

**MINUTES
TOWN OF SALEM
REGULAR MEETING OF THE BOARD OF SUPERVISORS
Monday, October 10, 2011 7:00 P.M.**

Chairman Diann Tesar called this Public Hearing and 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, and Dan Campion

OTHERS: Pat Casey, Attorney Richard Scholze, Brad Zautcke, and Cindi Ernest.

GUESTS: Dan Schiavo, Laila Schaivo, Claire Ladewig, Jeanette M. Ladewig, Carl Siegel, Ameer Janus, Richard Janus, Steve Zandrowicz, James Walker, Fran Grego, Michelle Opelt, Marvin Mullens, Gail Peckler-Dziki, Nancy Wilson, Gary A. Smith, James R. Ferdon and Deneen Smith

PLEDGE OF ALLEGIANCE

Chairman Tesar led the Pledge of Allegiance.

OPEN MEETING COMPLIANCE CHECK

The agenda was posted prior to 4:00 p.m. on Friday, October 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.

AGENDA SEQUENCE

The agenda sequence was changed. Planning & Zoning #1 and #2 under Building Department will be moved to immediately following the public hearing

PUBLIC HEARINGS

The Building Inspector of the Town of Salem has determined the houses which are located on the following described premises:

Steven C. Zandrowicz P.O. Box 33 Camp Lake, WI 53109
Tax Parcel No. 66-4-120-212-1350 Property Address: 9607 Camp Lake Road, Camp Lake, WI 53109

and

Jason J. and Regina M. Angel 1353 Sonnet Hill Lane, Corona, CA 92881
Tax Parcel No. 66-4-120-284-1255 Property Address: 26902 11th Street, Salem, WI 53168

are dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, due to the dilapidated or incomplete condition of said structure and that such structure, in its present condition, constitute a public nuisance. I have further determined that the cost of repairs to the barn structure would exceed 50% of the assessed value of the structure and divided by the ratio of the assessed value to the recommended value as last published by the State of Wisconsin, Department of Revenue for the Town.

Pursuant to the Town of Salem Code of Ordinances, the Salem Town Board will conduct a public hearing at the Salem Town Hall, 9814 Antioch Road (Highway 83), Salem, Wisconsin at 7:00 p.m. on Monday, October 10, 2011 to determine whether an order should issue requiring that the subject barn structure be razed. If the order is issued by the Town Board, you will be required to remove the barn structure within thirty (30) days thereof or be charged for the costs of removal by the Town.

You may appear and give evidence opposing the order.

Steven C. Zandrowicz P.O. Box 33 Camp Lake, WI 53109

Tax Parcel No. 66-4-120-212-1350 Property Address: 9607 Camp Lake Road, Camp Lake, WI 53109 appeared before the Town Board. He stated that he put a lot of money into remodeling the house, but it was shut down in the middle of the construction and he lost \$60,000 as a result. He stated he is against paying for it. He also stated that Jack Rowland and Linda Valentine went knocking on neighbors doors, against the building. He further explained the situation to the mortgage company, but they don't have a representative. He requested an opportunity to tear it down and that he hasn't been able to recover the money from shutting down. He stated the bottom line is that he was "screwed" out of his home.

Discussion followed relative to the circumstances of construction being shut down, the property in foreclosure, and tearing it down.

Fran Grego commented that she doesn't feel it should be torn down. If it's still in foreclosure then the bank would have the ultimate say.

There were no further comments for or against this proposed raze.

Jason J. and Regina M. Angel 1353 Sonnet Hill Lane, Corona, CA 92881

Tax Parcel No. 66-4-120-284-1255 Property Address: 26902 11th Street, Salem, WI 53168 did not appear before the town board.

There were no comments for or against this proposed raze.

This Public Hearing was closed at 7:19 pm.

BUILDING DEPARTMENT

2.) Further discussion took place relative to the property owned by Steven C. Zandrowicz P.O. Box 33 Camp Lake, WI 53109. Tax Parcel No. 66-4-120-212-1350 Property Address: 9607 Camp Lake Road, Camp Lake, WI 53109.

MOTION BY Supervisor Faber, second by Supervisor O'Connell to table this agenda item until the November 2011 meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

Attorney will research the foreclosure on this property further.

PLANNING & ZONING COMMISSION

1.) HierComm, Inc., Ken Schlager, W233 N2080 Ridgeway Parkway, Waukesha, WI 53188 (Agent) requested a Conditional Use Permit to allow for the co-location of an antenna & supporting electronic enclosures on existing antenna tower sites on the following Tax Parcels:

- #65-4-120-042-0230 in the A-1 Agricultural Preservation Dist., located in the NW ¼ of Section 4, T1N, R20E, Town of Salem. Margaret J Sheahan Family Trust Under Will, 27901 60th St., Salem, WI 53168 (Owner). FYI – S side of CTH K approx. 0.5 mi E of CTH B.
- #67-4-120-342-0103 in the A-2 General Agricultural Dist., located in the NW ¼ of Section 34, T1N, R20E, Town of Salem. George G Gekas, P.O. Box 8, Trevor, WI 53179 (Owner). FYI – SW corner of CTH C & CTH JF.

The Town of Salem Planning Commission recommended approval of this Conditional Use Permit 5-0 with commission member Steve Arnold abstaining because he is on the Trevor School Board. MOTION BY Supervisor Faber, second by Supervisor Campion to take the recommendation of the Planning & Zoning Commission and approve the Conditional Use Permit for HierComm, Inc., to allow for the co-location of an antenna & supporting electronic enclosures on existing antenna tower sites on the following Tax Parcels: #65-4-120-042-0230 in the A-1 Agricultural Preservation Dist., located in the NW ¼ of Section 4, T1N, R20E, Town of Salem. Margaret J Sheahan Family Trust Under Will, 27901 60th St., Salem, WI 53168 (Owner). FYI – S side of CTH K approx. 0.5 mi E of CTH B. and #67-4-120-342-0103 in the A-2 General Agricultural Dist., located in the NW ¼ of Section 34, T1N, R20E, Town of Salem. George G Gekas, P.O. Box 8, Trevor, WI 53179 (Owner). FYI – SW corner of CTH C & CTH JF.

UNANIMOUS VOTE – AYE

MOTION CARRIED

CITIZENS COMMENTS

Richard Janus, 27806 102nd Street, stated his wife came to the Town Board with ideas for lowering speeds and is now working with the Kenosha Co. Sheriff. He complained to the board that she sent an email for an update with no response, that the ditch is dropping off on 278th Avenue and CTH “AH”, parking signs at the boat launch, the Schiavo residence firewood and events which transpired with Mr. Schiavo coming to his home and threatening his wife, and a complaint about Dean Hintzman.

Discussion followed with administrator Casey indicating that there have been no complaints regarding the boat launch and the town will look at the ditch. No action was taken on this item.

Amee Janus explained that she has a meeting next week with the Kenosha Co. Sheriff and wanted to know if the Town was interested in participating in the Kenosha County Coalition.

Dan Schiavo stated that the events described by Mr. Janus were not as stated and it was he who was threatened. The firewood located at this home is for heating his home and he has done as directed in the court stipulation.

Chairman Tesar stated these items will be looked at.

Michelle Opelt, 10213 278th Ave, stated the situation between the Janus' and Schaivo's got out of hand and they need to work it out. She also stated that she knows Dan Schaivo and he does a

lot for his neighbors. There's a better way to go about it and she hates to see neighbors against neighbors.

PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS

1.) Discussion took relative to Town Board Supervisor vacancy left open with the passing of Joseph G. Meier.
Supervisor Campion stated that he thinks the position should be filled.
Supervisor Faber question attorney Scholze about the process with attorney Scholze informing that the Town Board and Town Clerk can appoint someone. The Board can appoint someone until the next election and then hold a special election for the remainder of the term.
Further discussion followed with the Board agreeing to hold a special meeting on Friday, October 14, 2011 at 5:30 pm to review the process they are going to use.

PLANNING & ZONING COMMISSION

1.) This item was moved in the agenda sequence to after Building Department # 2 following the Public Hearing.

BUILDING DEPARTMENT

1.) The intent, continuing from the June 2011 meeting, to raze property located at 9949 272nd Avenue, Trevor, WI 53179-9797, Tax Parcel No. 66-4-120-214-1410, belonging to Roland Alber 9949 272nd Avenue, Trevor, WI 53179 and Mary K. Lester 10920 267th Avenue, Trevor, WI 53179 will be discussed at the November meeting due to the absence of the building inspector and Mr. Alber.

2.) This item was moved in the agenda sequence to after the Public Hearing.

3.) The Public Hearing to raze property owned by Jason J. and Regina M. Angel 1353 Sonnet Hill Lane, Corona, CA 92881. Tax Parcel No. 66-4-120-284-1255, Property Address: 26902 11th Street, Salem, WI 53168 was held prior to this Regular Board meeting.

James Ferdon, 11145 269th Ave, is a caretaker for the properties on either side of this property and he informed the board that the property is a big health issue.

MOTION BY Supervisor Faber, second by Supervisor O'Connell to raze the property owned by Jason J. and Regina M. Angel 1353 Sonnet Hill Lane, Corona, CA 92881. Tax Parcel No. 66-4-120-284-1255, Property Address: 26902 11th Street, Salem, WI 53168.

UNANIMOUS VOTE – AYE

MOTION CARRIED

Attorney Scholze will follow up on this.

ADMINISTRATOR'S BUSINESS

1.) Administrator Casey gave his monthly report and explained the \$42,000 for road improvements from the last budget meeting and the current condition of the roads.

2.) Resolution No. 11-10-10, A Resolution to Initiate the Process for Laying Out Extensions of 104th Street and 104th Place in the Town of Salem, Kenosha County, Wisconsin, was presented. MOTION BY Supervisor Faber, second by Supervisor O’Connell to adopt Resolution No. 11-10-10, A Resolution to Initiate the Process for Laying Out Extensions of 104th Street and 104th Place in the Town of Salem, Kenosha County, Wisconsin, as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) An Agreement for Sharing of Services Related to Impartial Hearing Officer with the Village of Bristol, Village of Paddock Lake, Village Pleasant Prairie, the Village of Twin Lakes and the Town of Salem was presented by Administrator Casey. With the Governor’s new bill relative to grievance procedures, we need to have a procedure in place. The municipalities have developed an agreement to share officers for any grievances filed.

MOTION BY Supervisor Faber, second by Supervisor Campion to approve the Agreement for Sharing of Services Related to Impartial Hearing Officer with the Village of Bristol, Village of Paddock Lake, Village Pleasant Prairie, the Village of Twin Lakes and the Town of Salem as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) Administrator Casey requested permission to begin negotiation of a lease relative to the building for Camp/Center Lake Rehabilitation District (CCLRD).

Discussion took place which Supervisor Faber abstained from due to his participation on the CCLRD Board.

MOTION BY Supervisor O’Connell, second by Chairman Tesar to allow Administrator Casey to enter into negotiations with Camp/Center Lake Rehabilitation District (CCLRD) for the lease of a building to be placed on Town property.

Supervisor Faber – ABSTAIN

Supervisor Campion – NAY

Supervisor O’Connell and Chairman Tesar – AYE

MOTION CARRIED

FIRE AND RESCUE

1.) There is no new information regarding the status of the old rescue building located south of the Town Hall on STH ‘83’.

FIRE AND HIGHWAY BUILDING PROJECT

1.) Payment Application No. 4 from Phoenix Fabricators in the amount of \$63,689.90 for the Water Storage Tank was presented. The original contract amount is \$762,074.00. Balance to finish plus retainage is \$87,981.85.

MOTION BY Supervisor Faber, second by Supervisor Campion to approve Payment Application No. 4 from Phoenix Fabricators in the amount of \$63,689.90 for the Water Storage Tank as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

CLERK’S BUSINESS

1.) The minutes of the previous meeting of a Regular Board Meeting on 09/12/11 and a Workshop Meeting on 10/04/11 were presented.

MOTION BY Supervisor Faber, second by Supervisor O’Connell to approve the minutes of the previous meeting of a Regular Board Meeting on 09/12/11 and a Workshop Meeting on 10/04/11 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

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

Kimberly Millhouse Sarah Erickson Melissa Vaughan

MOTION BY Supervisor Faber, second by Supervisor O’Connell to approve Operator License applications 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.) Discussion and possible action on an appeal of a denied operator licenses as follows for Jeanette M. Ladewig-Nielsen . This item was removed and may be added to the next month’s agenda.

4.) A Secondhand Article Dealer application filed with the Clerk of the Town of Salem was presented. Approval is contingent on background check clearance, proper zoning for the business type at the proposed location business, payment of delinquent taxes, assessments, and all necessary fees:

NAME & ADDRESS
OF APPLICANT

TRADE NAME & ADDRESS
OF ESTABLISHMENT

Nancy Wilson & Gary Smith
24310 84th Street
Salem, WI 53168

Thrift Trip, Inc.
25014 83rd Street
Salem, WI 53168

The property is a split zone with part of it being business and part residential. They will have to apply for a rezone.

MOTION BY Supervisor Faber, second by Supervisor Campion to approve the Secondhand Article Dealer License as presented. Approval is contingent on background check clearance, proper zoning for the business type at the proposed location business, payment of delinquent taxes, assessments, and all necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

TREASURER'S REPORT

1.) Chairman Tesar read the Treasurer's report for September 1, 2011 – September 30, 2011 as follows:

SEPTEMBER 2011 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

September 1, 2011- Beginning Balance **\$1,981,515.81**

<u>RECEIPTS</u>		\$ 204,021.40
Transfer from LGIP#11	\$	0.00
Prior Month Adjustment	\$	0.00

<u>DISBURSEMENTS</u>		\$ 526,985.45
PAYROLL	\$	220,438.58
Prior Month Adjust.	\$	0.00
Total	\$	747,424.03

September 30, 2011 - Ending Balance **\$1,438,113.18**

State Pool - General	\$	342,402.48
Gen. Checking	\$	1,095,710.70
Totals	\$	1,438,113.18

SEPTEMBER 2011 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM

September 1, 2011- Beginning Balance **\$ 0.00**

<u>RECEIPTS</u>		\$ 0.00
Trnsfr from Gen. Ck.	\$	0.00

<u>DISBURSEMENT</u>		
Trnsfr to Gen. Ck	\$	0.00

September 30, 2011 - Ending Balance **\$ 0.00**

SEPTEMBER 2011 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM

September 1, 2011 - Beginning Balance **\$ 520,058.61**

<u>RECEIPTS</u>		\$ 3,283.04
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<u>DISBURSEMENTS</u>		\$ 0.00
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September 30, 2011 - Ending Balance \$ 523,341.65

SEPTEMBER 2011 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM

September 1, 2011 Beginning Balance \$ 35,524.88

RECEIPTS \$ 3.25

September 30, 2011 Ending Balance \$ 35,528.13

SEPTEMBER 2011 - CASH REPORT FOR THE CAPITAL PROJECTS ACCOUNT - SALEM

September 1, 2011 Beginning Balance \$ 432,137.18

RECEIPTS \$ 39.54

DISBURSEMENTS

Transfer to Gen Fund \$ 0.00

September 30, 2011 Ending Balance \$ 432,176.72

SEPTEMBER 2011- CASH REPORT FOR THE TRAILS ACCOUNT – SALEM

September 1, 2011 Beginning Balance \$ 225,360.53

RECEIPTS \$ 20.62

September 30, 2011 Ending Balance \$ 225,381.15

2.) Payment of the vouchers September 13, 2011 – October 10, 2011 was presented as follows:

Vouchers issued from September 13, 2011
through October 10, 2011 \$ 370,040.00

Payroll #19 Ending 09/10/11 \$ 71,315.60

Payroll #20 Ending 09/24/11 \$ 67,415.69

Total \$ 508,771.29

MOTION BY Supervisor O'Connell, second by Supervisor Faber to approve payment of the vouchers September 13, 2011 – October 10, 2011 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

MUNICIPAL COURT

1.) No business.

PUBLIC SAFETY

1.) No business.

LIBRARY BOARD

1.) No business.

SEWER UTILITY DISTRICT

1.) No business.

STORM WATER DISTRICT

1.) No business.

PUBLIC WORKS/HIGHWAY

1.) No business.

PARK COMMISSION

1.) No business.

SALEM MOUND CEMETERY

1.) No business.

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

Chairman Tesar (Lakes Committee & Hooker Lake) report.

Hooker Lake will have their monthly meeting on October 13, 2011 at 7:30 pm at the Town Hall.

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

CCLRD is harvesting late into this season and the DNR has approved the tonnage taken out this time of year to alleviate oxygen depletion.

Supervisor Faber gave some background on the Smart Growth.

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

The Twin Lakes Library is in the remodeling process, which is being done by the owner of the building.

Voltz Lake held their annual meeting last week and approved their budget. They are still working on the County representative to Voltz Lake.

Supervisor Campion (County Liaison) report.

Kenosha County will have a 2.3% levy raise. There have been discussions on how to fund the oversight position, which can be vetoed by the County Executive.

The City of Kenosha is now agreeing they owe for their share of the joint services.

Supervisor O'Connell informed that they are now budgeting for Wi-Fi west of the I.

ADJOURNMENT

MOTION BY Supervisor Campion, second by Supervisor O'Connell to adjourn this Regular Board Meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

This Regular Board meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Cindi Ernest, Clerk