

**MINUTES  
TOWN OF SALEM  
PUBLIC HEARING AND REGULAR MEETING  
OF THE BOARD OF SUPERVISORS  
MONDAY, JANUARY 10, 2011 7:00 P.M.**

**Chairman Linda Valentine** called this Public Hearing and Regular Meeting of the Town of Salem Board of Supervisors to order at 7:04 p.m. with the following present:

**CHAIRMAN:** Linda Valentine

**BOARD OF SUPERVISORS:** Diann Tesar, Joe Meier, Pat O’Connell, and Dennis Faber

**OTHERS:** Pat Casey, Attorney Rich Scholze, Brad Zautcke, Jack Rowland, Mike Murdock, Mike Slover, David Shortess, and Cindi Ernest.

**GUESTS:** Carl Siegel, Jerry Leslie, Dan Campion, Bea Campion, Marilyn Parker, Bernie Kean, John Roberts, Mike Langel, Arlene Langel, Pat Mulvey, Rebecca Deering, Mike Ullstrup, Steve Brown, Mark Morris, Scott Schumacher, Michael Underhill, Terry Otto, and Darren Hillock

Chairman Valentine announced that the Lakes Public Hearing would be held on January 19, 2011 at 7:00 pm, a joint meeting library municipal boards will be held on January 18<sup>th</sup>, 2011, snowmobile maps are available for \$2.00 in the Town Hall office, and a new law was passed in WI that effective February 1, 2011, carbon monoxide detectors are required in all buildings on all floors.

A drawing was held for ballot positions for the February 15<sup>th</sup> primary, for all candidates. Ballot position results are as follows:

Chairman: Diann D. Tesar  
Linda Valentine  
Dennis Faber  
Patrick O’Connell

Supervisor: Gail Peckler - Dziki  
Jody Keulman – Ress  
Patrick O’Connell  
Dan Campion  
Joseph G. Meier

**PLEDGE OF ALLEGIANCE**

Chairman Valentine led the Pledge of Allegiance.

**OPEN MEETING COMPLIANCE CHECK**

The agenda was posted prior to 3:00 p.m. on Friday, January 7, 2011 at the Town Hall Municipal Building, Salem Post Office, Camp Lake Post Office, Wilmot Post Office, and the Trevor Post Office. It was also posted on the Town's website.

**PUBLIC HEARING**

Applications have been filed with the Clerk of the Town of Salem, Kenosha County, Wisconsin for retail licenses to sell fermented malt beverages and intoxicating liquors, in accordance with the provisions of CHAPTER 125.04 of the Wisconsin State Statutes by the following:

Class " B" and "Class B" (combination beer & intoxicating liquor consumption on premises)

Lumpy's Bar & Grill, LLC  
9251 Antioch Road  
Salem, WI 53168  
Agent: Raymond A. Leimuller

Lumpy's Bar & Grill  
9251 Antioch Rd.  
Salem, WI 53168

Applications will be read and comment taken at a Public Hearing of the Town Board on Monday, January 10, 2011 at 7:00 PM at the Town Hall. Published in accordance with the provisions of Chapter 125.04 of the Wisconsin Statutes.

Chairman Valentine questioned three (3) times whether there was anyone for or against this proposed alcohol license.

There were no comments for or against this proposed license.

**APPROVAL OF AGENDA SEQUENCE**

There were no changes to the agenda sequence.

**CITIZENS COMMENTS**

Dan Campion, Trevor, welcomed those in attendance to the "campaign trail". He stated what it comes down to is looking at the candidates. He urged everyone to get out and vote.

Mark Morris, Salem, requested that the town put the fire lanes around the lakes to use for parking for fishermen. He would like to see people have more access for fishing.

**CITIZEN INITIATED BUSINESS**

There was no Citizen Initiated Business.

**CLERK'S BUSINESS**

1.) MOTION BY Supervisor Faber, second by Supervisor O'Connell to approve the minutes of a Public Hearing on 12/13/10, a Special Board Meeting on 12/21/10, a Special Board Meeting 12/24/10 and the Regular Board Meeting on 12/13/10 with the change of the time to 8:00 am on the 12/24/10 Special Meeting and that Joe Meier was absent from the Regular Meeting on 12/13/10.

SUPERVISORS Faber, O'Connell, Meier, and Tesar - AYE

CHAIRMAN Valentine – NAY

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

Sandra J. Rososke-Kissane    Mary Coe    Rebecca Deering    Christine Krawczyk

MOTION BY Supervisor Meier, second by Supervisor Tesar to approve the Operator licenses as presented. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) An Alcohol License application for Lumpy’s Bar & Grill, LLC, was presented during the public hearing. There were no comments for or against this license. Approval is contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

MOTION BY Supervisor Faber, second by Supervisor O’Connell to approve the Alcohol License application for Lumpy’s Bar & Grill, LLC, as presented with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

UNANIMOUS VOTE - AYE

MOTION CARRIED

4.) An Amusement Machine License application for Lumpy’s Bar & Grill, LLC was presented. Approval is contingent on payment of delinquent taxes, assessments, and all necessary fees.

MOTION BY Supervisor Tesar, second by Supervisor Faber to approve the Amusement Machine License application for Lumpy’s Bar & Grill, LLC as presented. Approval is contingent on payment of delinquent taxes, assessments, and all necessary fees

UNANIMOUS VOTE - AYE

MOTION CARRIED

**TREASURER’S REPORT**

1.) Administrator Casey gave the Treasurer’s report for December 1, 2010 – December 31, 2010 as follows:

**DECEMBER 2010 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM**

Dec. 1, 2010- Beginning Balance **\$772,012.38**

<b><u>RECEIPTS</u></b>	<b>\$6,827,858.58</b>
Transfer from LGIP#11	\$ 313,458.95
Prior Month Adjustment	\$ 570.35
<b><u>DISBURSEMENTS</u></b>	<b>\$ 735,815.87</b>
PAYROLL	\$ 146,088.35
Trnsfr to LGIP #9	\$ 1,000,000.00
Trnsfr to LGIP #14	<u>\$ 186,100.00</u>





MOTION CARRIED

**PUBLIC WORKS/HIGHWAY**

1.) Public Works/Highway Department report was given. The Highway Department moved into the building between Christmas and New years and they are up and running. The signage should be up by the end of the week.

**FIRE AND RESCUE**

1.) Fire Department report was given. The Village of Paddock Lake has requested additional time of sixty (60) days, which ends March 1<sup>st</sup>, on the negotiation of the fire fee. They have requested the fire department reports for calls for the last five (5) years.

**CHAIRMAN INITIATED BUSINESS**

1.) MOTION BY Supervisor Tesar, second by Supervisor Meier to return consideration of a K2 ordinance to the table. At the December board meeting and ordinance regarding the sale of K2, synthetic marijuana and related compounds was considered. This item was tabled from the December 13<sup>th</sup> Regular Board meeting pending a letter to Kenosha County.

UNANIMOUS VOTE – AYE

MOTION CARRIED

Chairman Valentine stated that she wrote to Kenosha County Executive Krueser. It was moved to the Legislative Counsel and they should look at it next weeks. A copy of the letter was also sent to Kerkman, Wirch and the District Attorney who will send to the state level.

Discussion followed with Attorney Scholze reiterating that there is little that can be done on the Town level to ban this substance.

Chairman Valentine explained the K-2 substance and its effects.

MOTION BY Supervisor O’Connell, second by Supervisor Tesar to table this item until February.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) MOTION BY Supervisor Meier second by Supervisor Tesar to return to table consideration regarding when the Town of Salem should resort to the Circuit Court on ordinance enforcement issues. This item was tabled from the December 13<sup>th</sup> Regular Board meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

Attorney Scholze gave a refresher on each of the court’s authorities to address these property maintenance issues. The municipal court judge has the authority to enforce forfeiture and that is the limit of his authority. A circuit court judge has the authority to issue a forfeiture or fine and also grant injunctive relief which is an order for cleanup or the town will cleanup and charge the costs. In brief conversations with Public Safety Officer Shortess and Administrator Casey, the consensus is that it would be more effective to take a progressive approach by beginning in municipal court, bring the case forward with another court action if necessary with higher penalties. The goal is to try to get the property owner to do something and the progressive approach may help that. If we make these efforts and still aren’t able to do it, makes our case stronger.

MOTION BY Supervisor O'Connell, second by Supervisor Tesar to table this item until the April regular board meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**3.)** Chairman Valentine brought up discussion regarding ice racing on the Town's waterways. The complaints have mostly come from Camp Lake residents. Snowmobiles have regulations, but there is none on motorcycles and four-wheelers.

Supervisor Faber stated that the DNR threw this issue back in our laps. We would like to look at some ideas for a public event ordinance for any events.

Discussion followed. Attorney Scholze and Administrator Casey will look at how this can be controlled.

**4.)** Chairman Valentine requested discussion on consecutive term limits and a subsequent ordinance for Town Board officers and appointed offices.

Supervisor O'Connell stated he is against term limits. Every two (2) years people can vote for whoever they want. Every year there is an election for a board member. You get someone in here who is good and then every two years they can't get back in.

Supervisor Faber stated he was appointed in 2003 to fill a vacancy and elected in April of 2011. He feels the same as Supervisor O'Connell. Every two years voters have the opportunity to say, "You're doing a good job or you're not doing a good job". This isn't like US Congress or Senate; we aren't raising money on this level. They are raising hundreds of thousands of dollars and millions of dollars to get elected. In exchange for that there must be some favoritism that must occur. That's not the case here and thinks that term limits under those circumstances are very appropriate.

Supervisor Tesar stated that she hadn't really thought about it, but every two (2) years the public has the opportunity to put someone else in here, every two years.

Supervisor Meier stated that if he felt he wasn't doing a good job, he wouldn't run. If the voters think I'm doing a bad job then they can vote me out.

Further discussion followed. No action was taken on this item.

**5.)** Chairman Valentine requested discussion on designating specific parking places in Montgomery Lakes Subdivision and on Town lands so that access to Montgomery Lake by the public isn't diminished.

Administrator Casey advised that we should identify all the fire lanes and lake accesses and make decisions.

Discussion followed.

Administrator Casey will give a status report on this in April.

## **PUBLIC SAFETY**

**1.)** The Hideaway Tavern requested that the Town allow parking on one side of the street near the two boat launches of Montgomery Lake on Saturday January 22, 2011 between 5am and 3pm for a fishing tournament.

MOTION BY Supervisor Tesar, second by Supervisor O'Connell to approve the Hideaway Tavern request to allow parking on one side of the street near the two boat launches of Montgomery Lake on Saturday January 22, 2011 between 5am and 3pm for a fishing tournament.

UNANIMOUS VOTE - AYE

MOTION CARRIED

2.) The Public Safety report was included in board packets.

**ADMINISTRATOR'S BUSINESS**

1.) Chairman Valentine requested that maps be placed in Chapter 20 Lakes and Beaches.

**FIRE AND HIGHWAY BUILDING PROJECT**

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

2.) A payment request #14 by Miron Construction, in the amount of \$286,032.00 was presented. Original contract amount \$ 4, 500,474.00. Balance to finish, including retainage, \$363,412.80 to Miron.

MOTION BY Supervisor O'Connell, second by Supervisor Meier to approve payment request #14 by Miron Construction, in the amount of \$286,032.00 as presented.

UNANIMOUS VOTE - AYE

MOTION CARRIED

**BUILDING DEPARTMENT**

1.) Chairman Valentine gave the Building Department report as follows: Twenty-one (21) 2010 Permits \$2,391.00, Eleven (11) 2009 Permits \$371.00. Year to Date for 2011 is \$495.00.

2.) This item on the updating of Building Codes - Ordinance 14.18 relating to Artificial Ponds was removed from the agenda until next month.

3.) A request by Jerome Epping for board approval of a retention pond he built to control storm water and irrigate nursery stock was presented.

MOTION BY Supervisor Meier, second by Supervisor Tesar to approve the Epping retention pond, to control storm water and irrigate nursery stock, as presented.

UNANIMOUS VOTE - AYE

MOTION CARRIED

**SEWER UTILITY DISTRICT**

1.) Due to operational duties, the Sewer Utility Department report will be to the board by Friday.

**STORM WATER DISTRICT**

1.) There was no Storm Water District report

**PLANNING AND ZONING COMMISSION**

1.) Ordinance No. 11-01-10, An Ordinance Repealing and Recreating Section 12.04 (6) and 12.01 (3) of the Town of Salem Code of Ordinances Relating to Dog Kennel Licenses was presented.

MOTION BY Supervisor O'Connell, second by Supervisor Faber to adopt Ordinance No.11-01-10, An Ordinance Repealing and Recreating Section 12.04 (6) and 12.01 (3) of the Town of Salem Code of Ordinances Relating to Dog Kennel Licenses as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Ordinance No. 11-01-10A, An Ordinance Creating Section 9.22 of the Town of Salem Code of Ordinances Regarding Storage of Gunpowder, Propellants and Explosives was presented.

MOTION BY Supervisor Faber, second by Supervisor Meier to adopt Ordinance No. 11-01-10A, An Ordinance Creating Section 9.22 of the Town of Salem Code of Ordinances Regarding Storage of Gunpowder, Propellants and Explosives as presented.

**PARK COMMISSION**

1.) Administrator Casey indicated that he has had discussions with the baseball association about using the park next year.

**JUDICIAL**

1.) Chairman Valentine gave the judicial report as follows:

Court Date: 5:00 p.m. on January 11, 2010

	Adult/Juvenile	
Initial Appearances/Non Traffic (Water Patrol: 0 – Ordinance: 27)	13 Adult	14 Juvenile
Initial Appearances/Traffic	19 Adult	0 Juvenile
Follow-ups and Reviews	24 Adult	6 Juvenile
Good Cause/Poverty Hearings	4 Adult	0 Juvenile
Trial is at 6:30 P. M.	1*	
(*7 property citations for 1 defendant)		
Totals	61	20

Total Collected	Municipality Share	Sent to County	Sent to State
\$4115	\$2672	\$340	\$1103

There were 791 Kenosha County Sheriff calls.

**SALEM MOUND CEMETERY**

1.) Administrator Casey will look at a Town Cemetery and Burial Site Ordinance.

**LIBRARY BOARD**

1.) The Village of Paddock Lake Library meeting will be on January 18, 2011 at 6:00 pm. The last meeting of the Library Board was on December 13, 2010.

**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 submitted her report for the record.

**Supervisor Faber** (CCLRD, SEWRPC, P&Z Liaison, Lakes Committee, and Board of Review) had nothing to report.

**Supervisor Meier** reported that a recently retired Town of Salem employee is in the hospital with serious health problems and has requested that he be kept in prayers. Former Town Supervisor Josephine Weidman fell recently and broke her hip.

**Supervisor O'Connell** (Library Board, Voltz Lake District) reported that Voltz Lake held their annual meeting and they have two (2) new members. He would like the Town to write a letter. He then stated that to get on the ballot, candidates have to complete paperwork. It has come to his attention that Chairman Valentine has offered copies on her MSB group. He requested that if anyone needs copies that they go to him or to come to the Town Hall, but that he doesn't think that another candidate should be passing out his personal information.

**Supervisor Tesar** (Hooker Lake) reported that the next Hooker Lake meeting will be held on Thursday, January 13<sup>th</sup> at 7:30 pm.

**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 9:10 p.m.**

Respectfully submitted,

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Cindi Ernest, Clerk