIANCE REQUEST OF ONE FOOT SETBACK FOR THE PURPOSE OF AN ADDITION ON TO AN EXISTING BUILDING:

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

**3. TOWN BOARD ACTION REGARDING PARK COMMISSION MINUTES OF 4/15/04:**

Supervisor Tesar presented the Park Commission Minutes, which included minutes from previous meetings. The Park Commission would like the Town Board to act on the possible purchase of parkland referred to in the minutes attached to the 4/15/04 minutes.

**APPROVE MINUTES FROM 4/15/04, MADE ON A FABER/MEIER MOTION. MOTION CARRIED 4-0.**

**4. BOARD ACTION REGARDING MEETING DATE WITH PADDOCK LAKE CONCERNING BOUNDARY ISSUES OF MUTUAL INTEREST:**

Chairman Walsh stated that there was a meeting with Mr. William Reinhold, regarding development of the Glover property, which was recently annexed to the Village of Paddock Lake. Chairman Walsh stated that this particular piece of property will not be getting sewer for a few years.

Supervisor Faber would like to attend any further meetings with Paddock Lake, as would Supervisor O'Connell.

**MOTION TO SET DATE FOR MEETING, MADE ON A FABER/TESAR MOTION. MOTION CARRIED 4-0.**

**5. CONSIDERATION OF CONTRACT FOR SALEM FIRE CHIEF/BILL HALSEY:**

Attorney Halsey stated that at the present time, Chief Slover is covered by the Town's Personnel Policy Manual. It seems the fire departments and rescue squad would like for the Chief to have a contract. They would like reassurance that he will remain employed with the Town.

Chairman Walsh felt the term of the contract should be five (5) years.

Mr. Maury Lake sees no reason for not giving him a contract.

**MOTION TO DRAFT A 5-YEAR CONTRACT FOR THE FIRE CHIEF, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 4-0.**

**Please note: Supervisors Meier and O'Connell; Chief Slover and Attorney Halsey will meet to discuss this matter.**

**6. CONSIDERATION OF APPOINTMENT OF MUNICIPAL JUDGE, EFFECTIVE 6/1/2004 / FINANCE COMMITTEE:**

Supervisor Tesar stated that she and Supervisor Faber interviewed six applicants for the position of Municipal Judge. The position will be for the remainder of the term, which expires April, 2005.

The present Judge, John Riesselmann, stated that he felt Mr. Michael Langel would be a good candidate for the position.

Chairman Walsh stated that he understood that two attorneys applied for the position.

Attorney Richard Scholze, stated that in Municipal Court, matters are more fact-based; no so much law-based. He said the Town would need someone with an open mind and common sense.

**APPROVE APPOINTMENT OF MR. MICHAEL LANGEL AS MUNICIPAL JUDGE MADE ON A TESAR/FABER MOTION. Supervisors Meier and O'Connell were opposition of this motion.**

**Chairman Walsh would like additional time prior to making a decision on this matter - it will be brought up again at the end of the meeting.**

**7. UPDATE AND CONSIDERATION OF AUDITING CONTRACT FOR 2004-2006 WITH JAMES FRECHETTE / APRIL AGENDA ITEM:**

Supervisor Faber contacted Ms. Renee Messing from Virchow, Krause and Company, LLP. She will be meeting with Treasurer Christine Lamb and give a proposal for auditing for the Town.

**TABLE THIS MATTER UNTIL THE JUNE MEETING, MADE ON A TESAR/O'CONNELL MOTION. MOTION CARRIED 4-0.**

**8. CONSIDERATION OF UPDATING FUEL PUMPS AT HIGHWAY DEPARTMENT / TABLED FROM APRIL, 2004:**

Mr. Vujovic received three bids:

Oil Equipment Company, Inc.	\$8775.33
Uni-Pump, Inc.	\$9107.00
Interstate Pump & Tank, Inc.	\$8880.00

Supervisor Tesar has spoken with Kenosha County Highway Department regarding who they use. It seems Kenosha County uses Interstate Pump and Tank, Inc., and they are very pleased with them. However, she did ask why Jerry Willkomm is doing the bidding for this matter?

Mr. Vujovic stated that is because Willkomm is the supplier.

**APPROVE QUOTE FROM INTERSTATE PUMP & TANK, INC., MADE ON A TESAR/O'CONNELL MOTION. MOTION CARRIED 4-0.**

**9. UPDATE REGARDING BIDS FOR RENOVATION OF TOWN HALL / APRIL AGENDA ITEM:**

Mr. Phil Cayo stated that he is still waiting on a date to meet with Chairman Walsh and Building Inspector Jack Rowland, regarding the renovation of the Town Hall. He also questioned the Board as to whether or not they want to do the entire renovation (existing offices, basement and Chairman's room), or if they want to work on the necessity work first, which would be the existing offices?

Mr. Cayo would suggest only doing the necessity work now.

Chairman Walsh stated that the basement cannot be rented out until it is completed.

**APPROVE MOVING FORWARD WITH REMODELING THE EXISTING OFFICES, MADE ON AN O'CONNELL/MEIER MOTION. MOTION CARRIED 4-0.**

**10. UPDATE AND CONSIDERATION OF PURCHASING AND EXPENDITURE POLICY / FINANCE COMMITTEE / APRIL AGENDA ITEM:**

Supervisor Faber stated that the policy has been reviewed; however, there are a number of items that need to be addressed.

**TABLE THIS MATTER FOR FURTHER INFORMATION, MADE ON A TESAR/O'CONNELL MOTION.**

**At this time**, Supervisor Tesar stated that the matter of the Town Charge Cards, is still unanswered. She read from a letter received from Attorney Richard Scholze regarding the fact that the Town Clerk is the person with the actual authority to approve purchases.

Attorney Scholze stated that in the Town Clerk's absence, the Deputy Clerk would have the authority.

Supervisor Meier asked what would happen if the Clerk and Deputy Clerk are both gone?

Clerk Seitz stated that she does have a cell phone.

Supervisor O'Connell asked about expenses incurred while on Town business?

Attorney Scholze stated that the person would be reimbursed.

**AUTHORIZE TERMINATION OF THE USE OF THE TOWN CHARGE CARD, MADE BY SUPERVISOR TESAR - MOTION DIED FOR LACK OF A SECOND.**

**11. UPDATE AND CONSIDERATION OF CONTRACTING WITH SAFE HARBOR HUMANE SOCIETY FOR DOG PICK-UPS/FINANCE COMMITTEE/APRIL AGENDA ITEM:**

Supervisor Tesar has spoken with people from Safe Harbor Humane Society. They would charge the Town \$100.00 per dog picked up. The amount of \$55.00 would be collected from the dog owner (when claiming the dog), and then, be reimbursed to the Town.

Chairman Walsh asked Attorney Halsey if there is a problem with this, regarding Union Contract?

Attorney Halsey stated that the Town has the right to subcontract. He would also suggest that if the Town does decide to contract with Safe Harbor, they need to notify the Union Employees thirty (30) days prior to such contract taking affect.

**TABLE THIS MATTER UNTIL THE TOWN RECEIVES SOMETHING IN WRITING FROM SAFE HARBOR, MADE ON A MEIER/O'CONNELL MOTION. MOTION CARRIED 3-1, WITH SUPERVISOR TESAR OPPOSING.**

**12. BOARD UPDATE ON LOUISE WILTON HART AFFIDAVIT:**

Chairman Walsh stated that this has been an ongoing problem for years. He would suggest splitting the cost of having the repair done - 1/3; 1/3; and 1/3, between the Town, Mastercraft Development and Mrs. Wilton Hart.

Supervisor Tesar stated that she talked to Mr. Wilton in March, and she thought this matter was taken care of awhile ago. However, according to the Town's Land Development Coordinator, Mr. Zautcke, the Town is not responsible for any of this problem.

Mr. Cayo also feels that the Town is not responsible.

Mr. Zautcke stated that Mastercraft has not agreed to anything in writing yet.

Mr. Cayo stated that the Town should have a legal agreement in place first. Mr. Wilton has already brought in loads of dirt to fill this property.

**13. CONSIDERATION OF REQUEST TO PURCHASE 306<sup>TH</sup> AVENUE IN WILMOT, OFF OF 112<sup>TH</sup> STREET / MAURY LAKE / TABLED FROM 2/10/03:**

Mr. Maury Lake was present for the meeting. He would request the vacation of this road for the purpose of building a home.

Mr. Cayo stated that 306<sup>th</sup> Avenue is a road that doesn't go anyplace.

Attorney Scholze stated that this will require a Public Hearing.

**CONTINUATION OF VACATION, CONTINGENT ON PUBLIC HEARING DATE BEING SET, MADE ON A MEIER/FABER MOTION. MOTION CARRIED 4-0.**

**14. CONSIDERATION OF VARIANCE REQUEST FOR A PAVILLION AT WILSON PARK CONTINGENT ON PARK & PLAN COMMISSION RECOMMENDATIONS / GEORGE VUJOVIC: APPROVED ON A TESAR/MEIER MOTION. MOTION CARRIED 4-0.**

15. REQUEST FOR STOP SIGNS ON 127<sup>TH</sup> STREET & 257<sup>TH</sup> AVENUE; DRAKE VILLA SUBDIVISION / GEORGE VUJOVIC:  
AUTHORIZE INSTALLATION OF STOP SIGNS ON 127<sup>TH</sup> STREET AT 257<sup>TH</sup> AVENUE, MADE ON A TESAR/MEIER MOTION. MOTION CARRIED 4-0.

16. CONSIDERATION OF FORMAL HIRING OF SUSANAH HUBER AS PART-TIME ADMINISTRATIVE ASSISTANT TO FIRE CHIEF:  
APPROVED ON AN O'CONNELL/MEIER MOTION. MOTION CARRIED 4-0.

17. BOARD CONSIDERATION REGARDING PURCHASE OF PROPERTY FROM GEORGE GEKAS BEHIND TOWN HIGHWAY DEPARTMENT:  
APPROVED ON A FABER/MEIER MOTION. MOTION CARRIED 4-0.

18. BOARD CONSIDERATION REGARDING PURCHASE OF FUCH'S SHOP ON HIGHWAY 83 FOR FUTURE HIGHWAY DEPARTMENT SITE:

Mr. Vujovic would be opposed to this purchase. He stated that the present location of the Town's Highway Department is centrally located.

MOTION TO DENY PURCHASE OF FUCH'S SHOP FOR FUTURE HIGHWAY DEPARTMENT SITE, MADE ON A MEIER/FABER MOTION. MOTION CARRIED 3-1 WITH SUPERVISOR TESAR OPPOSING. Supervisor Tesar stated that the Highway Department needs a new building.

19. BOARD CONSIDERATION REGARDING PURCHASE OF 73 ACRE PARCEL NORTH OF FUCH'S PROPERTY FOR COMMUNITY CENTER AND PARK:

MOTION TO CONSIDER THE PURCHASE OF 73 ACRES NORTH OF FUCH'S PROPERTY FOR COMMUNITY CENTER AND PARK, MADE ON A FABER/TESAR MOTION. MOTION CARRIED 4-0.

There was also a MOTION TO FORM A COMMITTEE TO LOOK AT THE VARIOUS PROPERTIES FOR COMMUNITY PARK LAND, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 3-1, WITH SUPERVISOR MEIER OPPOSING. Chairman Walsh and Supervisor Faber will be working with the Park Commission for this.

\*\*\* At this time, the Board went back to the Municipal Judge's position. MOTION TO APPOINT MICHAEL LANGEL, MADE ON A TESAR/FABER MOTION. Motion denied 2-3, which Supervisors Meier and O'Connell and Chairman Walsh opposing.

MOTION TO APPOINT ATTORNEY TED KMIEC AS MUNICIPAL JUDGE, MADE ON A MEIER/O'CONNELL MOTION. MOTION CARRIED 3-1, WITH SUPERVISOR TESAR OPPOSING. MOTION TO RECONSIDER VOTE, MADE ON AN O'CONNELL/FABER MOTION. MOTION CARRIED 3-1, WITH SUPERVISOR MEIER OPPOSING.

MOTION TO APPOINT MICHAEL LANGEL, MADE ON A FABER/TESAR MOTION. MOTION CARRIED 3-1, WITH SUPERVISOR MEIER OPPOSING.

20. OPERATOR'S LICENSES PENDING CLEAR RECORD CHECKS:

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

AT 9:40 PM, THE MEETING WAS ADJOURNED ON A MEIER/O'CONNELL  
MOTION. MOTION CARRIED 4-0.

Minutes submitted by: \_\_\_\_\_ Town  
Clerk.

Minutes prepared by: \_\_\_\_\_ Deputy  
Clerk.