

**MINUTES  
TOWN OF SALEM  
REGULAR MEETING OF THE BOARD OF SUPERVISORS  
Monday, July 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:** Attorney Scholze, Brad Zautcke, Mike Slover, Mike Murdock, Dave Shortess and Cindi Ernest.

**GUESTS:** Jim Woodke, John Poole, Melanie Rudd, John Rudd, Carl Siegel, Kevin Deaton, Amar Singh, Mike Hungness, Amber Hungness, Tim Squier, John Roberts, Carrie Fisher, Kerry Kaye, Darren Hillock and Jill Rozell.

**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, July 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**

Tim Squire minded that he came before them requesting an ordinance regarding chickens and bees. The Board decided not to change the Town's current ordinance and he stated he found it disappointing in light of the homework he did on the subject and presented to the Board.

Mike Hungness purchased Lot 5 in the Woodhaven Meadows subdivision and he expressed concerns regarding 25% being dedicated as a park and changes to the subdivision covenants.

Kevin Deaton, representing Woodhaven Meadows, responded that the subdivision was purchased prior to the Hungness purchase and there are no recorded covenants. The subdivision site is over 200 acres, with 40 acres dedicated to the Town upon their request. There is no deed restriction and the Hungness lot doesn't abut up to any park land and it was purchased from another party.

**Mike Murdock arrived at 7:04 pm.**

## PLANNING & ZONING

**1.)** A request by Melanie D. Rudd 8685 226th Avenue, Salem WI 53168 (Owner), John Rudd, 8685 226th Avenue, Salem WI 53168 (Agent), for approval of a variance to construct a swimming pool and associated deck was presented. It is to be located 40 feet (required setback 65 feet) from the right-of-way of CTH AH (Salem Road) on Tax Parcel #65-4-120-132-0661, Northwest 1/4 Section 13, Township 1 North, Range 20 East, Town of Salem.

(Section IV. C. 12.21-4(g)1: which states that no structure shall be less than 65 feet from the right-of-way of a County Trunk Highway in the R-4 Urban Single-Family Residential District. For informational purposes only this parcel is located on the north side of CTH 'AH' (Salem Road) approximately 400 feet west of intersection with 88th Street.

The Town Planning & Zoning Commission, on a vote of 5-0, made a recommendation to grant the variance request.

MOTION BY Supervisor Faber, second by Supervisor Culat to take the recommendation the Town Planning Commission and approve the request by Melanie D. Rudd 8685 226th Avenue, Salem WI 53168 (Owner), John Rudd, 8685 226th Avenue, Salem WI 53168 (Agent), for approval of a variance to construct a swimming pool and associated deck as presented, to be located **40** feet (required setback **65** feet) from the right-of-way of CTH AH (Salem Road) on Tax Parcel #65-4-120-132-0661.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**2.)** A request by Neal S. & Deepak Gill, Trustees of Gill Trust (Dated 10/17/2002), West 3323 Lake Forest Lane, Lake Geneva, WI 53147 (Owner), Amir Singh, 8246 Antioch Road, Salem, WI 53168 (Agent) for a rezoning from R-5 Urban Single-Family Residential District to R-5 Urban Single-Family Residential District & B-3 Highway Business District on Tax Parcel #67-4-120-354-1516 was presented. This is located in the Southeast 1/4 of Section 35, Township 1 North, Range 20 East, Town of Salem. For informational purposes only this parcel is located on the east side of STH '83" (Antioch Road) between 125<sup>th</sup> and 126<sup>th</sup> Street.

The Town Planning & Zoning Commission, on a vote of 5-0, made a recommendation to grant the rezoning request.

MOTION BY Supervisor Kmiec, second by Supervisor Campion to approve the request by Neal S. & Deepak Gill, Trustees of Gill Trust (Dated 10/17/2002), West 3323 Lake Forest Lane, Lake Geneva, WI 53147 (Owner), Amir Singh, 8246 Antioch Road, Salem, WI 53168 (Agent) for a rezoning from R-5 Urban Single-Family Residential District to R-5 Urban Single-Family Residential District & B-3 Highway Business District on Tax Parcel #67-4-120-354-1516 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**3.)** A request by Woodhaven Meadows LLC – Salem. Woodhaven Meadows LLC, 1202 60th Street, Kenosha, WI 53144 (Owner), Brad Zautcke, Town of Salem, PO Box 443, Salem, WI 53168 (Agent), for a rezoning from A-2 General Agricultural District to PR-1 Park-Recreational District on a portion of Tax Parcels #65-4-120-134-0246 & 65-4-120-134-0249 was presented. This is located in the Southeast 1/4 of Section 13 and Northeast 1/4 of Section 24, Township 1 North, Range 20 East, Town of Salem. For informational purposes only this parcel is located approximately 2600 feet northwest of the intersection of 219<sup>th</sup> Avenue and CTH "C" (Wilmot Road).

The Town Planning & Zoning Commission, on a vote of 5-0, made a recommendation to grant the rezoning request.

MOTION BY Supervisor Faber, second by Supervisor Campion to approve the request by Woodhaven Meadows LLC – Salem. Woodhaven Meadows LLC, 1202 60th Street, Kenosha, WI 53144 (Owner), Brad Zautcke, Town of Salem, PO Box 443, Salem, WI 53168 (Agent), for a rezoning from A-2 General Agricultural District to PR-1 Park-Recreational District on a portion of Tax Parcels #65-4-120-134-0246 & 65-4-120-134-0249 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**4.)** A request by Woodhaven Meadows Subdivision - Woodhaven Meadows LLC – Salem, for an amendment of Final Plat of Woodhaven Meadows Subdivision, Woodhaven Meadows LLC., 1202 60th Street, Kenosha, WI 53144 (Owner) to remove and revise the preservation easement from certain areas of the existing subdivision outlot and to show the outlot area to be deeded to the Town of Salem was presented. This subdivision is located in the SW 1/4 of Section 13 and NE 1/4 of Section 24, T1N, R20E, Town of Salem.

The Town Planning & Zoning Commission, on a vote of 5-0, made a recommendation to approve the Affidavit of Plat Correction.

MOTION BY Supervisor Faber, second by Supervisor Culat to take the recommendation of the Town Planning Commission and approve the request by Woodhaven Meadows Subdivision - Woodhaven Meadows LLC – Salem, for an Affidavit of Plat Correction (an amendment of Final Plat of Woodhaven Meadows Subdivision, Woodhaven Meadows LLC., 1202 60th Street, Kenosha, WI 53144 (Owner) to remove and revise the preservation easement from certain areas of the existing subdivision outlot and to show the outlot area to be deeded to the Town of Salem, as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**5.)** A request for a Certified Survey Map (dated June 13, 2014 by Eric R. Sturm of R.A. Smith National, Inc.) to divide Tax Parcel #65-4-120-134-0246 and #65-4-120-134-0249 into one (1) 48.90-acre parcel for Woodhaven Meadows, LLC was presented. This is part of the Southeast Quarter of Section 13, Township 1 North, Range 20 East, Town of Salem. For informational purposes only this parcel is located approximately 2600 feet northwest of the intersection of 219<sup>th</sup> Avenue and CTH “C” (Wilmot Road). The Town Planning & Zoning Commission, on a vote of 5-0, made a recommendation to approve the Certified Survey Map request.

MOTION BY Supervisor Culat, second by Supervisor Faber to approve the request for a Certified Survey Map (dated June 13, 2014 by Eric R. Sturm of R.A. Smith National, Inc.) to divide Tax Parcel #65-4-120-134-0246 and #65-4-120-134-0249 into one (1) 48.90-acre parcel for Woodhaven Meadows, LLC, as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

## **FIRE DEPARTMENT**

**1.)** A request by Fire Chief Slover for the purchase of a MSA Evolution 6000 Thermal Imaging Camera from 5 Alarm Fire Equipment in the amount of \$9,895 was presented.

MOTION BY Supervisor Culat, second by Supervisor Faber to approve the request by Fire Chief Slover for the purchase of a MSA Evolution 6000 Thermal Imaging Camera from 5 Alarm Fire Equipment in the amount of \$9,895 as presented.

Chief Slover informed that the camera can detect heat, comparisons between the new camera and the old and answered questions from the Board.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

### **HIGHWAY DEPARTMENT**

1.) Department Head Murdock did some investigation into a request for road paving in Montgomery Lake Highlands. The cost of having the Black Diamond perform the paving would be higher than the current contract. He suggested to the Board that the Town Highway Department could do some of the patching prep work and then, at a cost of \$3.00 - \$4.00 per foot, pave over the patches to get us by for another 2- 3 years. This would be a 4inch base repair and the when paved it could be milled down. He suggested contacting the contractor who did the Town Hall parking lot, Ciccini Asphalt. Discussion followed with Department Head Murdock to get 2 – 3 prices on the patching, which will come out of road maintenance in the budget. No approval by the Board will be needed unless the cost will exceed \$5,000.

### **PARK COMMISSION**

1.) Chairman Tesar recommended to the Board the re-appointment of Bill Barhyte to the Town of Salem Park Commission. This is a seven year term which expires June 30, 2021.

MOTION BY Supervisor Culat, second by Supervisor Campion to re-appoint Bill Barhyte to the Town of Salem Park Commission.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

### **SEWER UTILITY DEPARTMENT**

1.) Sewer Utility Department Head Brad Zautcke requested permission to purchase a new Ultraviolet Disinfection System Control Center from Trojan in the amount of \$29,839 and system programming and startup in an amount not to exceed \$8,500.

MOTION BY Supervisor Culat, second by Supervisor Faber to approve the purchase of a new Ultraviolet Disinfection System Control Center from Trojan in the amount of \$29,839 and system programming and startup in an amount not to exceed \$8,500, as presented.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

2.) A Payment Request No. 2 (Final) by Visu-Sewer, Inc., for 2014 Sanitary Sewer Collection System Rehabilitation Program, in the amount of \$26,601.93 was presented.

MOTION BY Supervisor Campion, second by Supervisor Culat to approve Payment Request No. 2 (Final) by Visu-Sewer, Inc., for 2014 Sanitary Sewer Collection System Rehabilitation Program, in the amount of \$26,601.93 as presented.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

### **STORM WATER**

1.) A request for Project Payment No.3, by Wanasek Corporation in the amount of \$314,825.95 for the 2014 Drainage Improvement Project was presented.

MOTION BY Supervisor Faber, second by Supervisor Kmiec to approve Project Payment No.3, by Wanasek Corporation in the amount of \$314,825.95 for the 2014 Drainage Improvement Project as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

#### **ADMINISTRATOR’S BUSINESS**

1.) A request for the purchase of replacement playground equipment for Salem Oaks Park. In his memo to the Board, Administrator Casey recommended that The Town Board approve the bid from Lee Recreation for playground equipment, playground border with chips, two pieces of adult fitness equipment, and a supervised installation in the amount of \$34,731.

MOTION BY Supervisor Faber, second by Supervisor Culat to approve the bid from Lee Recreation for playground equipment, playground border with chips, two pieces of adult fitness equipment, and a supervised installation in the amount of \$34,731 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

#### **CLERK’S BUSINESS**

1.) The minutes of the previous meetings of a Regular Board meeting on 6/09/2014 and a Special Board meeting on 6/16/2014 were presented.

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the minutes of a Regular Board meeting on 6/09/2014 and a Special Board meeting on 6/16/2014 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.

Nicole Moreno	Shelby Langston	Trisha Gritzuk	Tiffany Tarsa	Brenda Jonas
Tammy Pozdol	Eileen Griffin	Tomi Gawenda	Theresa Popp	Stephanie Kuhlne

MOTION BY Supervisor Campion, second by Supervisor Kmiec to approve the Operator Licenses 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.) Due to discrepancies in the application, an Operator License application was, per Board direction, re-filed with the Town Clerk by Kayla Garcia and is now complete. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

MOTION BY Supervisor Faber, second by Supervisor Campion to approve the Operator 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

4.) Liquor License applications were filed with the Clerk for retail license 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, with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

NAME & ADDRESS  
OF APPLICANT

TRADE NAME & ADDRESS  
OF ESTABLISHMENT

**CLASS "A" BEER AND "CLASS A" LIQUOR**

Razmataz, Inc.  
9840 272<sup>nd</sup> Avenue  
Trevor, WI 53179  
AGENT: Ramza L. Hitti-Pogachar

Mac's Deli & Grocery  
9610 Camp Lake Road  
Camp Lake, WI 53109

**CLASS "B" BEER AND "CLASS B" LIQUOR**

Goodfella's Restaurant & Bar, Inc.  
12015 Antioch Road  
Trevor, WI 53179  
Agent: Raymond Leimuller

Goodfella's  
12015 Antioch Road  
Trevor, WI 53179

75<sup>th</sup> Street Inn, Inc.  
26229 75th St.  
Salem, WI 53168  
Agent: Marybeth Van Every

75th Street Inn  
26229 75th St.  
Salem, WI 53168

Supervisor Campion requested that these be voted on separately as he will need to abstain on the vote for Goodfella's due to a conflict of interest.

MOTION BY Supervisor Faber, second by Supervisor Campion to approve the Liquor License applications for Razmataz, Inc. and 75<sup>th</sup> Street Inn, Inc., to sell fermented malt beverages and intoxicating liquors, with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

MOTION BY Supervisor Culat, second by Supervisor Faber to approve the Liquor License application for Goodfella's Restaurant & Bar, Inc., to sell fermented malt beverages and intoxicating liquors, with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

SUPERVISORS Faber, Culat, Kmiec and Chairman Tesar – AYE

SUPERVISOR Campion – ABSTAIN (due to conflict of interest)

MOTION CARRIED

5.) Amusement Machine License application was filed with the Clerk by 75<sup>th</sup> Street Inn, with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

MOTION BY Supervisor Faber, second by Supervisor Culat to approve the Amusement Machine License application for 75<sup>th</sup> Street Inn, with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

MOTION BY Supervisor Faber, second by Supervisor Culat to approve the Amusement Machine License application for Goodfella’s Restaurant & Bar, with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees as presented.

SUPERVISORS Faber, Culat, Kmiec and Chairman Tesar – AYE

SUPERVISOR Campion – ABSTAIN (due to conflict of interest)

MOTION CARRIED

6.) A Cigarette License application was filed with the Clerk by Mac’s Deli & Grocery, with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the Cigarette License application for Mac’s Deli & Grocery, with approval contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

7.) The payment of the vouchers for June 10, 2014, through July 14, 2014, were presented as follows:

Vouchers issued from June 10, 2014 through July 14, 2014		\$ 1,165,868.59
Payroll #13 Ending	6/14/14	\$ 64,273.28
Payroll #14 Ending	6/28/14	\$ 68,368.10
		_____
	<b>Total</b>	\$ 1,298,509.97

MOTION BY Supervisor Faber, second by Supervisor Culat to approve the payment of the vouchers for June 10, 2014, through July 14, 2014, as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

### TREASURER’S REPORT

1.) Treasurer’s report for June 1, 2014 through June 30, 2014.

### JUNE 2014 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

June 1, 2014- Beginning Balance **\$1,537,633.65**

<b><u>RECEIPTS</u></b>		<b>\$ 269,818.56</b>
Transfers In	\$	450,000.00
Prior Month Adjustment	\$	0.00

<b><u>DISBURSEMENTS</u></b>		\$ 733,279.76
PAYROLL	\$	154,307.65
Transfers Out	\$	<u>0.00</u>
<b>Total</b>		<b>\$ 887,587.41</b>

June 30, 2014- Ending Balance		<b>\$1,369,864.80</b>
State Pool - General	\$	818,152.77
Gen. Checking	\$	<u>551,712.03</u>
<b>Totals</b>		<b>\$1,369,864.80</b>

\*\*\*\*\*

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

June 1, 2014 - Beginning Balance		<b>\$ 451,101.66</b>
----------------------------------	--	----------------------

<b><u>RECEIPTS</u></b>		<b>\$ 29.15</b>
Trnsfr from Gen. Ck.	\$	0.00

<b><u>DISBURSEMENT</u></b>		\$ 450,000.00
Trnsfr to Gen. Ck	\$	450,000.00

June 30, 2014 - Ending Balance		<b>\$ 1,130.81</b>
--------------------------------	--	--------------------

\*\*\*\*\*

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

June 1, 2014 - Beginning Balance		<b>\$ 342,928.47</b>
----------------------------------	--	----------------------

<b><u>RECEIPTS</u></b>		<b>\$ 1,643.28</b>
------------------------	--	--------------------

<b><u>DISBURSEMENTS</u></b>		
Transfer to LGIP 8	\$	<b>0.00</b>

June 30, 2014- Ending Balance		<b>\$ 344,571.75</b>
-------------------------------	--	----------------------

\*\*\*\*\*

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



June 1, 2014 Beginning Balance \$ 41,815.89

**RECEIPTS** \$ 3.12

June 30, 2014 Ending Balance \$ 41,819.01

\*\*\*\*\*

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

June 1, 2014 Beginning Balance \$ 2,253,054.85

**RECEIPTS** \$ 2,228.02  
Transfer In \$ 0.00

**DISBURSEMENTS**  
Transfer Out \$ 0.00

June 30, 2014 Ending Balance \$ 2,255,282.87

\*\*\*\*\*

**JUNE 2014- CASH REPORT FOR THE TRAILS ACCOUNT – SALEM**

June 1, 2014 Beginning Balance \$ 215,613.86

**RECEIPTS** \$ 16.07

**DISBURSEMENTS**

June 30, 2014 Ending Balance \$ 215,629.93

\*\*\*\*\*

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

**Chairman Tesar** (Library Board, Hooker Lake, & Administration, Public Works, Public Safety & Communication Committees) report.  
Chairman Tesar reported that the Library Board Finance Committee will meet on July 28<sup>th</sup> at Twin Lakes. The Hooker Lake Management District held a meeting last Thursday and are working on their budget. Their annual meeting will be in September.

The Board has received approximately ten (10) applications from individuals who have expressed an interest in the Incorporation Committee. A decision will be made in August and they will start to meet in September.

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

Supervisor Faber reported that CCLRD will hold their annual meeting on August 16<sup>th</sup> and there is no change in their budget. They are also filing a grant application with the WI Waterways for \$62,000 with a 50% match for a new transporter.

Milfoil is back up again and taking over. They keep extensive records of the weeds.

Silver Lake Protection Association will be holding an annual meeting. They didn't treat the lake this year. They received a \$60,000 grant. They sent samples to a lab in FLA and found that 2-4D didn't have an effect on the lake. They didn't get a permit from the DNR because they wanted to use a different chemical. They are still discussing forming a lake district.

Supervisor Faber gave the Public Safety Department accolades on the good job that the water patrol is doing on the lakes.

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

Supervisor Culat stated that the current road project is "awesome".

Chairman Tesar reported that Hooker Lake did weed treatment this year in May and the native species are down.

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

Supervisor Kmiec had nothing to report.

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

Supervisor Champion reported that Voltz Lake had to do another treatment on the channel on the north side of the lake and it appears to be taking this time.

Public Works Departments are doing a good job – kudos.

## **CLOSED SESSION**

**1.) MOTION BY Supervisor Culat, second by Supervisor Faber to move into closed session pursuant to: Section 19.85(1)(c) for the purpose of considering employment, promotion, compensation, or performance evaluation data of employees over which the governmental body has jurisdiction or exercises responsibility. This closed session is relative to an administration employee.**

ROLL CALL VOTE

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

MOTION CARRIED

**The Board moved out of Open Session and convened into Closed Session at 8:08 pm.**

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

ROLL CALL VOTE

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

MOTION CARRIED

**The Board moved out of Closed Session and reconvened into Open Session at 9:17 pm**

**3.)** There was no discussion, action or announcement relative to Section 19.85(1)(c) 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 9:18 p.m.**

Respectfully submitted,

---

Cindi Ernest, Clerk