

**MINUTES  
TOWN OF SALEM  
REGULAR MEETING OF THE BOARD OF SUPERVISORS  
MONDAY, MAY 9, 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 7:04 p.m. with the following present:

**CHAIRMAN:** Diann Tesar

**BOARD OF SUPERVISORS:** Joe Meier, Pat O’Connell, Dennis Faber and Dan Campion

**OTHERS:** Pat Casey, Attorney Brian Wanasek, Mike Murdock, Mike Slover and Cindi Ernest.

**GUESTS:** Ron Pasterz, Steve Brown, Don Raymond, Patti Zurla, Elaine Tesar, Linda Meyer, Al Sommer, Carol Husnick, Karen Ihlen, Gail Kirby, Jim Grumbeck, Randy Melind, Florence Mahizola, AB O’Brien, Peter Lund, Ted Tsoumas, David, Katzer, Caroline Katzer, Emmet Katzer, Jim Woodke, Phil Dziki, Bea Campion, Mark Morris, Gail Pckler-Dziki, Marvin Mullens, Betty Griner, Kevin Meier, Amanda Meier, Coleen Graves, Linda Miller, Chuck Miller, Jennifer DiBenedetto, William Sculz, Robert Meisinger, Jeffrey T. Barningham, Cindy Cort, and Darren Hillock

**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 Friday, May 6, 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.

Chairman Tesar reminded those in attendance about the annual Town Spring Clean-up this week.

**AGENDA SEQUENCE**

There was no change in the agenda sequence.

**CITIZEN COMMENTS**

Mike Morris stated that he is against the extended skiing hours on the lakes being proposed.

Linda Miller stated she is also against it.

Linda Meyer stated that she thinks the yard waste hours should be extended to Saturdays during the spring and fall.

Robert Meisinger questioned if there was an ordinance about petitions to change ski hours to which Chairman Tesar responded no, but that it doesn't mean that the board is going to adhere to petitions presented.

Jennifer DiBenedetto, Illinois Cross Lake Association, is opposed to any change in the hours.

## **PUBLIC SAFETY**

**1.)** Jeff Thornton of SEWRPC gave a presentation to the Town Board relative to doing a lakes survey. He stated that SEWRPC provides specialist advice and planning to municipalities. He passed out examples of surveys done for Powers Lake. He gave a background on the surveys that they are able to do stating that Salem Lakes present a challenge with their shallow depths. Not every lake is the same even though we try to treat them as such. Some communities have recognized different lake needs and attributes and have drafted different ordinances for different lakes. He recommended, based on this that mid morning to mid afternoon be used for high speed motor craft.

Discussion followed relative to the types of questions, with Mr. Thornton stressing that the Town looks at our communities' desires when doing a plan. In response to Chairman Tesar's question, he pointed out that there is a response rate for surveys typically low of 30% to a high of 70% depending on community interest. He would expect the response rate for Salem to be at the higher end. He also recommended applying for a grant to pay for part of the survey. Further discussion followed.

The Town Board directed Mr. Thornton to draft a formal prospectus for the Board to review.

**2.)** A request by Kevin & Amanda Meier and Dave & Caroline Katzer that changes be made to the Town of Salem's current Ordinance 9.15 relative to the Control of Dogs was presented and discussed at previous meetings.

Attorney Wanasek stated that state statutes set the parameters for controlling dogs. We currently have two (2) ordinances for dogs at large and dogs that create property damage. Statutes provide that if an owner has knowledge of a dog creating damage then they are fined and if an incident happens again the fine is increased. We can increase and have the ability to increase the fines, but we can't impose behavioral things on an owner or dog. That can only be done by a circuit court. He advised that the Town should stick to an ordinance and increase the forfeitures. This is better than an ordinance that requires monitoring and circuit court injunction.

Discussion followed with Administrator Casey advising that we will draft a new ordinance and incorporated some of the things heard.

**3.)** A request by Bill Schulz for the Town Board to consider the advisory motions, relative to Ch. 20 Lakes and Beaches, made at the Annual Elector's meeting was presented.

Bill Schulz advised that Lake Shangri-La consist of 300-400 home property owner association. The association board recommended the proposed change on a vote of the association with a 45-0 vote. They are requesting that Lake Shangri-La be excluded from the current Slow No Wake rule and allow ski/wake from 10:00 am to sundown for the months of July and August only and to follow state statutes and reduce the shoreline from 200 feet to 100 feet.

MOTION BY Supervisor Meier, second by Supervisor O'Connell to extend the wake hours for Lake Shangri-La/Benet from 10:00 am to sunset for the months of July and August and reduce the shoreline from 200 feet to 100 feet.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

4.) A request by Ted Tsoumas and Linda Meyer-Tsoumas to amend Ordinance No. 09-12-14, An Ordinance which amended the Provisions of Chapter 20 of the Town of Salem Code of Ordinances "Pertaining to Water-ski Hours and Slow No Wake Restrictions on Camp Lake". Mr. Tsoumas stated that fifty-five (55) electors voted to amend this and four (4) were in opposition. He proposed that the skiing/wake be allowed on Camp Lake Monday through Friday from 10:00 am to sunset for the summer. Linda Meyer presented a petition with seventy (70) signatures in favor of this.

Discussion followed.

MOTION BY Supervisor Faber, second by Supervisor O'Connell to allow skiing/wake on Camp Lake, Monday through Friday from 10:00 am to sunset for the summer.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

### **STORM WATER DISTRICT**

1.) A request by Wayne E. Koessl, Local Affairs Account Manager for WE Energies for the Town Board to review of the storm water appeals for WE Energies' substations. This item was tabled from the March 2011 meeting. This item was removed from the agenda until Mr. Koessl contacts us again.

### **PARK COMMISSION**

1.) Chairman Tesar recommended that Colleen Glaves be re-appointed to one (1) expiring position on the Town of Salem Park Commission. This is a seven (7) year appointment and her term will expire on June 30, 2018.

MOTION BY Supervisor Meier, second by Supervisor Faber to take Chairman Tesar's recommendation and reappoint Colleen Glaves to a seven (7) year term expiring June 30, 2018.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

### **LIBRARY BOARD**

1.) Chairman Tesar recommended that Gail Peckler-Dziki be appointed to (1) vacated position on the Town of Salem Library Board. This is a three (3) year appointment and her term will expire in April of 2014.

MOTION BY Supervisor Faber, second by Supervisor Meier to take Chairman Tesar's recommendation and appoint Gail Peckler-Dziki to a three (3) year term expiring in April 2014.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

### **PLANNING AND ZONING COMMISSION**

1.) A variance requested by Florence Malizola (Agent, Gary Kirkman) to re-construct an existing sunroom and add additional headroom, no lateral increase in the building footprint was presented. Property address of 27044 95<sup>th</sup> Place. Property tax parcel 66-4-120-211-0345.

The Town Planning and Zoning Commission approved this variance request on a vote of 4-2. The two (2) "no" votes were because the petitioner and/or agent were not present for the meeting.

MOTION BY Supervisor Faber, second by Supervisor Campion to take the recommendation of the P & Z and approve the variance requested by Florence Malizola (Agent, Gary Kirkman) to reconstruct an existing sunroom and add additional headroom, no lateral increase in the building footprint was presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**2.)** A request that Kenosha County use Salem's 2035 vs. 2025 Comprehensive Plan phase when developing certified and non-certified A-1 Agricultural Preservation District areas for the Farmland Protection Plan for Kenosha County was presented.

The Town Planning and Zoning Commission approved this request on a vote of 6-0.

MOTION BY Supervisor O'Connell, second by Supervisor Faber to take the recommendation of the P & Z and approve Kenosha County's use of Salem's 2035 Comprehensive Plan phase when developing certified and non-certified A-1 Agricultural Preservation District areas for the Farmland Protection Plan for Kenosha County as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**3.)** MOTION BY Supervisor Faber, second by Supervisor Campion to take Chairman Tesar's recommendation and re-appoint Wesley Dumalski and appoint Thomas Hinze and Randy Melind to the Town of Salem Planning and Zoning Commission, with terms expiring

UNANIMOUS VOTE – AYE

MOTION CARRIED

Welsey Dumalski's term will expire April 2014 – re-appointed.

Thomas Hinze's term will expire April 2014 – replaces Shirley Boening who did not seek re-appointment.

Randy Melind's term will expire April 2012 - replaces Cary Artac who resigned.

### **ADMINISTRATOR'S BUSINESS**

**1.)** Administrator Casey reported that we are a little disappointed in the Summer Camp response, but have sent out additional notices and registration will continue to take place.

**2.)** Administrator Casey presented the Town of Salem Building Use Policy. This item was tabled from the March 2011 meeting until updates are made to the draft policy.

MOTION BY Supervisor Faber, second by Supervisor O'Connell to approve the Town of Salem Building Use Policy and to include the wording "and dressed appropriately" and "frequency with Town Board approval".

UNANIMOUS VOTE – AYE

MOTION CARRIED

**3.)** Administrator Casey informed the Board and those in attendance that the new codified Town of Salem Code of Ordinances are available for public review. It will then be presented for adoption at the June Regular Board meeting.

4.) Administrator Casey recommended to the Board an upfront payment of \$38,650 for IT support services. The current hourly rate for this service is \$55.00. It is estimated that the Town will incur 773 hours through the end of the year. This would cost the Town \$42,515 for the remainder of the year. To further reduce these costs if we make the upfront payment, it would reduce the hourly rate to \$50.00 an hour resulting in a savings of \$3,865 per year.

If the hours aren't used, we will receive credit going into next year.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the upfront payment of \$38,650 for IT support services.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**CLERK'S BUSINESS**

1.) The minutes of the previous meetings: Regular Board Meeting on 04/11/11 and a Special Meeting on 04/25/11 were presented.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the minutes of the Regular Board Meeting on 04/11/11as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the minutes of the Special Meeting on 04/25/11 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

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

Felicia Mesmer  
Nicole Lowman

Jake Grumbeck  
Sandra Hiatt

Victoria Grimm  
Christine Halle

Tracy Kaminski  
Jade Grumbeck

MOTION BY Supervisor Faber, second by Supervisor Meier to approve 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.) Discussion took place relative to drafting an ordinance requiring a pawn shop/flea market/jewelry license, in the Town of Salem and whether the Board wants to regulate these in the future. A draft ordinance will be looked at and presented.

**TREASURER'S REPORT**

1.) Administrator Casey gave the Treasurer's report for April 1, 2011 – April 30, 2011 as follows:

**APRIL 2011 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM**

April 1, 2011- Beginning Balance

**\$1,622,312.21**

<b><u>RECEIPTS</u></b>	<b>\$ 705,694.09</b>
Transfer from LGIP#09	\$ 574,719.80
Prior Month Adjustment	\$ 0.00

<b><u>DISBURSEMENTS</u></b>	<b>\$ 1,207,818.30</b>
PAYROLL	\$ 145,976.91
Prior Month Adjust.	<u>\$ 94.00</u>
<b>Total</b>	<b>\$ 1,353,889.21</b>

April 30, 2011 - Ending Balance	<b>\$1,548,836.89</b>
State Pool - General	\$ 913471.30
Gen. Checking	<u>\$ 635,365.59</u>
<b>Totals</b>	<b>\$ 1,548,836.89</b>

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**APRIL 2011 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM**

April 1, 2011- Beginning Balance	<b>\$ 0.00</b>
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<b><u>RECEIPTS</u></b>	<b>\$ 0.00</b>
Trnsfr from Gen. Ck.	\$ 0.00

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

April 30, 2011 - Ending Balance	<b>\$ 0.00</b>
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**APRIL 2011 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM**

April 1, 2011 - Beginning Balance	<b>\$ 883,682.13</b>
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<b><u>RECEIPTS</u></b>	<b>\$ 105.95</b>
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**DISBURSEMENTS**

April 30, 2011 - Ending Balance	<b>\$ 883,788.08</b>
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**APRIL 2011 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM**



**PUBLIC WORKS/HIGHWAY**

1.) Nothing

**FIRE AND RESCUE**

1.) Nothing

**FIRE AND HIGHWAY BUILDING PROJECT**

1.) Payment Request No. 1 from Camosy Construction in the amount of \$40,900.48 for the Well Services Building was presented. The contract amount is \$289,000.00.

MOTION BY Supervisor O'Connell, second by Supervisor Faber to approve Payment Request No. 1 from Camosy Construction in the amount of \$40,900.48 for the Well Services Building as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**BUILDING DEPARTMENT**

1.) Nothing

**SEWER UTILITY DISTRICT**

1.) An agreement/contract with Advanced Waste Services Inc. to dispose of, Congress Landfill, leachate at the Salem Waste Water Treatment Plant was presented.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the contract with Advanced Waste Services Inc. to dispose of, Congress Landfill, leachate at the Salem Waste Water Treatment Plant as presented

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Final Payment Request # PR-1210802-20 by J.F. Ahern Company, for digester cover and clarifier renovations, in the amount of \$22,370.73 was presented. Original contract amount \$790,000.00, amount added by change order \$299,851.00, less previous payments of \$1,028,458.27.

MOTION BY Supervisor Faber, second by Supervisor Campion to approve Final Payment Request # PR-1210802-20 by J.F. Ahern Company, for digester cover and clarifier renovations, in the amount of \$22,370.73 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**JUDICIAL**

1.) Nothing

**SALEM MOUND CEMETERY**

1.) Nothing

**BOARD OF REVIEW**

1.) Nothing.

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

**Chairman Tesar** (Lakes Committee, Bike Committee, Hooker Lake) report.

Chairman Tesar reported that Hooker Lake will meet at 7:00 pm on Thursday, May 12<sup>th</sup> at 7:30 pm.

**Supervisor Faber** (CCLRD, SEWRPC, P&Z Liaison, Lakes Committee, and Board of Review) report. Supervisor Faber reported that The DNR refunded in excess of 70%, \$14,000 back to the Town of Salem for Water Patrol.

**Supervisor Meier** report.

Supervisor Meier reminded all that Public Safety will be promoted at the Salem/Bristol Public Safety Fair to be held on Saturday, June 4<sup>th</sup> from 10:00 am – 1:00 pm.

**Supervisor O’Connell** (Library Board, Voltz Lake District) report.

Supervisor O’Connell reported that the Library Board met on April 25<sup>th</sup> and extended the contract of the current Librarian and approved the new lighting. There will be a meeting soon on the expansion at Twin Lakes.

He also reminded that he needs a letter of recommendation for Bill Martin as County representative to the Voltz Lake Management District.

**Supervisor Campion** report.

Supervisor Campion reported that he has been kept busy attending Board of Review Training, and the WI Tr-Co meeting. We were the most represented municipality.

He also attended the Michael Best Act 10 seminar.

**ADJOURNMENT**

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

UNANIMOUS VOTE – AYE

MOTION CARRIED

**This Regular Board meeting was adjourned at 9:30 p.m.**

Respectfully submitted,

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Cindi Ernest, Clerk