

**MINUTES
TOWN OF SALEM
PUBLIC HEARING & REGULAR BOARD MEETING
OF THE BOARD SUPERVISORS
Monday, February 13, 2012 7:00 P.M.**

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

CHAIRMAN: Diann Tesar

BOARD OF SUPERVISORS: Pat O’Connell, Dennis Faber, Ted Kmiec and Dan Campion

OTHERS: Pat Casey, Attorney Scholze, Brad Zautcke, Dave Shortess, Mike Slover, Mike Murdock and Cindi Ernest.

GUESTS: David Hoke, Cheryl Hoke, Carl Siegel, Steve Brown, Maurice Hartnett, Richard Swiatek, Charles Walker, William Smarto, AB O’Brien, Tom O’Brien, Mary Kelly, Richard Schultz, Gail Peckler – Dziki, Mike Culat, Jan Culat, Crysti Neuman, B. Campion, Mike Levandoski, Gary Smith, and Patti Zurla

PLEDGE OF ALLEGIANCE

Chairman Tesar led the Pledge of Allegiance.

OPEN MEETING COMPLIANCE CHECK

The agenda was posted prior to 3:00 p.m. on Thursday, February 9, 2012 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.

APPROVAL OF AGENDA SEQUENCE

There was no change in the agenda sequence at this point.

PUBLIC HEARING

Chairman Tesar opened this Public Hearing at 7:04 p.m. to hear and consider public comment of a proposed Notice of Intent to Raze property located at 11619 306th Court, Tax Parcel 67-4-120-303-0975 in the Town of Salem, Kenosha County, Wisconsin. Property owner: Lunsford Family Revocable Trust, 497 McHenry Road, Wheeling, IL 60090.

William Smarto told the Board that Mrs. Shirley Lunsford, owner of the property, hired his firm, Micahelson & Messinger, to negotiate with the insurance company regarding the property. They received notice from the insurance company on January 23, 2012 and they are investigating the fire. In the negotiation with the insurance company, his company is not able to inventory all the personal property and the insurance company doesn’t want anything touched or removed. There is no date as to when the insurance will be done with their investigation. The building is boarded up and secured at this time. His company would like to raze the building themselves and rebuild.

There were no further comments during this Public Hearing.

This Public Hearing was closed at 7:09 pm.

At this point, Chairman Tesar requested an agenda sequence change to move Building Department business to prior to Citizens Comments. The Board was unanimously in agreement with this.

BUILDING DEPARTMENT

1.) Discussion continued on the proposed raze order for property located at 11619 306th Court, Tax Parcel # 67-4-120-303-0975, Lunsford Family Revocable Trust, 497 McHenry Road, Wheeling, IL 60090.

Discussion included drafting a letter to the insurance company about their intentions and a time line of their investigation.

Supervisor Kmiec said he felt it would be premature to issue a raze order at this time.

MOTION BY Supervisor Kmiec, second by Supervisor O'Connell to table this item for a month and direct Attorney Scholze to send a letter to the insurance company and let them know this will be an agenda item next month and the Board may possibly act on it at that time.

UNANIMOUS VOTE – AYE

MOTION CARRIED

CITIZEN COMMENTS

Gail Peckler – Dziki commented on the Water Tower Marketing Agreement which is on the agenda that she found disturbing. The Board didn't know about this item until it was brought to them at a special meeting. This is generally brought by a staff member to and discussed with the board and the Board then directs whatever staff member needs to, to do something. The second thing is that the agreement was brought forth from only one company. The third item is that she did some research on SC Wireless in Schaumburg regarding what their operations provide and there was no mention of "head hunting services". She appreciated Supervisor Kmiec stopping at the last meeting and questioning the commission for five years being paid in the first year. In checking with a few other municipalities in our area, none of the other administrators use "head hunters" for this. In questioning a comment which was made that we can't do this, those administrators indicated that they didn't know why we can't do this without a "head hunter". She expressed concern with the amount of things being "outsourced" in the Town and now something she would consider to be an administrator's job is possibly going to be "outsourced". Paddock Lake receives \$90,000 for use of their towers and Twin Lakes receives \$40,000 and without the use of "head hunters". She feels this doesn't benefit the Town by outsourcing to "head hunters" when this is something that can be done by the Town itself and again expressed concerns that a staff member brings this forth without consulting with the Board.

PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS

1.) David Hoke, a resident living on Rock Lake, read his drafted letter to the Board asking for Town of Salem sponsorship of a plant study/survey on Rock Lake. In order to properly manage the increasing volume of plant growth on Rock Lake, concerned homeowners feel they need to have an aquatic management plan done to submit to the DNR. The cost of \$4,000 - \$5,000 is prohibitive to the homeowners at this time. There is no taxing district. Since the Board is

applying for a grant to study the needs of the lakes within the Town, he requested if the board receives a grant that they include a plant study for Rock Lake. He has been in contact with Jeff Thornton and Craig Helter of SEWRPC who have indicated this could possibly be done. Supervisor Faber indicated that if they are going to have a management plan then someone will need to implement it. Supervisor O'Connell stated that have had plans done, have districts and it may be a good idea for Rock Lake property owners to think along these lines and investigate. Administrator Casey will consult with Jeff Thornton and Craig Helter and investigate our options. This will be placed on the March Town Board agenda.

2.) This is being addressed because the time period given by the Town Board last year relative to water skiing hours on Camp Lake (Code of Town Ordinances Ch.330-5(9) has expired. Dean Hintzman, of Camp/Center Lake Rehabilitation District, thanked the Board for the trial hours given which gave them time to do a survey. CCLRD sent out 1,700 surveys and received ninety-six (96) responses back.

Charles Walker presented the results, data and survey to the Board. A statistical analysis was done on the data and it indicated that most either want the old hours or something similar. He recommended to the Board that they leave the ordinance as it is for another year and allow CCLRD to re-survey and determine what the data is then.

AB O'Brien stated she was at the Annual Town Meeting and with a show of hands; fifty-six (56) people wanted slow no wake from sunset to 10:00 am. They even went out and go written petitions with seventy-six (76) being in favor of this. The survey didn't have the DNR recommended hours and feels the survey was unfair.

Supervisor Faber state that in speaking with Town Attorney Scholze, the Town Meeting vote was only advisory.

Supervisor O'Connell stated that from the standpoint of a lake management district, it is up to the district to put this together that why people elect officers to put this together.

Tom O'Brien stated these are public lakes and we should maximize public use and he would like to see the DNR rules followed.

Gabe Ferrara expressed that it is ridiculous to make a decision based on a survey with only 96 returned surveys.

Ted Tsoumas stated he would like seven (7) days. What the Board gave last year really helped those who work. It was a non event on the lake. He requested that at a minimum the hours be kept as they are as it allowed a time for fishermen.

MOTION BY Supervisor O'Connell, second by Supervisor Faber to keep the slow no wake hours as they are for one year.

Supervisor Kmiec stated he would like to see the hours of slow no wake as sunset to 10:00 am, seven (7) days a week, to which Supervisor Campion concurred.

SUPERVISORS Campion, Kmiec and Chairman Tesar – NAY

SUPERVISORS Faber and O'Connell – AYE

MOTION FAILED

MOTION BY Supervisor Campion, second by Supervisor Kmiec to set the hours of slow no wake for Camp Lake as sunset to 10:00 am, seven (7) days a week.

SUPERVISORS Campion, Kmiec and Chairman Tesar – AYE

SUPERVISORS Faber and O'Connell – NAY

MOTION CARRIED

3.) A request by Amar Singh, owner of Salem Mini Mart, for the Town Board to consider

amending the Code of the Town of Salem, Ch. 305, to mirror the amendments made to the WI Statutes 125.32 (3) (b) and 125.68 (4) (b), relating to the closing hours for certain alcohol beverage retailers.

MOTION BY Supervisor Campion second by Supervisor Faber to amend Code of the Town of Salem, Ch. 305, to reflect the amendments made to the WI Statutes 125.32 (3) (b) and 125.68 (4) (b), relating to the closing hours for Class A alcohol beverage retailers.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) Mike Levandoski requested to discuss options and consideration of further amendments to the Code of the Town of Salem Ordinance Ch. 398 relating to Pawnbrokers, Second Hand Article and Jewelry Dealers. The code as it is has created big problems for his business and purchasing the software need to incorporate into the state data base is not financially feasible for a store owner. He questioned why the Town is requiring mug shots of his customer.

Attorney Scholze informed that the form of the record is what is required by statute, but the question is what form.

Discussion followed with Mr. Levandoski agreeing to meet next week with Chairman Tesar, Public Safety Dave Shortess and a member of the Kenosha Co Sheriff's Department.

4.) Chairman Tesar requested discussion on Vendor Fairs to generate funding to support various, suggested community functions including Santa at Salem, Easter Bunny at Salem, 4th of July at the Park, etc. This would include possible Town sponsorship, promoting community goodwill, soliciting volunteers, bringing people into our community, who would benefit, etc. She gave a brief background of the previous events and some of her ideas.

Discussion followed with Supervisor Faber suggesting that Administrator Casey set parameters for these events.

MOTION BY Supervisor Campion, second by Supervisor O'Connell to proceed with the Town establishing budgetary items for support of Town social events.

UNANIMOUS VOTE – A YE

MOTION CARRIED

PLANNING & ZONING

1.) John A. & Gail E. Schultz, PO Box 183, Salem, WI 53168-0183 (Owner) request for a rezoning from R-4 (Urban Single-Family Residential District) & B-2 (Community Business District) to B-2 (Community Business District) on Tax Parcel #65-4-120-104-1201 located in the Southeast Quarter of Section 10, Township 1 North, Range 20 East, Town of Salem was presented. For informational purposes only this parcel is located on the north side of 83rd Street approximately 0.04 mile west of State Trunk Highway "83" (Antioch Road).

The Planning & Zoning Commission recommended approval of this rezone on a 6-0 vote.

MOTION BY Supervisor Faber, second by Supervisor Campion to take the recommendation of the P & Z and approve the request by John A. & Gail E. Schultz, PO Box 183, Salem, WI 53168-0183 (Owner) request for a rezoning from R-4 (Urban Single-Family Residential District) & B-2 (Community Business District) to B-2 (Community Business District) on Tax Parcel #65-4-120-104-1201 located in the Southeast Quarter of Section 10, Township 1 North, Range 20 East, Town of Salem as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Town of Salem, 9814 Antioch Rd., Salem, WI 53168 (Owner) request for a rezoning from A-2 (General Agricultural District), I-1 (Institutional District) & C-1 (Lowland Resource Conservancy District) to I-1 (Institutional District) & C-1 (Lowland Resource Conservancy District) on Tax Parcel #67-4-120-321-0191 located in the Northeast Quarter of Section 32, Township 1 North, Range 20 East, Town of Salem was presented. For informational purposes only this parcel is located on the south side of County Trunk Highway "C" (Wilmot Road.) approximately 0.02 mile east of 286th Avenue.

The Planning & Zoning Commission recommended approval of this rezone on a 6-0 vote.

MOTION BY Supervisor O'Connell, second by Supervisor Campion to take the recommendation of the P & Z and approve the request by Town of Salem, 9814 Antioch Rd., Salem, WI 53168 (Owner) request for a rezoning from A-2 (General Agricultural District), I-1 (Institutional District) & C-1 (Lowland Resource Conservancy District) to I-1 (Institutional District) & C-1 (Lowland Resource Conservancy District) on Tax Parcel #67-4-120-321-0191 located in the Northeast Quarter of Section 32, Township 1 North, Range 20 East, Town of Salem as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) Mary Waterman-Smith, 1580 Wingo Rd., Campobello, SC 29322-9519 (Owner), Richard Swiatek, 1 Montgomery Ln., Vernon Hills, 60061-2319 (Agent), request for a rezoning from A-1 (Agricultural Preservation District) to A-1 (Agricultural Preservation District) & R-2 (Suburban Single-Family Residential District) and requests approval of a Certified Survey Map (dated December 27, 2011 by Robert J. Wetzel of B.W. Surveying, Inc.) to subdivide 6.38-acres of an existing 65.57-acre parcel into one (1) 4.62-acre parcel and one (1) 1.70-acre parcel, along with additional road right-of-way dedication on Tax Parcel #65-4-120-051-0101 located in the Northeast Quarter of Section 5, Township 1 North, Range 20 East, Town of Salem was presented. For informational purposes only this parcel is located on the southeast corner of County Trunk Highway "B" (288th Avenue) and County Trunk Highway "K" (60th Street).

The Planning & Zoning Commission recommended approval of this rezone with resolution of the Silver Lake Extraterritorial Review issue, on a 6-0 vote.

MOTION BY Supervisor O'Connell, second by Supervisor Campion to take the recommendation of the P & Z and approve the request by Mary Waterman-Smith, 1580 Wingo Rd., Campobello, SC 29322-9519 (Owner), Richard Swiatek, 1 Montgomery Ln., Vernon Hills, 60061-2319 (Agent), request for a rezoning from A-1 (Agricultural Preservation District) to A-1 (Agricultural Preservation District) & R-2 (Suburban Single-Family Residential District) and requests approval of a Certified Survey Map (dated December 27, 2011 by Robert J. Wetzel of B.W. Surveying, Inc.) to subdivide 6.38-acres of an existing 65.57-acre parcel into one (1) 4.62-acre parcel and one (1) 1.70-acre parcel, along with additional road right-of-way dedication on Tax Parcel #65-4-120-051-0101 located in the Northeast Quarter of Section 5, Township 1 North, Range 20 East, Town of Salem as presented with the resolution of the Silver Lake Extraterritorial Review issue.

UNANIMOUS VOTE – AYE

MOTION CARRIED

P & Z Administrator Zautcke announced that two (2) terms on the P & Z are expiring and this will be on the April agenda for appointments.

BUILDING DEPARTMENT

1.) This item was moved and addressed in the agenda sequence to prior to Citizens Comments.

UTILITY DISTRICT

1.) A request to purchase of (1) replacement pump and (2) discharge base elbows and sealing flanges for lift station 22 (Arboretum Woods) was presented. Quotes were received from L & S Electric, Inc. in the amount of \$4,000 for repairing the pump and \$8,125, plus freight, for a new pump without the discharge elbow and sealing flange and from L.W. Allen in the amount of \$8,107 for a new pump, two (2) discharge elbows and sealing flanges. L.W. Allen didn't provide a quote for repairing the pump.

MOTION BY Supervisor Faber, second by Supervisor to accept the lowest bid in the amount of \$8,107, by L. W. Allen, for the purchase of (1) replacement pump, (2) discharge base elbows and sealing flanges for lift station 22 (Arboretum Woods) as presented.

Supervisor Campion questioned how many bids were received and if we have used this vendor in the past to which Department Head Zautcke responded two (2) quotes and we have used this vendor in the past.

UNANIMOUS VOTE – AYE

MOTION CARRIED

ADMINISTRATOR'S BUSINESS

1.) Administrator's report will be later in the evening.

2.) Administrator Casey presented a proposal for a Water Tower Marketing Lease Agreement with SAC Wireless, Inc. and the Town of Salem. He explained that the agreement will allow SAC Wireless to market and negotiate leases for cellar service on the Town of Salem water tower. This is something new in that in the past, municipalities have waited for a broker or wireless carrier to approach them concerning sites. The agreement provides for a 2% commission over twenty (20) years and they have agreed to a payment on a yearly basis.

MOTION BY Supervisor O'Connell, second by Supervisor Faber to approve the agreement to provide marketing services with SAC Wireless.

Supervisor Kmiec questioned if a tenant should cancel then is the Town "still on the hook" for the commission, to which Administrator Casey responde, "No we wouldn't".

SUPERVISORS Faber, O'Connell, Kmiec and Chairman Tesar – AYE

SUPERVISOR Campion- NAY

MOTION CARRIED

3.) A proposed agreement with Kenosha County Humane Society, Inc., DBA Safe Harbor Humane Society to provide for impoundment and care of animals was presented.

MOTION BY Supervisor O'Connell, second by Supervisor Faber to approve the proposed agreement with Kenosha County Humane Society, Inc., DBA Safe Harbor Humane Society to provide for impoundment and care of animals as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

CLERK'S BUSINESS

1.) The minutes of the previous meetings of a Regular Board Meeting on 1/9/12 and a Special Meeting on 2/1/12 were presented.

MOTION BY Supervisor Kmiec, second by Supervisor Campion to approve the minutes of a Regular Board Meeting on 1/9/12 and a Special Meeting on 2/1/12 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Operator License applications were filed with the clerk as follows. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

Kathy Plummer
Trevis Lashlee

Lana`h A. Herrick
Harbhahan S. Samra

Robyn Gandt
Kara Pflueger

Tamara Ledene
Jodi L Paquet

MOTION BY Supervisor Faber, second by Supervisor O`Connell to approve the Operator License applications for Kathy Plummer, Lana`h A. Herrick, Robyn Gandt, Tamara Ledene, Trevis Lashlee, Harbhahan S. Samra and Kara Pflueger with approval contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

SUPERVISOR Kmiec - ABSTAIN (Do to possible professional dealings with one of the applicants)

UNANIMOUS VOTE – AYE

MOTION CARRIED

MOTION BY Supervisor O`Connell, second by Supervisor Faber to approve the Operator License application for Jodi L Paquet with approval contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

MOTION FAILED FOR LACK OF A VOTE

3.) An Amusement Machine License application was presented as follows, with approval contingent on payment of delinquent taxes, assessments, and all necessary fees.

Goodfellas Restaurant & Bar, Inc.

MOTION BY Supervisor Kmiec, second by Supervisor Campion to approve the Amusement Machine License application for Goodfellas Restaurant & Bar, Inc. as presented, with approval contingent on payment of delinquent taxes, assessments, and all necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) Ordinance No. 12 02 13, An Ordinance Creating Section 305-5 I of the Code of the Town of Salem Relating to A Grant Program For Initial “Class B” Reserve Licensees.

MOTION BY Supervisor Faber, second by Supervisor O`Connell to adopt Ordinance No. 12 02 13, An Ordinance Creating Section 305-5 I of the Code of the Town of Salem Relating to A Grant Program For Initial “Class B” Reserve Licensees with the wording of “City” changed to “Town”.

UNANIMOUS VOTE – AYE

MOTION CARRIED

5.) Clerk Ernest gave a report on the recent redistricting, it’s changes and the effects of those changes. She informed the Board that a small area had a change in polling locations and those residents were notified by mail.

TREASURER’S REPORT

1.) Chairman Tesar gave the Treasurer's report for January 1, 2012 – January 31, 2012 as follows:

JANUARY 2012 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

January 1, 2012- Beginning Balance **\$6,716,328.64**

<u>RECEIPTS</u>	\$10,850,532.20
Transfer from LGIP#9	\$ 4,870,714.04
Prior Month Adjustment	\$ 9,385.45

<u>DISBURSEMENTS</u>	\$ 5,456,949.37
PAYROLL	\$ 93,910.23
Prior Month Adjust.	\$ 130.00
Transfer to LGIP #9	<u>\$10,000,000.00</u>
Total	\$ 15,550,989.60

January 31, 2012 - Ending Balance **\$6,895,970.73**

State Pool - General	\$ 6,304,291.42
Gen. Checking	<u>\$ 591,679.31</u>
Totals	\$ 6,895,970.73

JANUARY 2012 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM

January 1, 2012- Beginning Balance **\$ 0.00**

<u>RECEIPTS</u>	\$ 571.16
Trnsfr from Gen. Ck.	\$ 10,000,000.00

<u>DISBURSEMENT</u>	
Trnsfr to Gen. Ck	\$ 4,870,714.04

January 31, 2012 - Ending Balance **\$ 5,129,857.12**

JANUARY 2012 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM

January 1, 2012 - Beginning Balance **\$ 526,761.75**

<u>RECEIPTS</u>	\$ 59.43
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Total

\$ 5,659,124.32

MOTION BY Supervisor O'Connell, second by Supervisor Kmiec to approve the payment of the vouchers for January 10, 2012 – February 13, 2012, as presented.

Supervisor Campion questioned the bill on page two (2) of the listing to Century Fence.

Department Head Zautcke advised that this is a new gate for the utility department and is a way to track who is coming in and out and the intent was to get it into the 2011 budget.

Supervisor Campion questioned if we have final fiscal numbers.

It was approved and it's 2011 funds.

Supervisor Faber questioned the reimbursement of fire books and the safety sleeve on the voucher listing.

SUPERVISORS Faber, O'Connell, Kmiec and Chairman Tesar – AYE

SUPERVISOR Campion- NAY

Supervisor Campion we need to follow #9 in our purchasing policy.

MOTION CARRIED

REPORTS ON PREVIOUS COMMISSION MEETINGS, FUTURE AGENDA ITEMS, AND UPCOMING SCHEDULED MEETINGS

Chairman Tesar (Lakes Committee & Hooker Lake) report.

Supervisor Faber, Chairman Tesar and Administrator Casey attended the WI Towns Association Tri-County meeting with Rebecca Kleefish as the featured speaker.

Supervisor Faber (CCLRD, SEWRPC, P&Z Liaison, Lakes Committee, & Board of Review) report.

CCLRD first quarter meeting will be held a week from Wednesday. The new building to store equipment is coming along and CCLRD is in the process of finalizing a new plant management plan.

Supervisor O'Connell (Library Board & Voltz Lake District) report.

There was a Library Board meeting held at the end of the month of January. The Board hopes to met at the new library in Twin Lakes next month and an open house will be held in the future.

Department Head Shortess questioned new signs for Camp Lake and whether they will be upgraded.

Some discussion followed with no decisions being made.

Supervisor Kmiec (Park Commission)report.

The Park Commission meeting was held last month to receive input relative to the new park property purchased. R.A. Smith National was in attendance and there was good public attendance and a lot of input. The next Park Commission meeting will be held on Wednesday at 7:00 pm.

Supervisor Campion (County Liaison) report.

The payment issues between the City of Kenosha and Kenosha County appear to be resolved. New FEMA maps regarding flood plain changes are being done and there may be additional funds from FEMA.

CLOSED SESSION

1.) MOTION BY Supervisor Faber, second by Supervisor Campion to move into closed session pursuant to: Section 19.85(1)(e), Wis. Stats. for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. This closed session is relative to a vendor contract renewal and the purchase of real estate.

ROLL CALL VOTE

SUPRVISORS Faber, O’Connell, Kmiec, Campion and Chairman Tesar – AYE

MOTION CARRIED

Board moved into Closed Session at 9:07 pm.

2.) MOTION BY Supervisor Campion, second by Supervisor O’Connell to move out of Closed Session and reconvene in Open Session.

ROLL CALL VOTE

SUPRVISORS Faber, O’Connell, Kmiec, Campion and Chairman Tesar – AYE

MOTION CARRIED

Board moved out of Closed Session and into Open Session at 9:53 pm.

3.) There was no discussion, action or announcement relative Section 19.85(1)(e) referenced during the Closed Session.

ADJOURNMENT

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

UNANIMOUS VOTE – AYE

MOTION CARRIED

This Regular Board meeting was adjourned at 9:54 p.m.

Respectfully submitted,

Cindi Ernest, Clerk