

**MINUTES
TOWN OF SALEM
PUBLIC HEARING OF THE BOARD OF SUPERVISORS
WEDNESDAY, JANUARY 19, 2011 7:00 P.M.**

Chairman Linda Valentine called this Public Hearing of the Town of Salem Board of Supervisors to order at 7:13 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, Rich Scholze, and Cindi Ernest

GUESTS: Micheal Ewl, Ryan Bell, Geri Bell, Carol Bell, Marilyn Parker, Frank Bell, Patti Zurla, Alan Koop, Cindy Cort, Collenn Drystra, Roger Johnson, Richard Maron, Sue Gerber, Chris Willkomm, Andrew Findley, Jim Viverito, Joe Hughes, Dave Matteson, Robert Meisinger, Toni Schaedel, Dean Weis, Kay Meisinger, Ron Vanderhagen, David Giza, Wm Clifford, Marlene Engstrom, Robert White, Mike Davenport, Don Lupi, Chris Massie, Mike Schwarzenbacher, Rick Arndt, Bryce Bozman, Kelly Wilson, Mike McGuire, Dale B. Schaffer, Cindy Houghton, Jeffrey T. Barningham, Kurt ?, Lily Lake Resort, Keith Boumer, John Slaty, B. Grasser, Lorrain Paull, Bryan OShaughnessy, John Saporta, Dan Campion, Ken Anderson, Tom O’Brien, A.B. O’Brien, Dean Hintzman, Jeremy Hall, Jim Grumbeck, Betty Greiner, Pat Greiner, Pete Plochke, Duane Lucas, Brien Wood, John Toney, Tristin Toney, Dale Toney, John McEntegart, Jason Pollock, Erik Barke, Jeff ?, Lillian Bragenzer, Tony Giorno, Paul Marescalco, Brandon Marescalco, Mark Marescalco, Warren Mertyniak, Brandon Martyniak, Wendy Marescalco, Bill Martin, Camey Leonard, Chuck Le Leonard, Mike Stancato, Sandra Millhanco, Angela Sward, Mike Harlow, Bernie Kean, Tim Garland, Jeffrey A, Boening, Terry K. Rise, Ed Zender, Lori Zender, Rick Rozinski, Eugene Lupi, Dean Moser, Mark N., Den Hartman, Russ Larabee, Glen Vernezze, Karen Ihlen, Cindy Tanski, Paula Sass, Dave Sass, William Schulz, Jim Grumbeck, Brian Spencer, Joe Fowler, Ted Tsoumas, Darren Hillock, and Deneen Smith.

Chairman Valentine announced the Lake Shangri-La Ice Fishing Derby will be held on January 29th & 30th, 2011. She then explained to the audience that this is a public hearing on Chapter 20 and no decisions will be made and the board is only listening to comments. Some buoys are not in place yet.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Valentine.

This meeting was properly noticed, and published in the Kenosha News on December 19, 2010.

Chairman Valentine opened this public hearing up for comment from the ice racers.

Jim Viverito, Chicago, IL is on the Board of Directors of the American Motorcyclists Association. He wanted to point out to the board that if we work and put our heads together, all can address

the concerns. When this issue came forward, things began being done to cut down on the noise issues so that all can use the lakes. He pointed out that motorcyclists spend money in the community.

John Saporta, Geneva, IL, spoke of his enjoyment of motor and winter sports. He has been coming to Camp Lake for the last three (3) years. He brings his daughter here; they eat meals here and enjoy the lake. He submitted a letter to the board from his daughter (which will be added as part of the permanent record) for their consideration.

Dale Matteson, Walworth, WI, stated he is married, has children, grandchildren and is 67 years old and enjoys motorcycles. The group that comes to Camp Lake ranges in age from 7 to 70. They chose Camp Lake to enjoy riding safely. They don't race. The group wants to work with neighbors to be able to continue to enjoy the lake.

Tony Giorno, Wheatland, WI, introduced his children. He explained that he takes them out riding on the weekends. If it were not safe, he wouldn't take them out. He doesn't want their rights taken away to ride on the lakes.

Dale Schaeffer, Salem, WI, stated that to ride on the lakes is everyone's right.

Chairman Valentine stated that her concerns are the sounds and snow banks.

Mr. Schaeffer continued that riding is a family affair. Most of the guys have been riding twenty (20) to thirty (30) years and now our kids are riding. They are getting the kids off of the computers and outdoors. Certain decibels have to be met. The solution is to disburse the snow banks at the end of the day. We stay away from the ice fishermen. We just want to enjoy and have family fun.

Duane Lucas, Trevor, WI, state that he lives three (3) or four (4) houses from the lake. It's nice to hop on the bikes and play on the lakes. If sound is the problem then maybe we need to turn them down some. He said he doesn't hear the noise and questioned if we are going to regulate duck hunters because we hear their guns?

Brian O'Shaunessey, McHenry Co., IL, said that some lakes have been shut down in meetings such as this. People are now going to rural WI. He posted on my Kenosha Co. and brought up the points of safety and equipment in his post. He also stated that if there is something they can do to accommodate the people around the lake, they want to do it.

Ed Zenner stated he's been riding on the lakes for twenty (20) plus years with his kids. There aren't many things to do with the kids, but this is one. Freedom to use public facilities is one of our rights. He wants an opportunity to work out an equitable solution.

Lorraine Paull, Trevor, WI, Looks forward to summer and winter and people enjoying the lake. Having a house on the lake is all part of it. We don't want so many regulations, to which Mrs. Paull received a very loud applause.

Joe Hughes, Trevor, WI, state that Camp Lake ice racing has been a concern. The bikes are not regulated by another source. The noise levels need to be regulated. Ice berms are a problem. If you are traveling at night on a snowmobile and hit a berm at 3 feet tall, at 55 mph, then the rider will come off.

Paul Maresculco, Kenosha Co, WI, stated that people riding should check out where they ride and not go 100 mph across a place they are unfamiliar with.

Chairman Valentine state that this issue will be on the agenda for the February regular board meeting. The supporting material is available the first Friday of the month. Interested people can email the clerk for information.

Supervisor Tesar questioned the speed of 45 –50 mph if in the new ordinance it is only 20 mph. Administrator Casey stated that it was a draft ordinance only and forwarded to staff. It is preliminary only and hasn't been released.

Mr. Maresculco responded that the average speed is 45 mph on a closed course.

Jesse Wember Kenosha & Crevitz, WI said that motorcyclists bring in money even in a bad economy.

Further discussion followed. This item will be on the February town board agenda.

Chapter 20 Lakes & Beaches

Chairman Valentine gave a background of Ch. 20.

Chairman Valentine requested that State Statute titles be put on the first page of Ch. 20.

Supervisor Meier, representing Hooker Lake Association, as is Supervisor Tesar. He stated that Hooker Lake is in favor of removing restrictions and just following state law. He requested that letters from Greg Kruchko and Tim Vanderhoef be added to the record of this meeting. There was a resounding applause from those in attendance to Supervisor Meier's statement.

Bob Meisinger questioned who has the management of Cepaks, to which Chairman Valentine responded that this will be discussed a separate time. Mr. Meisinger also drafted a letter (given to the clerk) and requested be added to the record. Per Ch. 20.03, he also requested that the signs by the lake be discussed and how this chapter related to Cross Lake.

Discussion followed. This will be discussed at a later date.

Jeff Barningham, Bristol, WI, pointed out Supervisor Joe Meier's comment to adopt state regulations and not more restrictive regulations. How can we adequately express our opposition or support so that it really gets to the board to consider that the statement of why state we have this that has more restrictions than state statutes?

Chairman Valentine stated, "That's why we're all here and why...."

Mr. Barningham questioned, "That smattering of applause was enough to give everybody on the board enough indication that we are in support or opposition to that?"

Chairman Valentine responded, "To Diann and Joe it is, I mean if you're saying that specific to the lake, but I don't know if they are specific to all of the lakes in the Town."

Discussion followed.

A vote was taken on the question; to adopt state regulations and not more restrictive regulations on the lakes.

Thirty five (35) were in favor of this question.

Seven (7) were opposed to this question.

Discussion followed.

Frank Bell stated he wanted to reiterate what Supervisor Tesar said. When you get boat registrations you get the rules for the lakes. If you have laws that are uniform and don't know the laws of a lake they can look in the pamphlet. They know what they are.

Roger Johnson, Village of Silver Lake President, wants to make sure that Silver Lake is still in charge of Silver Lake.

Chairman Valentine reiterated Ch. 20.02(1)

Bill Schultz, Lake Shangri – La, stated that there is not enough room to do boating at 200 feet. We're an association and we take care of the lake. We're here for three (3) items; shore distance, buoys, and lake levels. I agree with Diann (Tesar) that state statutes is what we should go by. Why is government trying to regulate our summers?

We also want sunrise to sunset by state regulations.

Ted Tsoumas who has property on Cross & Camp Lake feels that 200 feet is too tight for Cross Lake. It closes areas to boat. Thinks for Cross Lake we should go back to state statutes.

Cross Lake wants to stay at 100 feet on shore zone.

Jeff Barningham, Lake Shangri-La, you are doing the exact opposite of what we should be doing. Adopt state statutes and then make exceptions.

Discussion followed.

Bill Martin, Voltz Lake, It is a lot easier to say follow state regulations and then lakes that don't want to abide by them can make their own regulations.

Bob Meisinger stated that Cross Lake wants to abide by state statutes at 100 feet from shore.

Candy Zurlach questioned if a town board can override a lake district to which she received a response of Yes.

Supervisor Faber stated that a lake district has no authority to make shoreline changes.

Chairman Valentine continued through Ch. 20. The following changes were requested.

9, page 2 should read "Regulatory markers" and should read "swimming area" rather than "zone".

Page 3 no changes.

Page 4 Voltz Lake – Should it be Trevor Creek?

Page 5 Old map and gauging stations no longer in place. Map to show Slow No Wake insert.

(D) Fox River part goes into Wheatland and Silver Lake.

Chairman Valentine stated she spoke to Wheatland and they have no intention of policing this.

Sections (a) and (d) to be fixed subject to municipal comments.

Ted Tsoumas, 20.05 relative to "No Wake". He believes the regulation is too excessive. People don't live and work in the community. It's too early to shut down the lake at 7:00 p.m. The rules and regulations are too excessive.

Supervisor Faber stated that the waters are under public trust. The state holds them in trust for residents. They belong to everyone and no one. Others who get home want peace and quiet. Discussion followed relative to hours on the lakes.

Item (b) will be

Page 6, John Entegert questioned who is responsible for the buoys and who pays for them to which it was responded that the Lake District pays for them and they will put them in. They are not for debate and they are only danger buoys and shoreline buoys.

Dave Giza, 10048 272nd Ave. and former chairman of CCLRD. There is an underlying ordinance and expressed concerns about the large number of buoys to enforce speed restrictions on Camp Lake. Twenty-five (25) seems unreasonable and excessive to enforce speed on Camp Lake.

Discussion followed.

Page 7 (g) Correction relative to Hooker Lake hours and add that Lake Shangri-Las will abide by state statutes sunup to sundown. (G) and (k) now exist. (K) will be Lake Shangri-La. Further discussion followed about hours for Cross Lake, another public hearing, and is there a need to rush to complete by February.

Jeff Barningham, regarding speed restrictions, there are good exceptions, but in general as public officials you as a board need to put personal agendas about the lakes aside. I don't have trust that you're going to take into consideration what you are hearing here tonight.

Supervisor O'Connell state that he doesn't live on a lake.

Supervisor Faber responded

Mr. Barningham stated that we shouldn't have to be here every time to baby-sit you.

Chairman Valentine read Page 7 (g) through (j).

Public Safety Supervisor Dave Shortess stated that the DNR won't allow electric motors on Rock Lake.

Discussion of electric motors followed.

Mike Maguire, Camp Lake, This is America and the majority should be listened to. The majority want to follow state statutes.

Supervisor Meier stated that if we went by state statutes and there are nine (9) exceptions then the signs can read that the statutes are followed with the exception of those none (9) things. Further discussion followed.

Page 7 (h) and (l) will be modified or removed.

Dean Hintzman wanted clarification on "exceeds". We want it to read "exceeds".

Further discussion followed about delegating authority to lake districts.

Chairman Valentine wants to pursue delegating authority to lake districts again and she will put it on the February agenda.

Page 8

No requirement that they be removed.

Pat Weyand pointed out that they say 150 feet. We will go with state statutes.

Page 9 Line 3 should read "Coast Guard Approved".

20.09 "person being towed must use USCG flotation device?"

Dave Shortess stated that it was taken out by the DNR and there is no state statute. This item will be removed.

The number of people being towed is a state law. 20.09 (d), (e), and (f) will be changed to (b), (c), and (d).

20.11 Supervisor Meier said the consensus is why can't we race in the summer? The audience responded that they're not racing.

Page 10 a will read "within the Town of Salem"

Kenny Anderson questioned whether the intent is to include ATV's? You define ATV, but have no regulations. The working document will address ATV's. He then expressed the ATV's Associations stand and urged the Town to abide by state statutes.

20.12 will be reconsidered in February.

20.13 Sequence should be Kenosha County Sheriff, Village of Silver Lake, and Town of Salem

Toni Schaedel requested that until this is law, we want signs reposted until changed.

There being no further comments, this Public Hearing was adjourned.

This Public Hearing was adjourned at 9:52 p.m.

Respectfully submitted,

Cindi Ernest, Clerk