

**MINUTES
TOWN OF SALEM
REGULAR MEETING OF THE BOARD OF SUPERVISORS
MONDAY, APRIL 13, 2009 6:30 P.M.**

Chairman Diann Tesar called this Regular Meeting of the Town of Salem Board of Supervisors to order at 6:30 p.m. with the following present:

CHAIRMAN: Diann Tesar

BOARD OF SUPERVISORS: Josephine Weidman, Joe Meier and Dennis Faber

ABSENT: Supervisor Pat O'Connell was excused.

OTHERS: Pat Casey, Rich Scholze, Brad Zautcke, Chris Kaempfer, and Cindi Ernest.

CLOSED SESSION

1.) MOTION BY Supervisor Faber, second by Supervisor Weidman to go into Closed Session in accordance with Section 19.85(1)(g) for the purpose of conferring with legal counsel concerning strategy to be adopted by the Town Board with respect to litigation in which it is or is likely to become involved relative to the enforcement of developer agreements and in accordance with Section 19.85(1)(e) for the purpose of discussing and deliberating negotiation strategies relating to a collective bargaining agreement.

ROLL CALL VOTE

SUPERVISORS Faber, Meier, Weidman, and Chairman Tesar – AYE

MOTION CARRIED

2.) MOTION BY Supervisor Faber, second by Supervisor Weidman to move into open session.

ROLL CALL VOTE

SUPERVISORS Faber, Meier, Weidman, and Chairman Tesar – AYE

MOTION CARRIED

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:

NAME & ADDRESS
OF APPLICANT

TRADE NAME & ADDRESS
OF ESTABLISHMENT

Class B (beer only consumption on premises)

Wilmot Fire Department
30400 Wilmot Rd.
Wilmot, WI 53192
Agent: Sam Barranco

Wilmot Fire Department
Kenosha County Fairgrounds
30820 111th St
Wilmot, WI 53192

Chairman Tesar asked if there were any comments for or against this proposed license. There were no comments. This public Hearing was closed at 7:08 p.m.

CITIZEN INITIATED BUSINESS

1.) Citizens Comments:

Linda Valentine requested to speak on item # 1 under the Planning and Zoning. She then read a letter which she read into the minutes (copy attached) expressing appreciation for the 18 years which outgoing Chairman Diann Tesar, has served the community on the Town Board.

Tim Vanderhoef thanked Mike Murdock for the barricade that the Highway Department placed on 82nd Street. He also thanked Diann Tesar for the time she has taken to listen and return residents calls. He stressed to the board that the Town still needs to know where the water comes from.

Gail Peckler-Dziki stated that she appreciates those who came out and voted, but wanted people to encourage those seeking office to file as a regular candidate rather than a write in. The election workers spend hours counting write ins and feels that all would be better served if they went through the process of filing for candidacy.

Chris Gustafson stated that Kenosha County is in the process of mapping storm water.

Out going Chairman, Diann Tesar congratulated Linda Valentine who is the new Town Chairman. She hopes it will be the best for the town.

She then read a letter into the record (copy attached) thanking all who have supported her. She also touched on points regarding the board's decision on various items that have taken place this year.

CLERK'S BUSINESS

1.) MOTION BY Supervisor Faber, second by Supervisor Meier to approve the minutes of the Regular Board Meeting on 03/09/09.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Town of Salem Alcohol Licenses, pending clear background checks, payment of delinquent taxes, assessments, and all necessary fees, presented during the Public Hearing were as follows:

**NAME & ADDRESS
OF APPLICANT**

**TRADE NAME & ADDRESS
OF ESTABLISHMENT**

Class B (beer only consumption on premises)

Wilmot Fire Department
30400 Wilmot Rd.
Wilmot, WI 53192
Agent: Sam Barranco

Wilmot Fire Department
Kenosha County Fairgrounds
30820 111th St
Wilmot, WI 53192

There were no comments for or against this license.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the Alcohol License for the Wilmot Fire Department pending clear background checks, payment of delinquent taxes, assessments, and all necessary fees.

Supervisor Weidman asked to abstain due to her involvement with the County Fairgrounds.

ABSTAIN – Supervisor Weidman

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) Operator's License applications were presented as follows, pending background check clearance, completion of beverage server class, and payment of the necessary fees.

David Gyger
Dawn Barranco
Salvatore Barranco
Pauline Teser
Kieth Schumacher

David Ehlert
Nancy Barranco
Kasie Daley
Eileen Grimm
Dawn R. Kavalauskas

MOTION BY Supervisor Meier, second by Supervisor Faber to approve the Operator's Licenses as presented pending background check clearance, completion of beverage server class, and payment of the necessary fees. Supervisor Weidman asked to abstain due to her involvement with the County Fairgrounds.

ABSTAIN – Supervisor Weidman
UNANIMOUS VOTE – AYE
MOTION CARRIED

4.) Administrator Casey stated that work would be done “in house” to partition of the current conference room and turn half into an employee lunch room. The current kitchen would be used for centralizing records and storage by the Building, Land & Development, Clerk’s Office, and Utility District.

MOTION BY Supervisor Weidman, second by Supervisor Meier to approve the work as presented.

UNANIMOUS VOTE – AYE
MOTION CARRIED

TREASURER’S REPORT

1.) Deputy Treasurer Neuman gave the Treasurer’s Report as follows:

MARCH 2009 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

MARCH 1, 2009- Beginning Balance **\$ 1,658,680.33**

<u>RECEIPTS</u>	\$ 386,614.84
Transfer from UD	\$1,027,070.02
Transfer from Tax Fund	\$1,640,000.00

<u>DISBURSEMENTS</u>	\$ 779,004.33
Payroll	\$ 203,570.73
Total	\$ 982,575.06

MARCH 31, 2009 - Ending Balance **\$ 3,729,790.13**

State Pool - General	\$2,168,793.46
Gen. Checking	<u>\$1,560,996.67</u>
Totals	\$3,729,790.13

MARCH 2009 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM

MARCH 1, 2009- Beginning Balance **\$ 1,651,575.92**

<u>RECEIPTS</u>	\$ 669.48
------------------------	------------------

<u>DISBURSEMENTS</u>	0.00
Transfer to Gen. Fund	\$1,640,000.00

MARCH 31, 2009 - Ending Balance **\$ 12,245.40**

State Pool - Tax	\$ 7,017.26
Tax Checking	<u>\$ 5,228.14</u>
Total	\$ 12,245.40

MARCH 2009 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM

MARCH 1, 2009 - Beginning Balance **\$ 831,002.87**

Total

\$1,972,322.25

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the vouchers as presented.
UNANIMOUS VOTE – AYE
MOTION CARRIED

3.) There was nothing to report on balances owed by developers to the Town of Salem.

ADMINISTRATOR’S BUSINESS

1.) Nothing to report.

DEPARTMENT REPORTS, ACTIONS, AND EXPENDITURE REQUESTS

PUBLIC SAFETY

1.) Nothing to report.

PLANNING AND ZONING COMMISSION

1.) Doug Hughes, Cary Artac, and Ruth Dargan were presented as applicants for the appointment of two positions on the Town of Salem Planning Commission.

As liaison to the Planning and Zoning, Supervisor Faber explained to those in attendance about Mr. Artac’s & Mr. Hughes contributions to the P & Z Commission. He stated that Mr. Artac’s contributions have included finding a solution to a continuing problem in the Kenosha Co. 2035 long term plan. Hughes’s contributions to the P & Z Commission were as commission chairman and finding the property for the Community Park. He went on to say that it is his recommendation that both be re-appointed to the Planning and Zoning Commission.

Supervisor Meier stated that many questions have been asked of him whether a realtor on the board creates a conflict. Chairman Tesar indicated the same.

As liaison to the Planning and Zoning, Supervisor Faber explained to those in attendance about Mr. Hughes’ contributions to the P & Z board as their chairman. He also stated that Mr. Artac’s contributions have included finding a solution to a continuing problem in the 2035 long term plan. Hughes’ contributions to the Planning & Zoning board as their chairman.

Discussion followed on conflicts of interest, ethics, and having certain professions on the Planning and Zoning Commission. Supervisor Faber stated that during the questions relative to Mr. Hughes’ involvement in the purchase of the Community Park property, he consulted with Town Attorney Rich Scholze, the Kenosha County D.A., and the State’s Attorney General. They indicated that there was no conflict of interest and nothing illegal.

Linda Valentine state that this is the last day of the term and that item be tabled and change the application time to May 5th.

MOTION BY Supervisor Faber, second by Supervisor Meier to wait for clarification from our attorney and come back to this item.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Resolution No. 09-04-13, A Resolution Adopting the Town of Bristol/Town of Salem Cooperative Plan under Section 66.0307, Wisconsin Statutes and to Authorize Transmittal of the Cooperative of Plan to the State of Wisconsin Department of Administration was presented.

MOTION BY Supervisor Faber, second by Supervisor Meier to adopt Resolution No. 09-04-13, A Resolution Adopting the Town of Bristol/Town of Salem Cooperative Plan Under Section 66.0307, Wisconsin Statutes and to Authorize Transmittal of the Cooperative of Plan to the State of Wisconsin Department of Administration

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) A request by Powers Lake Construction for the Town to draw on the letter of credit for Heritage Estates Subdivision to pay, in part, the costs of public improvements related to the subdivision.

No action will be taken on this item.

4.) A request by Powers Lake Construction for the Town to draw on the letter of credit for Woodhaven Meadows Subdivision to pay, in part, the costs of public improvements related to the subdivision.

No action will be taken on this item.

SEWER UTILITY DISTRICT

1.) An Engineering Agreement with Kaempfer and Associates regarding utility improvements to service the proposed Municipal Complex was presented.

MOTION BY Supervisor Weidman, second by Supervisor Meier to approve the Engineering Agreement with Kaempfer and Associates regarding utility improvements to service the proposed Municipal Complex.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Resolution # 09-04-13A, a resolution declaring official intent to reimburse possible expenditures, for the proposed Municipal Complex, from proceeds of borrowing was presented.

MOTION BY Supervisor Faber, second by Supervisor Meier to adopt Resolution # 09-04-13A, a resolution declaring official intent to reimburse possible expenditures, for the proposed Municipal Complex, from proceeds of borrowing and to add wording and/or grant.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) Resolution # 09-04-13B, a resolution declaring official intent to reimburse possible expenditures, for activated sludge system improvements, from proceeds of borrowing was presented.

MOTION BY Supervisor Faber, second by Supervisor Weidman to adopt Resolution # 09-04-13B, a resolution declaring official intent to reimburse possible expenditures, for activated sludge system improvements, from proceeds of borrowing and to add wording will get reimbursed by bonds and/or grants.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) Pay Request # PR-1210802-05 by J.F. Ahern Company, for digester cover and clarifier renovations, in the amount of \$63,493.25 was presented.

MOTION BY Supervisor Weidman, second by Supervisor Meier to approve Pay Request # PR-1210802-05 by J.F. Ahern Company, for digester cover and clarifier renovations, in the amount of \$63,493.25

UNANIMOUS VOTE – AYE

MOTION CARRIED

PLANNING AND ZONING COMMISSION

1.) Attorney Scholze expressed concern about the board's ability to table and changing policy/procedure which has been adopted by the town. The town has village powers and the statute clearly states appointment during the month of April.

Discussion followed.

Administrator Casey advised that based on the interpretation, the board needs to decide.

MOTION BY Supervisor Weidman to appoint Cary Artac and Ruth Dargan to the Planning Commission.

Discussion.

MOTION RESCINDED BY Supervisor Weidman.

Discussion.

MOTION BY Supervisor Faber, second by Supervisor Meier to table this item to another date in April.

SUPERVISOR Weidman and Chairman Tesar – NAY

SUPERVISORS Meier and Faber – AYE

MOTION FAILED

MOTION BY Supervisor Weidman to appoint Ruth Dargan and Cary Artac to the Planning Commission.

MOTION RESCINDED BY Supervisor Weidman.

MOTION BY Supervisor Weidman second by Supervisor Faber to appoint Cary Artac to the Planning Commission.

UNANIMOUS VOTE – AYE

MOTION CARRIED

MOTION BY Supervisor Weidman second by Supervisor Meier to appoint Ruth Dargan to the Planning Commission.

SUPERVISORS Weidman, Meier, and Chairman Tesar – AYE

SUPERVISOR Faber - PRESENT

MOTION CARRIED

SEWER UTILITY DISTRICT

5.) Pay Request # PR-1210801A-04 by Staab Construction Corporation, for wet weather flow equalization facilities, in the amount of \$261,979.60 was presented.

MOTION BY Supervisor Weidman second by Supervisor Meier to approve Pay Request # PR-1210801A-04 by Staab Construction Corporation, for wet weather flow equalization facilities, in the amount of \$261,979.60.

UNANIMOUS VOTE – AYE

MOTION CARRIED

6.) Pay Request # PR-1210801C-03 by Delta Electric, for wet weather flow equalization facilities, in the amount of \$7,125.00 was presented.

MOTION BY Supervisor Faber second by Supervisor Meier to approve Pay Request # PR-1210801C-03 by Delta Electric, for wet weather flow equalization facilities, in the amount of \$7,125.00.

UNANIMOUS VOTE – AYE

MOTION CARRIED

7.) Change Order # CO-1210801C-01 for Delta Electric, to install level sensing devices in the wet weather flow equalization facilities, in the amount of \$35,340.00 was presented.

Utility Administrator Zautcke stated these were a state mandates after the plans were approved.

MOTION BY Supervisor Meier second by Supervisor Faber to approve Change Order # CO-1210801C-01 for Delta Electric, to install level sensing devices in the wet weather flow equalization facilities, in the amount of \$35,340.00.

UNANIMOUS VOTE – AYE

MOTION CARRIED

8.) Change Order # CO-1210801C-02 for Delta Electric, to provide single-phase power and conduit for the SCADA system to the recently installed antenna at the wet weather flow equalization facilities, in the amount of \$8,260.00 was presented.

MOTION BY Supervisor Faber second by Supervisor Meier to approve Change Order # CO-1210801C-02 for Delta Electric, to provide single-phase power and conduit for the SCADA system to the recently installed antenna at the wet weather flow equalization facilities, in the amount of \$8,260.00.

UNANIMOUS VOTE – AYE

MOTION CARRIED

9.) Change Order # CO-1210802-02 for J.F. Ahern, to repair the damaged digester cover, in the amount of \$65,700.00 was presented.

MOTION BY Supervisor Faber second by Supervisor Meier to approve Change Order # CO-1210802-02 for J.F. Ahern, to repair the damaged digester cover, in the amount of \$65,700.00.

UNANIMOUS VOTE – AYE

MOTION CARRIED

10.) Change Order # CO-1210802-03 for J.F. Ahern, to renovate the existing digester sludge piping, gas utilization equipment and safety equipment in the amount of \$83,600.00 was presented.

MOTION BY Supervisor Weidman second by Supervisor Meier to approve Change Order # CO-1210802-03 for J.F. Ahern, to renovate the existing digester sludge piping, gas utilization equipment and safety equipment in the amount of \$83,600.00.

UNANIMOUS VOTE – AYE
MOTION CARRIED

HIGHWAY

1.) Nothing to report.

FIRE AND RESCUE

1.) Chief Slover requested approval to pay off the balance owed on the intercept vehicle.
MOTION BY Supervisor Faber second by Supervisor Meier to approve the pay off of the intercept vehicle.
UNANIMOUS VOTE – AYE
MOTION CARRIED

2.) A request for payment of a broker fee to B & P Apparatus, in the amount of \$8,000, for the sale of used fire apparatus was presented.
MOTION BY Supervisor Meier second by Supervisor Faber to approve payment of a broker fee to B & P Apparatus, in the amount of \$8,000, for the sale of used fire apparatus.
UNANIMOUS VOTE – AYE
MOTION CARRIED

3.) Change orders in the amount of \$2,578, for each fire truck, total \$7,734 were presented.
MOTION BY Supervisor Faber second by Supervisor Meier to approve Change orders in the amount of \$2,578, for each fire truck, for a total of \$7,734.
UNANIMOUS VOTE – AYE
MOTION CARRIED

4.) Chief Slover requested approval of equipment purchase for the new fire apparatus, in the amount of \$29,178.32.
MOTION BY Supervisor Faber second by Supervisor Meier to approve equipment purchase for the new fire apparatus, in the amount of \$29,178.32.
UNANIMOUS VOTE – AYE
MOTION CARRIED

5.) Purchase of hydraulic rescue equipment as listed. Total costs for Fire/Rescue Supply is \$19,082 were presented.
MOTION BY Supervisor Faber second by Supervisor Meier to approve the purchase of hydraulic rescue equipment as listed. Total costs for Fire/Rescue Supply is \$19,082
UNANIMOUS VOTE – AYE
MOTION CARRIED

BUILDING AND ZONING

1.) Ordinance No. 09-04-13, An Ordinance Creating Section 14.25 of the Town of Salem Code of Ordinances, The Property Maintenance Code was presented.
Administrator Casey indicated that this Ordinance will allow the town to begin enforcing the upkeep of yards and homes. The Building and Public Safety Departments will enforce safety and health issues. The town may need to go to the Circuit Court for enforcement. There will be regular inspections done in an orderly manner. The board will get complaints. Farms are excluded in this ordinance. He stressed to the board that this is a good, solid, and enforceable ordinance. Education is a key.
MOTION BY Supervisor Faber second by Supervisor Meier to adopt Ordinance No. 09-04-13, An Ordinance Creating Section 14.25 of the Town of Salem Code of Ordinances, The Property Maintenance Code
UNANIMOUS VOTE – AYE
MOTION CARRIED

JUDICIAL

1.) Nothing to report.

STORM WATER DISTRICT

1.) Nothing to report.

PARK COMMISSION

1.) Nothing to report.

CHAIRMAN AND BOARD REPORTS: REPORT AND ACTION TAKEN ON PREVIOUS COMMISSION MEETINGS, FUTURE AGENDA ITEMS, AND UPCOMING SCHEDULED MEETINGS.

1.) Hooker Lake meeting will be held at the Town Hall on April 23, 2009 at 7:00 p.m. Chairman Tesar stated that they will need a town board member on their board.

Supervisor Faber shared a little story about Chairman Tesar on the Finance Committee and how thorough she was. He stated that she has done the best for the town.

Supervisor Meier stated that this Town Board doesn't have a more honest Chairman than Diann. He stated that he respects her opinion and was proud to be on the board with her.

Supervisor Weidman stated that she agreed with the statements made by Dennis and Joe. The board is going to be different without her.

There won't be a Park meeting this month.

ADJOURNMENT

MOTION BY Supervisor Weidman, second by Supervisor Faber to adjourn this regular board meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

This regular board meeting was adjourned at 8:34 p.m.

Respectfully submitted,

Cindi Ernest, Clerk