

**MINUTES
TOWN OF SALEM
REGULAR MEETING OF THE BOARD OF SUPERVISORS
Monday, December 12, 2011 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, Dan Campion and Ted Kmiec

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

GUESTS: Robert Johnson, Carl Siegel, Steve Brown, Mike Ullstrup, Jim Woodke, Tom Targes, Kim Breunig, Allan Sommer, Jim Walker, Pat Mulvey, Frank Soyka, B Campion, Deneen Smith and Darren Hillock

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, December 9, 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.

APPROVAL OF AGENDA SEQUENCE

It was the consensus of the Town Board to move item #1 under Public Safety to after Citizen Comments.

CITIZENS COMMENTS

County Supervisor, Kim Breunig informed those in attendance of her district change with the recent redistricting done by Kenosha County. She also informed those in attendance about herself and the various activities she is involved in.

Mike Murdock arrived at 7:04 p.m.

One of those activities is the County's Youth in Governance Program. She gave a brief explanation of the program and an update. The next round of Youth in Governance is May 2012 thru May 2013. She informed of the application timelines and stated she will pull out the Salem applicants who won't be on the County Boards and submit them to Chairman Tesar and the board. She also suggested that these students have a mentor. She reminded the board about the length of term, membership, application process and the recognition. Supervisor Campion questioned how many applicants there were last year to which Ms. Breunig responded 128 applied last year.

Mr. Roland Alber came before the board to discuss the raze order on his home. He indicated that he didn't attend the last meeting regarding this raze because he had worked on the house, fell asleep and missed the meeting.

Building Inspector Rowland gave an update on the status of the house. The roof rafters, shingles and some floor joists have been replaced and Mr. Alber has made some progress.

Supervisor Campion questioned if the house was water tight to which Building Inspector Rowland responded that it was.

Because this was a Citizen Comment item, the board is unable to act on this and Mr. Alber will be put on the agenda at a future meeting.

PUBLIC SAFETY

1.) Ordinance No. 11-12-12, An Ordinance Amending Chapter 398 of the Code of the Town of Salem Pertaining to Pawnbrokers and Secondhand Article and Jewelry Dealers was presented.

Administrator Casey told the board that the change in the ordinance would require Pawn Brokers, Secondhand Article and Jewelry Dealers to better track their purchases and for the County Sheriff to be better able to track questionable activity.

Supervisor Kmiec pointed out that on the second page at the top, the wording "Sheriff's Department" should be added throughout the ordinance to have access to the database.

Sheriff's Deputy Mitch Swanson informed that board that pawn broker ordinance violations have been admittedly done and it would greatly help the Sheriff's Department and Salem Public Safety to adopt this ordinance.

Public Safety Department Head, Dave Shortess, told the board that the pawn business is a new trend. He looked at other agencies and all are suffering from the same violations. It's not just one, it's happening all over SE Wisconsin.

Supervisor Campion pointed out that he believes the paragraphs are worded in correctly in subsection #2.

Attorney Scholze will check on this and review it.

Supervisor Campion indicated that it is incorrect grammar and the paragraph should have it's own section because it has nothing to do with the holding period.

Discussion followed.

Supervisor Campion questioned why Public Safety is approving and offsite storage facility in Section #5. That should come to the Town Board. The aboard approved the license, now another entity is approving. The Town Board should be approving the offsite storages.

MOTION BY Supervisor Campion, second by Supervisor Kmiec to change Section 5, paragraph H and remove Public Safety from approving and add the Town Board to approve.

Discussion followed.

Supervisors Campion and Kmiec – AYE

Supervisors Faber, O'Connell and Chairman Tesar – NAY

MOTION FAILED

There was further discussion of the storage facility.

MOTION BY Supervisor Campion, second by Supervisor Faber that after an off site storage facility is approved by Public Safety, that the Town Board be notified of the approval and the information added to the permanent file.

UNANIMOUS VOTE – AYE

MOTION CARRIED

MOTION BY Supervisor Kmiec, second by Supervisor Campion to include in the ordinance that Kenosha County Sheriff's agency as one of the agencies along with Town of Salem Public Safety.

UNANIMOUS VOTE – AYE

MOTION CARRIED

MOTION BY Supervisor O'Connell, second by Supervisor Campion to adopt Ordinance No. 11-12-12, An Ordinance Amending Chapter 398 of the Code of the Town of Salem Pertaining to Pawnbrokers and Secondhand Article and Jewelry Dealers with the changes voted upon.
UNANIMOUS VOTE – AYE
MOTION CARRIED

PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS

1.) There were no Presentations, Petitions or Communications.

PLANNING & ZONING

1.) A request by Allan R. & Elizabeth Sommer, 21850 107TH Street, Bristol WI 53104-9225 (Owner), for a variance (Section V. A. 12.27-6(d): that detached accessory structures shall be located in the side or rear yard only in the R-2 Suburban Single-Family Residential District) to construct a 40' x 36' pole barn to be located in the street yard (required side/rear yard placement) on Tax Parcel #66-4-120-251-0152, NE ¼ Section 25, T1 N, R20 E, Town of Salem was presented. For informational purposes only, this property is located on the north side of 107th Street approximately 1/3 mile east of the intersection with CTH "V" (224th Avenue).

A motion by the Planning and Zoning Commission failed on a 3-3 vote.

MOTION BY Supervisor Faber, second by Supervisor O'Connell to approve the variance requested by Allan R. & Elizabeth Sommer, 21850 107TH Street, Bristol WI 53104-9225 (Owner), (Section V. A. 12.27-6(d): that detached accessory structures shall be located in the side or rear yard only in the R-2 Suburban Single-Family Residential District) to construct a 40' x 36' pole barn to be located in the street yard (required side/rear yard placement) on Tax Parcel #66-4-120-251-0152, NE ¼ Section 25, T1 N, R20 E, Town of Salem as presented.

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

SUPERVISOR Campion – NAY

MOTION CARRIED

2.) A request by Lawrence J. & Brenda G. Bortko, 22201 118th Street, Bristol WI 53104 (Owner), Arleigh Bostrom, 585 Orchard Street, Antioch IL 60002 (agent), for a variance (Section IV. C. 12.21-4(g)1: that principal structures shall be not less than 30 feet from the right-of-way of all other roads, Section IV. C. 12.21-4(g)2: that principal structures shall be not less than 75 feet from the ordinary high water mark of any navigable water and Section IV. C. 12.21-4(g)3: that principal structures shall be not less than 10 feet from a side property line in the R-4 Urban Single-Family Residential District) to construct a 20' x 12' residential addition onto an existing single-family residence with attached garage to be located 15' (required setback 30') from the right-of-way of 118th Street, 37' (required setback 75') from the ordinary high water mark of Lake Shangri-La and 7' (required setback 10') from the side property line on Tax Parcel #67-4-120-361-2100, NE ¼ Section 36, T1 N, R20 E, Town of Salem was presented. For informational purposes only, this property is located on the south side of 118th Street approximately 300 feet east of the intersection with 223rd Avenue).

A motion by the Planning and Zoning Commission recommended approval on a 6-0 vote.

MOTION BY Supervisor Faber, second by Supervisor Kmiec to take the recommendation of the Planning & Zoning Commission and approve the request by Lawrence J. & Brenda G. Bortko, 22201 118th Street, Bristol WI 53104 (Owner), Arleigh Bostrom, 585 Orchard Street, Antioch IL 60002 (agent), for a variance (Section IV. C. 12.21-4(g)1: that principal structures shall be not less than 30 feet from the right-of-way of all other roads, Section IV. C. 12.21-4(g)2: that principal structures shall be not less than 75 feet from the ordinary high water mark of any

navigable water and Section IV. C. 12.21-4(g)3: that principal structures shall be not less than 10 feet from a side property line in the R-4 Urban Single-Family Residential District) to construct a 20' x 12' residential addition onto an existing single-family residence with attached garage to be located 15' (required setback 30') from the right-of-way of 118th Street, 37' (required setback 75') from the ordinary high water mark of Lake Shangri-La and 7' (required setback 10') from the side property line on Tax Parcel #67-4-120-361-2100, NE ¼ Section 36, T1 N, R20 E, Town of Salem as presented.

UNANIMOUS VOTE – AYE
MOTION CARRIED

SEWER UTILITY DISTRICT

1.) A Final Payment Request from Reesman's Excavating & Grading, Inc. in the amount of \$50,366.70, for the CTH 'C' Sanitary Sewer Extension was presented. Original contract amount of \$53,274.00.

MOTION BY Supervisor Faber, second by Supervisor O'Connell to approve Final Payment Request from Reesman's Excavating & Grading, Inc. in the amount of \$50,366.70, for the CTH 'C' Sanitary Sewer Extension as presented.

UNANIMOUS VOTE – AYE
MOTION CARRIED

PUBLIC SAFETY

1.) This item was moved in the agenda sequence to prior to citizen comments.

ADMINISTRATOR'S BUSINESS

1.) Administrator Casey reported to the Board that the water tower, well house and hydrants are all operational at the Highway/Fire Facility.

2.) Administrator Casey requested permission to outsource contracting for payroll services. He recommended using Paychex out of Brookfield.

MOTION BY Supervisor O'Connell, second by Supervisor Faber to approve the outsourcing of payroll services with Paychex.

UNANIMOUS VOTE – AYE
MOTION CARRIED

3.) Administrator Casey requested permission to create a GIS position in the Utility Department. Chairman Tesar explained what a GIS is to those in attendance.

Administrator Casey explained that the Town has been using some GIS components already. As the Town moves forward with things such as the Utility Master Plan, Park Improvements and Storm Water Projects having the GIS information would insure that this information would be available to town staff. He recommended that the Town would start by hiring a GIS analyst who would begin working with the current and past engineers to gather data. A job description was presented and it's anticipated that the starting salary for a GIS Analyst would be \$45,000 - \$55,000 along with benefits and would be funded by the Utility District. With remote licensing to use ESRI software, the cost of the software would be less than \$10,000. It is also hoped that by requesting additional experience in the job description in pc, servers and networking, it is hoped that the Town can lessen its dependence on our current IT consultant.

Discussion followed regarding hourly vs. salaried position, benefits, actual need, and contracting.

MOTION BY Supervisor Faber, second by Supervisor Kmiec to table this item until the January Regular Board meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

FIRE AND HIGHWAY BUILDING PROJECT

1.) Payment Application No. 5 from Phoenix Fabricators in the amount of \$15,293.10 for the Water Storage Tank was presented. The original contract amount is \$762,074.00. Balance to finish plus retainage is \$48,185.85.

MOTION BY Supervisor Campion, second by Supervisor Kmiec to approve Payment Application No. 5 from Phoenix Fabricators in the amount of \$15,293.10 for the Water Storage Tank as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

CLERK'S BUSINESS

1.) Clerk Ernest asked for clarification relative to Chairman Tesar's vote under the Building Department prior to approval of the minutes of the previous meeting of a Regular Board Meeting on 11/14/11 and a Special Meeting on 11/16/11. There were no changes per Chairman Tesar.

MOTION BY Supervisor Faber, second by Supervisor Kmiec to approve the minutes of the previous meeting of a Regular Board Meeting on 11/14/11 and a Special Meeting on 11/16/11 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

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

Walter Edward Miedema	Brandy Tsuha	Shannon Shumate	Kathleen McCarty
Cynthia J Warminton	Elizabeth A Greune	Vincent Tomasello	Kevin Ronayne
Amanda Borah	Michael A Nelson		

MOTION BY Supervisor O'Connell, second by Supervisor Faber to approve the Operator Licenses as presented contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) A Temporary Class B "Picnic License" application was presented for the following: Lake Shangri-La Property Owners Assoc. for the Lake Shangri-La Annual Ice Fishing Derby, January 28, 2012 & January 29, 2012.

MOTION BY Supervisor O'Connell, second by Supervisor Faber to approve the Temporary Class B "Picnic License" as presented for the Lake Shangri-La Property Owners Assoc. for the Lake

Shangri-La Annual Ice Fishing Derby, January 28, 2012 & January 29, 2012.
UNANIMOUS VOTE – AYE
MOTION CARRIED

4.) An application 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, approval is contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees:

NAME & ADDRESS
OF APPLICANT

TRADE NAME & ADDRESS
OF ESTABLISHMENT

CLASS “B” BEER AND “CLASS B” LIQUOR

Goodfellas Restaurant & Bar, Inc.
12015 Antioch Road
Trevor, WI 53179
Agent: Thomas C. O’Brien

Goodfellas
12015 Antioch Road
Trevor, WI 53179

MOTION BY Supervisor O’Connell, second by Supervisor Faber to approve the Class “B” Beer and “Class B” Liquor License for Goodfellas Restaurant & Bar, Inc. contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees .
UNANIMOUS VOTE – AYE
MOTION CARRIED

5.) A proposal by Goodfella’s Restaurant & Bar, Inc. to allow a “grant” of a reserve license fee was presented.
Pursuant to Wi Statute Sec. 125.51 the Town of Salem has a statutory quota for “Class B” licenses. Our quota is based on the number of licenses granted and in force on December 1, 1997, plus a number of reserve “Class B” which the municipality is authorized to issue. An increase in a municipality’s quota of “Class B” licenses may occur when there is an increase in its population, as determined on a yearly basis by the Department of Administration. Base on the calculations, the Town of Salem has reached its quota of regular licenses and now has available eleven (11) reserve licenses.
Pursuant to Wi Statute Sec. 125.51 (3)(e)2, each municipality must establish an initial issuance fee for reserve “Class B” liquor licenses in an amount not less than \$10,000.
Other communities in the state have done grants. They provide for some of the following:

- A grant given back to the business owner over a period of years.
- Only a portion of the fee given back in the form of a grant.
- Employment of a stipulated number of employees from the community.
- Staying in business a certain length of time.
- Improvements being made to the property.
- Having no delinquent obligations.

Discussion followed.
MOTION BY Supervisor Kmiec, second by Supervisor O’Connell to direct Attorney Scholze to

draft an ordinance for reserve license grants and to allow a grant of the reserve license fee for Goodfellas Restaurant & Bar, Inc.

UNANIMOUS VOTE – AYE

MOTION CARRIED

6.) The appointment of election workers and board of canvas for 2012-2013 elections was presented. This list of names also includes those name submitted by the Republican Party to the Town Clerk. They are as follows:

Nominees for Appointment As Election Inspectors 2012-2013

Gail Peckler-Dziki	Jody Green	Suzanne Hetland
Renee M. Thurow	Judy M. Zanow	Holly Griesen
Nancy J. Cayo	Elaine M. Tesar	Richard Venem
Eileene Anderson	Sonja R. Bigley	Diane K. Brady
Philip J. Dziki	Paul F. Eberle	Larry Carlson
Colleen A Glaves	Lois Hartman	Phyllis J. Kelly
Joseph E. Miller	Rosemary Miller	Marie Carlson
Donna Polinski	Ester Rice	Freda R. Pryga
Kayla Shortess	Cynthia D. Staffeldt	Michael M. Ullstrup
Kathryn A. Wall	Nancy A. Wall	Bettie Brandes
Arlene Masnica	Wayne Masnica	Ron Marcquenski
Douglas Schaaf	Henry Theigs	

MOTION BY Supervisor O’Connell, second by Supervisor Faber to approve the list of nominees for appointment as election workers and board of canvas for 2012-2013 elections as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

TREASURER’S REPORT

1.) Chairman Tesar read the Treasurer’s report for November1, 2011 – November 30, 2011.

2.) Approval of payment of the vouchers November 15, 2011 – December 12, 2011 was presented as follows:

Vouchers issued from November 15, 2011 through December 12, 2011	\$ 337,562.18
Payroll #24 Ending 11/09/11	\$ 70,771.49
Payroll #25 Ending 12/03/11	\$ 72,730.89
	<hr/>
Total	\$ 481,064.56

MOTION BY Supervisor O’Connell, second by Supervisor Campion to approve the payment of the vouchers as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

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

Chairman Tesar (Lakes Committee & Hooker Lake) had nothing to report.

Supervisor Faber (CCLRD, SEWRPC, P&Z Liaison, Lakes Committee, & Board of Review) informed that the WI Towns Association has an ordinance for cemeteries that we should look at now that we have one.

The new boat landing on Camp Lake is now complete.

Supervisor O'Connell (Library Board & Voltz Lake District) reported that the last Library meeting was held on November 28, 2011. The new Twin Lakes building is coming along, but there is no definite date for completion.

Bill Martin is the newest member of the Voltz Lake Rehabilitation District board.

Supervisor Campion (County Liaison) gave an overview of the WI Towns Association meeting he attended and Senator Winegaard was the speaker. Prevailing wage, TRIP D, recycling grant coming available and the new concealed carry law were the topics of the meeting.

Administrator Casey told those in attendance that there will be public input relative to the development of the Marchuck property as a park at the Regular Park meeting to be held on January 18, 2012.

Supervisor Campion reported that the next Tri-County meeting will be held on February 19, 2012 in Walworth County.

ADJOURNMENT

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

UNANIMOUS VOTE – AYE

MOTION CARRIED

This Regular Board meeting was adjourned at 8:33 p.m.

Respectfully submitted,

Cindi Ernest, Clerk