

**SPECIAL MEETING - MAY 3, 2004**

On Monday, May 3, 2004, the Town Board of the Town of Salem held a Special Meeting for the purpose of meeting with legal counsel regarding Consideration and Possible action on the Wiltberger Compensation Claim.

Supervisor Tesar called the meeting to order at 5:00 PM. Present for the meeting were: Town Supervisors, Diann Tesar; Patrick O'Connell and Dennis Faber. Also present were: Town Clerk, Toni Seitz; Deputy Clerk, Linda Terry; Land Development Coordinator/Utility District Administrator, Brad Zautcke; Town Attorney, Richard Scholze; and Utility District Engineer, Chris Kaempfer.

Mr. and Mrs. Wiltberge were present for the meeting. They stated that the sewer was not placed in an easement when the sewer was done - it was placed in their driveway. The driveway was taken out and not put back in order.

It was stated that at first, the Wiltbergers were told that there would be no permits issued to the subdivision responsible for the problem, unless all parties involved were satisfied.

The sewer has been moved and has now been put in properly.

The Wiltbergers have had to put in gravel to correct some of the problem.

Attorney Scholze asked just what the Wiltbergers are asking from the Town?

Mr. Wiltberger stated they are seeking compensation for the following:

Seven loads of gravel	\$185.00 per load
Cost of a survey	\$350.00
Attorney Fees	\$600.00 + \$825.00
Employees Costs	<u>\$720.00</u>
	\$ 3790.00

Mr. Zautcke stated that the Town was going to put in a traffic pad to the lift station; however, that did not go through.

Supervisor Faber asked if the Town has any recourse with the contractor (Willkomm Excavating)?

Attorney Scholze was unsure because of the time that has lapsed on this problem.

It was stated by Mr. Kaempfer and Mr. Zautcke, that the sewer line and the manhole have now been remedied.

Supervisor O'Connell felt the developers would be responsible for most of this problem; however, the Town may be responsible for some of it.

Supervisor Faber would consider reimbursing the Wiltbergers the sum of \$2000.00.

Supervisor O'Connell would also be in agreement with that dollar amount.

Mr. Zautcke stated that the money for reimbursement would come from the Utility District.

Mr. Kaempfer stated that the Wilbergers thought they were protected, but were not. The Town has a legal obligation to these people, as well as a moral obligation.

**MOTION TO OFFER THE SUM OF \$2000.00 TO THE WILTBERGERS, MADE ON A FABER/O'CONNELL MOTION. MOTION CARRIED 3-0.**

**Attorney Scholze will draft a release to this affect.**

**At 6:00 PM, the meeting was ADJOURNED ON A FABER/TESAR MOTION. MOTION CARRIED 3-0.**

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

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