

**MINUTES  
TOWN OF SALEM  
PUBLIC HEARING AND  
REGULAR MEETING OF THE BOARD OF SUPERVISORS  
MONDAY, AUGUST 9, 2010 7:00 P.M.**

**Chairman Linda Valentine** called this Regular Meeting of the Town of Salem Board of Supervisors to order at 7:00 p.m. with the following present:

**CHAIRMAN:** Linda Valentine

**BOARD OF SUPERVISORS:** Joe Meier, Dennis Faber, and Diann Tesar

**LEAVE OF ABSENCE:** Pat O'Connell

**OTHERS:** Rich Scholze, Brian Wanasek, Brad Zautcke, Mike Murdock, Mike Slover, Dave Shortess, and Cindi Ernest.

**GUESTS:** Jim Valentine, Bea Campion, Dan Campion, Marvin Mullens, John Roberts, Camille Haltom, Blair Haltom, Tina Markarian, Carl Siegel, Mike Ullstrup, Brad Potter, Pat Mulvey, Karen Ihlen, Charlie Wilkomm, Ed Raymond, Darren Hillock and Deneen Smith

Chairman Valentine announced that the Kenosha County Fair will be Aug. 18<sup>th</sup> – 23<sup>rd</sup>, there is a transit meeting tomorrow at 10:30 a.m. at the library, an ATV Certification class will be held at the Salem Town Hall on August 21<sup>st</sup> and August 22<sup>nd</sup> and hazardous waste pickup on September 11, 2010.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chairman Valentine.

**OPEN MEETING COMPLIANCE CHECK**

The agenda was posted by 4:00 p.m. on Friday, August 6, 2010 at the Town Hall Municipal Building, Salem Post Office, Camp Lake Post Office, Wilnot Post Office, and the Trevor Post Office. It was also posted on the Town's website.

**PUBLIC HEARING**

**Chairman Valentine opened this Public Hearing at 7:02 p.m.** and read the public notice as follows:

**AMENDED NOTICE OF INTENT TO ORDER RAZING**

To: CHUNG HWE PARK, MOON HWA PARK  
26305 N. Saint Marys Road  
Mettawa, IL 60048-9644

PLEASE TAKE NOTICE that the silos, sheds and building foundation which are located on the following described property:

That part of the South 1/2 of Section 3, Township 1 North, Range 20 East of the 4th P.M. described as follows: Beginning on the West line of the Southeast 1/4 of Section 3 at a point 135.9 feet North 1 deg. 20\* West from the Southwest corner of said Quarter Section; thence East parallel to the South line of said Quarter Section 5 feet; thence North 1 deg. 20\* West parallel to the West line of said Quarter Section 195 feet; thence East parallel to the South line of said Quarter Section 547.7 feet to the center of State Trunk Highway 75; thence North 19 deg. 10\* West along the center of said highway 338.14 feet; thence North 18 deg. 21\* 30" West along the center of said highway 1226.53 feet; thence North 14 deg. 49\* 30" West along the center of said highway 194.26 feet; thence North 5 deg. 17\* West along the center of said highway 647.45 feet to the Northeast corner of the Southwest 1/4 of Section 3; thence South 89 deg. 56\* 30" West along the North line of said Quarter Section 966.2 feet and to a point that is 1663.5 feet East from the Northwest corner of said Quarter Section; thence South 0 deg. 40\* East parallel to the West line of said Quarter Section 2647.05 feet to a point on the South line of said Quarter Section that is 1659 feet East from the Southwest corner of said Quarter Section; thence North 89 deg. 57\* 30" East along the South line of said Quarter Section 591.69 feet; thence North 1 deg. 20\* West parallel to the East line of said Quarter Section 135.9 feet thence North 89 deg. 57\* 30" East parallel to the South line of said Quarter Section 409.81 feet to the point of beginning. EXCEPT that part taken for highway purposes by Award of Damages recorded in Volume 1256 of Records, page 691, Document No. 771981. Said land being in the Town of Salem, County of Kenosha and State of Wisconsin. **Tax Parcel No. 65-4-120-033-0111**  
Property Address: 75th Street (**directly north of Burger King** have been determined by the Town of Salem Building Inspector to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and that said structures in their present condition constitute a public nuisance.

TAKE FURTHER NOTICE that, pursuant to the Town of Salem Code of Ordinances, a public hearing shall be held at the Salem Town Hall, 9814 Antioch Road (Highway 83, Salem, Wisconsin at **7:00 p.m. on August 9, 2010** to determine whether an order should issue requiring that the subject buildings or structures be razed. If the order is issued by the Town Board, you will be required to remove the buildings or structures within thirty (30) days or be charged for the cost of removal by the Town. You may appear and give evidence opposing the order. Chairman Valentine asked for comments for or against the proposed raze order. There were no comments.

**This Public Hearing was closed at 7:05 p.m.**

### **CITIZENS COMMENTS**

John Roberts, 8214 216<sup>th</sup> Ave. stated he hopes that the referendum passes to at least investigate. He questioned where the draft budget was. Chairman Valentine stated a budget meeting will be scheduled and noted that the draft budget is late as of June 30, 2010.

### **CITIZEN INITIATED BUSINESS**

1.) A request was made by Lee and Linda Vanderspool for their property located at 12029 220<sup>th</sup> Court to alleviate flooding and solve health issue by taking pipe to the lake and burying a pipe

located in their back yard. Mike Murdock requested that this item be tabled until the September meeting as our engineer and attorney are reviewing this and drafting necessary documents.

**2.)** Charles Wilkomm requested a permit from the board to clean up and enlarge an existing pond on his property located at 24700 81<sup>st</sup> Place. He explained the project and has discussed it with Heidi Kanaday of the DNR. He stated that she indicated no problems with the project. MOTION BY Supervisor Faber, second by Supervisor Tesar to approve the enlargement and cleaning of the pond located at 24700 81<sup>st</sup> Place.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

### **CLERK'S BUSINESS**

**1.)** The minutes of the previous meetings: Regular Board Meeting on 7/12/10 and Special Meetings on 7/19/10 and 7/29/10 were presented. It was requested that the minutes of 7/19/10 reflect that Dennis Faber was absent.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the minutes of July 12<sup>th</sup>, July 19<sup>th</sup>, and July 29<sup>th</sup> with the recommended change.

Supervisors Faber, Meier, and Tesar – AYE  
Chairman Valentine – NAY  
MOTION CARRIED

**2.)** Amusement Machine License applications were presented as follows, approval is contingent on payment of delinquent taxes, assessments, and all necessary fees.

Wash Tub

Pizza Time

MOTION BY Supervisor Meier, second by Supervisor Tesar to approve the Amusement Machine Licenses as presented.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

**3.)** Operator Licenses were presented as follows. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

Janice Marchesini

Katie Herd

Marcia I. Hruby

Danielle Burdette

Kathleen Romanak

Peter A. Manos

Tiffany A. Gesiakowski

April Fees

Aurora C. Gorzynski

MOTION BY Supervisor Tesar, second by Supervisor Faber to approve the Operator Licenses as presented.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

### **TREASURER'S REPORT**

**1.)** Chairman Valentine gave the Treasurer's report for July 1, 2010 – July 31, 2010 as follows;

**JULY 2010 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM**July 1, 2010- Beginning Balance **\$895,485.00**

<b><u>RECEIPTS</u></b>	<b>\$ 415,427.64</b>
Transfer from LGIP#11	\$ 262,635.29
Transfer from Tax ck.	\$ 93,845.80
Transfer from 128928	\$ 14,137.20
Adjust from June	\$ 22.01
<b><u>DISBURSEMENTS</u></b>	<b>\$ 629,183.09</b>
PAYROLL	\$ 161,783.31
<b>Total</b>	<b>\$ 790,966.40</b>

July 31, 2010 - Ending Balance **\$890,586.54**

State Pool - General	\$ 548,929.16
Gen. Checking	\$ 341,657.38
<b>Totals</b>	<b>\$ 890,586.54</b>

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**JULY 2010 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM**July 1, 2010- Beginning Balance **\$ 101,533.92**

<b><u>RECEIPTS</u></b>	<b>\$ 1.41</b>
<b><u>DISBURSEMENTS</u></b>	<b>\$ 86.00</b>
Transfer to Gen. Ck	\$ 93,845.80

July 31, 2010 - Ending Balance **\$ 7,603.53**

State Pool - Tax	\$ 7,603.53
Tax Checking	\$ 0.00
<b>Total</b>	<b>\$ 7,603.53</b>

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**JULY 2010 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM**July 1, 2010 - Beginning Balance **\$ 871,020.23****RECEIPTS** **\$ 1,778.94****DISBURSEMENTS**

July 31, 2010 - Ending Balance

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**JULY 2010 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM**

July 1, 2010	Beginning Balance	\$ 34,525.07
	<b><u>RECEIPTS</u></b>	<b>\$ 222.31</b>

July 31, 2010	Ending Balance	\$ 34,747.38
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**JULY 2010 - CASH REPORT FOR THE CAPITAL PROJECTS ACCOUNT - SALEM**

July 1, 2010	Beginning Balance	\$ 5,381,288.88
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<b><u>RECEIPTS</u></b>	<b>\$ 965.39</b>
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**DISBURSEMENTS**

Transfer to Gen Fund	\$ 262,635.29
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July 31, 2010	Ending Balance	\$ 5,119,618.98
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**JULY 2010- CASH REPORT FOR THE TRAILS ACCOUNT - SALEM**

July 1, 2010	Beginning Balance	\$ 224,902.60
	<b><u>RECEIPTS</u></b>	<b>\$ 41.59</b>

July 31, 2010	Ending Balance	\$ 224,944.19
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2.) The payment of the vouchers July 13, 2010 – August 9, 2010 was presented as follows;

Vouchers issued from JULY 13, 2010  
through August 9, 2010

\$ 671,902.16

Payroll #15 Ending 07/17/10

\$ 71,156.34

Payroll #16 Ending 07/31/10

\$ 77,437.35

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Total

\$ 820,495.85

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the payment of the vouchers for July 13, 2010 – August 9, 2010 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) Budget priorities for FY 2011 and establishing a date for budget workshop were discussed. The dates of September 16, 2010 and September 21, 2010, 6:00 p.m., were set for budget workshops.

### **CHAIRMAN INITIATED BUSINESS**

**1.)** Chairman Valentine presented the official Town flyer/data sheet regarding the non-binding referendum on September 14<sup>th</sup> to the board.

Discussion followed relative to the data flyers, changes, neighborhoods, annexation, property taxes, and the Paddock Lake boundary agreement.

**2.)** The open house, to provide information relative to the non binding referendum on the September 14<sup>th</sup> ballot, was discussed. The suggested dates are August 26<sup>th</sup> and September 8<sup>th</sup> from 4:00 pm to 8:00 pm.

MOTION BY Supervisor Meier, second by Supervisor Faber to approve the dates of August 26<sup>th</sup> and September 8<sup>th</sup> from 4:00 pm to 8:00 pm for an informational open house. as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**3.)** Chairman Valentine requested a resolution supporting the WI Town’s Association’s 2009-2010 and 2011-2012 Legislative Initiatives.

MOTION BY Supervisor Faber, second by Supervisor Tesar to support the 2009-2010 and 2010-2011 WTA Legislative Initiatives.

UNANIMOUS VOTE – AYE

MOTION CARRIED

Attorney Wanasek will direct Attorney Scholze to draft a resolution.

### **ADMINISTRATOR’S BUSINESS**

There was no administrator’s business.

### **FIRE AND HIGHWAY BUILDING PROJECT**

**1.)** There was no status report for the Highway/Fire building project.

**2.)** Payment of direct purchasing invoice #01837 from Advantage Purchasing, LLC, a division of Miron Construction, in the amount of \$ 90,037.02 was presented.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve payment of direct purchasing invoice #01837 from Advantage Purchasing, LLC, a division of Miron Construction, in the amount of \$ 90,037.02 was presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**3.)** A payment request Powers Lake Construction Co., Inc. in the amount of \$ 143,030.68, for Site Grading, Drainage, & Roadway Improvement Project at Highway/Fire Facility was presented.

MOTION BY Supervisor Faber, second by Supervisor Tesar to approve the payment request Powers Lake Construction Co., Inc. in the amount of \$ 143,030.68, for Site Grading, Drainage, & Roadway Improvement Project at Highway/Fire Facility as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) A payment request # 9 by Miron Construction, in the amount of \$250,210.00 was presented. MOTION BY Supervisor Faber, second by Supervisor Meier to approve the payment request # 9 by Miron Construction, in the amount of \$250,210.00 as presented.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

5.) A payment request #7 by Layne Christensen Co., for Utility Improvements Production Well No. 1, at the Town of Salem Highway & Fire Facility in the amount of \$32,250.00 was presented. MOTION BY Supervisor Tesar, second by Supervisor Meier to approve the payment request #7 by Layne Christensen Co., for Utility Improvements Production Well No. 1, at the Town of Salem Highway & Fire Facility in the amount of \$32,250.00 as presented.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

6.) Consideration and possible action on payment request #9 by B. R. Amon & Sons, Inc., was removed from this agenda.

### **DEPARTMENT REPORTS, ACTIONS, AND EXPENDITURE REQUESTS**

#### **PUBLIC WORKS/HIGHWAY**

1.) There was no Public Works/Highway Department report.

#### **FIRE AND RESCUE**

1.) There was no Fire Department report.

2.) Chief Slover requested permission to purchase twenty (20) Motorola Minitor V pagers, for the Fire/Rescue Department, from Radio Express in the amount of \$9,384. The older pagers need to be replaced and are no longer repairable.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the request to purchase twenty (20) Motorola Minitor V pagers, for the Fire/Rescue Department, from Radio Express in the amount of \$9,384.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

#### **BUILDING DEPARTMENT**

1.) There was no Building Department report.

2.) A Public Hearing on August 9, 2010 at 7:00 p.m., prior to this meeting, relative to a raze order for Tax Parcel No. 65-4-120-033-0111, Property Address: 75<sup>th</sup> Street, Property Owner: Chung Hwe Park, 26305 N Saint Marys Road, Mettawa, IL 60048. There were no comments for or against the proposed raze at the public hearing.

MOTION BY Supervisor Meier, second by Supervisor Faber to proceed with the raze in thirty (30) days, pursuant to Town Ordinance.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

#### **SEWER UTILITY DISTRICT**

1.) There was no Sewer utility report.

2.) A payment request # PR-1210803-01 by Starnet Technologies for effluent pump station modifications – variable speed drives, in the amount of \$53,023.30 was presented. Original contract amount \$139,800.00, amount added by change order \$0.00, amount deducted by change order \$0.00 less previous payments of \$0.00.

MOTION BY Supervisor Tesar, second by Supervisor Meier to approve payment request # PR-1210803-01 by Starnet Technologies for effluent pump station modifications – variable speed drives, in the amount of \$53,023.30 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) A payment request # PR-1210802-17 by J.F. Ahern Company, for digester cover and clarifier renovations, in the amount of \$44,000.00 was presented. Original contract amount \$790,000.00, amount added by change order \$299,851.00, amount deducted by change order \$1,250.00 less previous payments of \$818,502.98.

MOTION BY Supervisor Tesar, second by Supervisor Faber to approve payment request # PR-1210802-17 by J.F. Ahern Company, for digester cover and clarifier renovations, in the amount of \$44,000.00 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

### **STORM WATER DISTRICT**

1.) There was no Storm water district report.

### **PLANNING AND ZONING COMMISSION**

1.) A rezoning request from Bradley & Rebecca Potter-Hill, to rezone a property from R-3(Residential & C-2 Upland Conservancy) to R-3 & C-2, to update the official zoning map to match existing use, was presented. Property address of 25016 121<sup>st</sup> Street. Property tax parcel 67-4-120-341-0446. For informational purposes only this parcel is located on the north side of 121<sup>st</sup> Street approximately 380 feet east of 252<sup>nd</sup> Avenue.

Town of Salem Planning and Zoning Commission approved this rezone on a vote of 7-0.

MOTION BY Supervisor Faber, second by Supervisor Meier to take the recommendation of the P & Z Commission and approve the rezoning request from Bradley & Rebecca Potter-Hill, to rezone a property from R-3(Residential & C-2 Upland Conservancy) to R-3 & C-2, to update the official zoning map to match existing use, as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) A variance request by Blair & Camille Haltom (Owners to allow for an addition, including expansion, of retail floor space, storage, walk-in coolers and seating was presented. Property address of 11333 Fox River Road. Property tax parcel 67-4-120-303-0710. For informational purpose only this property is located on the east side of Fox River Road approximately 150 feet north of 114<sup>th</sup> Street. Non-conforming structures which do not meet at least 50% of the required setback dimensions cannot be enlarged or expanded (Section V.B. 12.28-7). Minimum street yard setback is 50% of 65 feet (32.5 feet on a County Highway). Variance requested is for

a 15.73 ft street yard setback.

Town of Salem Planning and Zoning Commission approved this variance on a vote of 7-0.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve, based on the P & Z Commission recommendation, the variance request by Blair & Camille Haltom (Owners) to allow for an addition, including expansion, of retail floor space, storage, walk-in coolers and seating as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

## **PUBLIC SAFETY**

- 1.) There was no Public Safety report.
- 2.) There was no action taken on the progress and completion of the Chapter 20 Lakes and Beaches. This item will be on the September meeting agenda.

## **PARK COMMISSION**

- 1.) A payment request #2 by B. R. Amon & Sons, Inc., for Park Improvement Project – Passive Use Area, in the amount of \$36,859.90 was presented.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve payment request #2 by B. R. Amon & Sons, Inc., for Park Improvement Project – Passive Use Area, in the amount of \$36,859.90 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

- 2.) There was no Park Commission report.
- 3.) Ordinance No. 10-08-09 An Ordinance Establishing Rules & Regulations for Town Parks was presented.  
Numerous questions were presented by board members and discussion took place. The questions included, Parks being open and prior approval of the board when closed, smoking in the parks and where people are to go to smoke when a park is outside, what defines amplified sound, no use of metal detectors, footers, headers and page numbers.  
During the discussion, Attorney Wanasek cautioned that selective enforcement could become an issue.  
This ordinance will be sent to Attorney Scholze to look at the exceptions and take back to the Park Commission. To be placed on the board agenda upon Park Commission approval.

## **JUDICIAL**

- 1.) Judicial report

The following cases are scheduled to be heard in the Salem Municipal Court at 5:00 p.m. on August 10, 2010.

	<u>Adult/Juvenile</u>
Initial Appearances/Non Traffic (Water Patrol: 28 – Ordinance: 12)	37/ 3
Initial Appearances/Traffic	30/ 0
Good Cause/Poverty Hearings	2/ 0

Trials	0/ 0
Follow-ups and Reviews	8/ 0
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Totals	77/ 3

### **SALEM MOUND CEMETERY**

1.) There was no Salem Mound Cemetery report.

### **LIBRARY BOARD**

1.) Chairman Valentine stated she is in need of people interested in serving on the Library Board. There will be no appointment now.

### **BOARD OF REVIEW**

Nothing to report.

### **REPORTS AND ACTION TAKEN ON PREVIOUS COMMISSION MEETINGS, FUTURE AGENDA ITEMS, AND UPCOMING SCHEDULED MEETINGS**

**Chairman Valentine** (Lakes Committee, Bike Committee) report.

Chairman Valentine gave a brief report of her activities for the month. (Copy of report attached to the official minutes)

**Supervisor Faber** (CCLRD, SEWRPC, P&Z Liaison, Lakes Committee, and Board of Review) report. The CCLRD annual meeting will be held on Sat. August 21, 2010 from 9:00 am to 11:00 am.

**Supervisor Meier** report.

Nothing to report.

**Supervisor O'Connell** (Library Board, Voltz Lake District) report. **Leave of Absence**

Nothing to report.

**Supervisor Tesar** (Parks Commission, Hooker Lake) report.

The Park Commission will meet on August 11th at 7:00 p.m. and the Hooker Lake Annual meeting will be held on September 15<sup>th</sup>.

### **Closed Session**

1.) There was no Closed Session.

### **ADJOURNMENT**

MOTION BY Supervisor Faber, second by Supervisor Tesar to adjourn this Regular Board Meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**This Regular Board Meeting was adjourned at 8:25 p.m.**

Respectfully submitted,

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Cindi Ernest, Clerk