

**MINUTES  
TOWN OF SALEM  
REGULAR MEETING OF THE BOARD OF SUPERVISORS  
Monday, April 14, 2014 7:00 P.M.**

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

**CHAIRMAN:** Diann Tesar

**BOARD OF SUPERVISORS:** Dennis Faber, Mike Culat, Ted Kmiec and Dan Campion

**OTHERS:** Pat Casey, Attorney Rich Scholze, Brad Zautcke, Mike Slover, Jack Rowland and Cindi Ernest

**GUESTS:** Brian Filiatreault, Arlene Langel, Kim Breunig, Sandy Buhler, Roland Buhler, Tim Squier, Jon Wallenkamp, John Poole, Jean Lipstreuer, John Lipstreuer, John Greyb, Kelly Powell, Mike Langel, Larry Larsen, Melva Stockwell, Joy Greidanus, Robert Zubor, Anthony Majio, Rudy Inbrogno, Jim Moczynski, Rich Fakes, Karen Fakes, Mark Eberle, Jason Witte, Mary Sue Lux, Tammy Filiatreault, D Filiatreault, Andrew Nielsen, Eileen Griffin, Dennis Sheen, Mary Sheen, Diane Rowland, Mary Soehn, Jim Coppelman, Kyle Tobias, Kevin Aronson, Carl Barsanti, Terry Mathews, Nancy Jackson, Dennis Jackson, John Fengya, Regina Fengya, Brad Pfeiffer, Wendy Pfeiffer, Ashley Pfeiffer, Cheryl Pfeiffer, Pete Pfeiffer, Mary Chopp, Jeff Chopp, Doug Gus, Randall Borri 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 Wednesday, April 9, 2014 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.

**CITIZENS COMMENTS**

Resident Roland Buhler spoke of the need to push for the reduction of the train whistles.

Resident Tim Squire and his wife are interested in raising chickens for eggs. He handed out an ordinance from the Village of Bristol as an example and asked the Board take a look at the ordinances and develop an ordinance which allow for sustainability.

Brian Filiatreault spoke regarding property to the west of his that is zoned B-2. He stated he is against this zoning, but was told at a P & Z meeting that they couldn't speak regarding this property because they are

part of Paddock Lake. That is not the case until the year 2025. P & Z approved this with the condition that the property be cleaned up by the fall of 2012. P & Z also didn't send out a letter informing residents of this. He is against such a large building. The dog kennels on the east abut a neighbor. There is supposed to be a 100 foot setback, but they didn't look at it. He requested that the Town Board stipulate the same setback as the County's ordinance.

Discussion followed.

Dennis Sheen thanked the Highway Department for the snow removal during this winter.

Kim Breunig stated she is one of three (3) county supervisors. She introduced newly elected County Supervisor John Poole. She gave a brief background of what the county supervisors do. She also stated that the County had two of the lowest tax rates in 2012 and 2013. She also said that the County's bond rating went from AA to AA1. They have also decreased the bonding this year.

Fire Chief Slover introduced new firefighter/paramedic Kyle Tobias to the Town Board.

### **PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS**

1.) A report by Rob Dillon relative to the train horns in the Town of Salem was removed to a future meeting due to Mr. Dillon not attending this meeting.

2.) A request by Melva Stockwell that the Town establish an ordinance allowing designated ATV trails within the Town of Salem was presented. Ms. Stockwell stated that when in Tomahawk they noted that there were ATV trails throughout the Town. They use them to drive to the lakes for ice fishing. She suggested that maybe clubs could be started. ATV's are safer than driving trucks and cars onto the ice. If the Town has a little control over the ATV's, it would be safer and she suggested that the Board expand the talks to include golf carts also.

Attorney Scholze indicated that the Town would need to adopt an Ordinance and establish routes. If a trail is established on Town property we could charge a fee.

Mike Langel spoke relative to the state statutes regulating ATV's, including they must be licensed, the Town can designate Town roads, but not county or state roads.

Further discussion followed with no decisions being made, but the Town would investigate this further.

### **HIGHWAY DEPARTMENT**

1.) The bids for the 2014 Road Improvement Project were presented as follows:

Black Diamond Group, Inc	\$1,888,888.00
Stark Asphalt	\$2,561,797.95
Payne & Dolan, Inc.	\$2,568,486.05

MOTION BY Supervisor Culat, second by Supervisor Faber to award the bid in the amount of \$1,888,888.00 to Black Diamond Group, Inc.

Discussion followed relative to the need for additional safety following the completed paving of 98<sup>th</sup> Street.

UNANIMOUS VOTE – AYE

MOTION CARRIED

### **PLANNING & ZONING**

**1.)** A request by DNT Properties LLC, 1731 216th Avenue, Union Grove, WI 53182 (Owner), Dr. Mary Sue Lux, Westosha Veterinary Hospital, 903 South Second Street, Silver Lake, WI 53170 (Agent), for a Conditional Use Permit to allow a veterinary service in the B-2 Community Business District on Tax Parcel #65-4-120-091-0243 located in the NE 1/4 of Section 9, Township 1 North, Range 20 East, Town of Salem was presented.

There was discussion regarding whether or not the specifications of the County's 100 foot setback were ever brought up during the Town Planning & Zoning meeting. Brian Filiatreault and Jeff Chopp indicated to the Town Board that they were never allowed to speak regarding this proposed Conditional Use Permit. They expressed concerns relative to the setbacks being less than the 100 feet specifications. Discussion followed and a presentation by Architect Jon Wallenkamp of the proposed building. He indicated the main floor is 7,300 sq feet with the fasad being a double masonry door on the kennels. This is a door leading outside, but would never be used by the public. There are no windows on the kennel side of the building and trees to buffer on the east side.

The Salem Planning & Zoning Commission recommended approval of the Conditional Use Permit of the presented site plan on a vote of 4-0.

MOTION BY Supervisor Faber, second by Chairman Tesar to approve the request by DNT Properties LLC, 1731 216th Avenue, Union Grove, WI 53182 (Owner), Dr. Mary Sue Lux, Westosha Veterinary Hospital, 903 South Second Street, Silver Lake, WI 53170 (Agent), for a Conditional Use Permit to allow a veterinary service in the B-2 Community Business District on Tax Parcel #65-4-120-091-0243 located in the NE 1/4 of Section 9, Township 1 North, Range 20 East, Town of Salem as presented, subject to Kenosha County Planning addressing the setback issues.

Supervisor Faber, Culat, Kmiec and Chairman Tesar – AYE

Supervisor Campion – NAY

MOTION CARRIED

**2.)** A request by Jeom O. Cho, 201 Bridle Path Lane, Fox River Grove, IL 60021-1255 (Owner), Jean A. Lipstreuer, JB Resale & Collectibles LLC, 1231 Lance Drive, Twin Lakes, WI 53181 (Agent), for a Conditional Use Permit for outdoor sales display in the B-3 Highway Business District on Tax Parcel # 65-4-120-063-0200 located in the SW 1/4 of Section 6, Township 1 North, Range 20 East, Town of Salem was presented.

The Salem Planning & Zoning Commission recommended approval of the Conditional Use Permit of the presented site plan on a vote of 4-0.

MOTION BY Supervisor Kmiec, second by Supervisor Faber to approve the request by Jeom O. Cho, 201 Bridle Path Lane, Fox River Grove, IL 60021-1255 (Owner), Jean A. Lipstreuer, JB Resale & Collectibles LLC, 1231 Lance Drive, Twin Lakes, WI 53181 (Agent), for a Conditional Use Permit for outdoor sales display in the B-3 Highway Business District on Tax Parcel # 65-4-120-063-0200 located in the SW 1/4 of Section 6, Township 1 North, Range 20 East, Town of Salem as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**3.)** Two applications were received for the appointment to the Planning Zoning Commission. The terms expiring are Wesley Dumalski and Thomas Hinze. Applicants are Thomas Hinze and Allan Sommer.

MOTION BY Supervisor Faber, second by Supervisor Campion to appoint Thomas Hinze and Allan Sommer to the Town of Salem Planning and Zoning Commission for a three (3) year term, expiring in April 2017.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**4.)** Michael Pitts and Kevin Deaton, new owners of Woodhaven Meadows were introduced and a revised Developer's Agreement for Woodhaven Meadows was presented. Attorney Scholze explained the changes to the agreement, which consisted of what remains to be completed. This included two (2) miles of trails, the lift station up and tested, park and prairie are to be turned over to the town and replaced street lights. MOTION BY Supervisor Faber, second by Supervisor Campion to approve the revised Developer's Agreement for Woodhaven Meadows as presented. Supervisor Campion congratulated Administrator Casey and Attorney Scholze on bringing this subdivision back. Supervisor Culat questioned the status of the park to which Administrator Casey replied that we will need to do a CSM, which is in the works. The new playground equipment will be in the first part of May. UNANIMOUS VOTE – AYE  
MOTION CARRIED

**SEWER UTILITY DEPARTMENT**

**1.)** A partial Project Payment No. 1, by Visu-Sewer, Inc. in the amount of \$154,880.65 for the 2014 Sanitary Sewer Collection System Rehabilitation Program was presented. MOTION BY Supervisor Culat, second by Supervisor Faber to approve partial Project Payment No. 1, by Visu-Sewer, Inc. in the amount of \$154,880.65 for the 2014 Sanitary Sewer Collection System Rehabilitation Program as presented. UNANIMOUS VOTE – AYE  
MOTION CARRIED

**FIRE/RESCUE DEPARTMENT**

**1.)** A request to purchase A Stryker Power-Pro XR ambulance cot was presented by Chief Slover. He stated there is \$13,000 budgeted and will need to have the budget amended to take the remaining balance out of another line item. MOTION BY Supervisor Faber, second by Supervisor Culat to approve the purchase of a Stryker Power-Pro XR ambulance cot as presented and to amend the budget to take \$562.00 out of medical supplies. UNANIMOUS VOTE – AYE  
MOTION CARRIED

**ADMINISTRATOR'S BUSINESS**

**1.)** Resolution No 14 04 14, A Resolution of the Town Board of the Town of Salem, Kenosha County, Wisconsin Relating to the Application to the State of Wisconsin Department of Natural Resources for Grant Assistance in the Development of Town Park Land on Camp Lake was presented. MOTION BY Supervisor Faber, second by Supervisor Culat to adopt Resolution No 14 04 14, A Resolution of the Town Board of the Town of Salem, Kenosha County, Wisconsin Relating to the Application to the State of Wisconsin Department of Natural Resources for Grant Assistance in the Development of Town Park Land on Camp Lake as presented. UNANIMOUS VOTE – AYE  
MOTION CARRIED

**CLERK'S BUSINESS**

1.) The minutes of a Regular Board meeting on 3/10/2014, and a Special Board meeting on 3/17/2014 were presented for approval.

MOTION BY Supervisor Culat, second by Supervisor Campion to approve the minutes of a Regular Board meeting on 3/10/2014, and a Special Board meeting on 3/17/2014 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

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

Sarah E Misicka  
Jill Boness

Ashley Chiappetta  
Ashley Coleman

Ashley Davis  
Kathleem M Detlaff

Cynthia Simmons  
Renee Baumeister

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the Operator License applications as presented with approval contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) Resolution No 14 04 14A, a Resolution Designating Officials Registering Voters on Election Day was presented.

MOTION BY Supervisor Culat, second by Supervisor Faber to adopt Resolution No 14 04 14A, a Resolution Designating Officials Registering Voters on Election Day as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) An application was filed with the Clerk 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 AND "CLASS B" LIQUOR

Jimmy's Hawg Heaven, Inc.  
26304 60<sup>th</sup> Street  
Salem, WI 53168  
AGENT: James L Chumbley

Jimmy's Hawg Heaven  
10306 Antioch Road  
Salem, WI 53168

MOTION BY Supervisor Culat, second by Supervisor Campion to approve the application filed with the Clerk, as presented, 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. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

5.) An Amusement Machine License application was filed with the Clerk by the following:

Jimmy’s Hawg Heaven

MOTION BY Supervisor Culat, second by Supervisor Campion to approve the application Amusement Machine License as presented, with approval contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

6.) A Notice of Claim filed against the Town of Salem by Sheryl Ginter for damages to her vehicle due to bumps on Nelson Road was presented to the Board.

MOTION BY Supervisor Faber, second by Supervisor Campion to deny the payment Notice of Claim filed against the Town of Salem by Sheryl Ginter for damages to her vehicle due to bumps on Nelson Road, as presented.

SUPERVISORS Faber, Kimiec, Campion and Chairman Tesar – AYE

SUPERVISOR Culat – ABSTAIN due to a conflict of interest.

MOTION CARRIED

**TREASURER’S REPORT**

1.) Chairman Tesar gave the Treasurer’s report for March 1, 2014 through March 31, 2014.

**MARCH 2014 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM**

March 1, 2014- Beginning Balance **\$3,495,598.70**

<b><u>RECEIPTS</u></b>	<b>\$ 150,519.16</b>
Transfers In	\$ 0.00
Prior Month Adjustment	\$ 3,606.58

<b><u>DISBURSEMENTS</u></b>	<b>\$ 398,716.97</b>
PAYROLL	\$ 138,316.27
Transfers Out	\$ 0.00
<b>Total</b>	<b>\$ 537,033.24</b>

March 31, 2014- Ending Balance **\$3,112,691.20**

State Pool - General	\$1,763,750.01
Gen. Checking	<u>\$1,348,941.19</u>
<b>Totals</b>	<b>\$3,112,691.20</b>

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**MARCH 2014 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM**

March 1, 2014 - Beginning Balance \$ 450,995.81

**RECEIPTS** \$ 37.86  
Trnsfr from Gen. Ck. \$ 0.00

**DISBURSEMENT**  
Trnsfr to Gen. Ck \$ 0.00

March 31, 2014 - Ending Balance \$ 451,033.67

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**MARCH 2014 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM**

March 1, 2014 - Beginning Balance \$ 334,760.94

**RECEIPTS** \$ 1,645.82

**DISBURSEMENTS**  
Transfer to LGIP 8 \$ 0.00

March 31, 2014- Ending Balance \$ 336,406.76

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**MARCH 2014 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM**

March 1, 2014 Beginning Balance \$ 40,582.73

**RECEIPTS** \$ 216.77

March 31, 2014 Ending Balance \$ 40,799.50

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**MARCH 2014 - CASH REPORT FOR THE CAPITAL PROJECTS ACCOUNT – SALEM**

March 1, 2014 Beginning Balance \$ 2,241,547.45

**RECEIPTS** \$ 3,448.34  
Transfer In \$ 0.00

**DISBURSEMENTS**  
Transfer Out \$ 0.00

March 31, 2014 Ending Balance \$ 2,244,995.79



**Supervisor Faber** (CCLRD, SEWRPC, P&Z Joint Liaison, Board of Review, Public Safety & Communication Committees) report.

Supervisor Faber reported that the WI Lakes Assoc. Convention will be held on April 24, 25, & 26<sup>th</sup>. This is a good opportunity to get to know more about the DNR and invasive species in our lakes.

**Supervisor Culat** (Park & P & Z Commissions Joint Liaison, Public Works Committee) report.

Supervisor Culat said, "Thank God the snow is over," and reported that he would like discussion on a sign ordinance and parking on the committee meeting agenda.

**Supervisor Kmiec** (Park Commission Joint Liaison, Administration, Public Safety, & Communication Committees) report.

Supervisor Kmiec also believes the parking in the Town needs to be looked at, starting with Salem Oaks. He also requested that we look at the upgrades to the park there.

Administrator Casey advised that when the project is done, the park will have a baseball diamond, basketball court and new playground equipment.

Supervisor Kmiec stated he would also like to look at an ice skating rink in the Town.

**Supervisor Champion** (County & Voltz Lake Liaison, Administration, Communication & Public Works Committees) report.

Supervisor Champion reported on the election change and welcomed Supervisors Faber and Culat back to the Board. He also welcomed John Poole who was in attendance and was recently elected to the Kenosha County Board. Kim Breunig was elected as vice chairman on the County Board. He had to miss the Easter Egg Hunt for the first time. He also questioned the Board as to how they are doing with the tablets.

## **CLOSED SESSION**

**1.) MOTION BY Supervisor Champion, second by Supervisor Culat 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 property acquisition and municipal joint agreement for services.**

ROLL CALL VOTE

SUPERVISORS Faber, Culat, Kmiec, Champion and Chairman Tesar – AYE

MOTION CARRIED

**The Town Board moved out of Open Session and into Closed Session at 9:12 pm.**

**2.) MOTION BY Supervisor Kmiec, second by Supervisor Champion to move out of Closed Session and reconvene in Open Session.**

ROLL CALL VOTE

SUPERVISORS Faber, Culat, Kmiec, Champion and Chairman Tesar – AYE

MOTION CARRIED

**The Board moved out of Closed Session and reconvene in Open Session at 9:55 pm.**

**3.)** There was no discussion, action or announcement relative to Section 19.85(1)(e) referenced during the closed session.

**ADJOURNMENT**

MOTION BY Supervisor Culat, second by Supervisor Campion to adjourn this Regular meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**This Regular Board meeting was adjourned at 9:55 p.m.**

Respectfully submitted,

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Cindi Ernest, Clerk