

MINUTES
REGULAR MEETING OF THE BOARD OF SUPERVISORS
Monday, September 12, 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 Brian Wanasek, Attorney Charlie Stevens, Jack Rowland, and
Crysti Neuman

GUESTS: Wendell Ollila, Ann Ollila, Frank Carmichael, Carl Siegel, Bob Zubor, Cathy Zubor,
Tom Floore, Kim Breunig, John Roberts, Ameer Janus, and Pat Mulvey

PLEDGE OF ALLEGIANCE
Chairman Tesar led the Pledge of Allegiance

OPEN MEETING COMPLIANCE CHECK

AGENDA SEQUENCE
There was no change in the agenda sequence.

PUBLIC HEARING

The Building Inspector of the Town of Salem has determined the barn structure which is located on the following described premises:

Lot 4, Certified Survey Map No. 2388, recorded in the office of the Kenosha County Register of Deeds as Document No. 1363080, being a certified survey map of part of the Northeast 1/4 of the Southeast 1/4 of Section 35, Town 1 North, Range 20 East, in the Town of Salem, Kenosha County, Wisconsin. Tax Parcel No. 67-4-120-354-3304 Property Address: 12210 Antioch Road Trevor, WI 53179

is 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, September 12, 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.

Chairman Tesar asked for any comments for or against the proposed raze.

Kim Breunig, 23219-111th Pl., Trevor, WI. Ms. Breunig As County Board Supervisor for Dist. 25 had been out to view this property for a different zoning issue. Ms. Breunig commended Jack Rowland, Town Building inspector, and the Town of Salem for their prompt attention to this violation.

Chairman Tesar asked for any comments for or against the proposed raze.

The Public Hearing was adjourned at 7:02PM.

CLOSED SESSION

Motion by Supervisor O'Connell and seconded by Supervisor Faber to move into closed session at 7:03

P.M. pursuant to : Section 19.85(1)(e), Wis. Stats. and Section 19.85(1)(g) 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 and conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. This is relative to collective bargaining, pension plans, and possible litigation. Motion carried 4-0.

Motion by Supervisor Campion and seconded by Supervisor O'Connell at 7:12 to move out of Closed Session and reconvene in Open Session. Motion carried 4-0.

Discussion and possible action relative to relative to Sections 1985 (1)(e) and 19.85(1)(g)referenced during the closed session.

Chairman Tesar the Town board has agreed to terminate the agreement with central States pension fund and sign up with WRS. Casey went on to explain the Resolution withdraws the Town from the current Central States Pension Fund which is the current pension fund for our Highway and utility workers. The Town board in close session decided and believes this is the appropriate action to terminate their relationship with Central States Pension Fund and provide a pension to all their employees in another manner. This resolution indicates that the Town of Salem will withdraw from Central States Pension effective September 30, 2011.

Supervisor O'Connell moved to approve Resolution 11-09-12 , Supervisor Faber seconded. Motion carried 4-0.

CITIZENS COMMENTS:

Chairman Tesar recognized the passing of Supervisor Joseph Meier. Chairman Tesar indicated that she had the privilege to work with Joe for over 20 years both at the Town and school. " He was a good man who was loved by many, " said Tesar. She went on to say, " he always had a story to share and left a smile on your face. He will be greatly missed. The board will not be the same without him."

Supervisor O'Connell emphasized how Joe was very helpful and a source of knowledge when he first came on the board. Joe was instrumental in establishing a consolidated fire/rescue department as well as the new Highway/Fire/ Rescue Facility. O' Connell stated, " He loved the Town so much, he ran again this past April. He was a real regular and good guy. I will miss him a lot and appreciate the time we had with him."

Supervisor Faber recalled that he got on the board in 2003 and did not know Joe. Joe had an ice fishing derby and I love ice fishing and everybody would say "Don't You know Joe?" "Don't you know Joe?"

Over the years we became good friends. We did not always see eye to eye. Joe had a love of the Green Bay Packers and Favre. I was sick of Favre by that time – We had a joyous conversation when Rodgers won the Super bowl. “I will really miss him.”

Supervisor Campion did not know Joe for very long. At the memorial service there was about an hour and 20 minute wait to pay respects to the family. Supervisor Campion was even more astonished that the line was twice as long when he left. A lot of people were there to show their admiration and respect. He will be missed.

Chairman Tesar added that at a future date the Town will be doing something at a meeting for Joe’s family.

PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS

DISCUSSION AND POSSIBLE ACTION ON A PRESENTATION FROM SAFE HARBOR HUMANE SOCIETY RELATIVE TO CARRE OF TOWN OF SALEM STRAY DOGS AND CATS.

Frank Carmichael, Board President represented Safe Harbor Humane Society. They currently service the City of Kenosha, Pleasant Prairie, Twin Lakes, Wheatland, Bristol, Randall, Paris, and Paddock Lake. It has recently come to the attention to the Society that a number of Salem residents are using Safe Harbor to bring in stray animals. Mr. Carmichael asked what we are currently doing. Administrator Casey informed that the Town of Salem picks up the dogs and after 10 days brings them to Harris Pet Hospital. Harris Pet Hospital has interpreted that Act 90, a new state law prohibits them from continuing this practice. The Town of Salem contacted Safe Harbor to make an arrangement for stray dogs. Safe Harbor provided a contract, which the fee is based on population. The fee for Salem would be \$618 per month or approximately \$7500 per year. The Town has very few stray dogs that we turn over to Harris. The Board would like to review this information further and will continue to look at this during the Budget process.

DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM PAT MULVEY RELATIVE TO THE USE OF CAMP LAKE OAKS CHANNEL.

Pat Mulvey, 9924 270th Court contends that the piers that were in the channel a few summers ago were grandfathered in. That was the conditions of buying a home. Supervisor Faber pointed out that WI State statute 30:13 regulation of piers states that Public land cannot have private piers on it. Attorney Wanasek agreed. This channel is public land and the Town should not allow private use. No action was taken.

DISCUSSION AND POSSIBLE ACTION RELATIVE TO TOWN BOARD SUPERVISOR VACANCY LEFT OPEN WITH THE PASSING OF JOSEPH G. MEIER.

Motion by Supervisor O’Connell to fill Supervisor Meier’s position by appointment till April election and then put it to the voters to decide. Supervisor Campion seconded. Motion carried 4-0.

Interested applicants will need to send in a letter of interest and resume by September 30, 2011. Board will review applications and hope to fill position by November 1, 2011. Refer to website and Newspaper for press release for information about applying.

DISCUSSION AND POSSIBLE ACTION ON ATTORNEY SCHOLZE’S OPINION RELATIVE TO A REQUIREMENT FOR PAYMENT OF OUTSTANDING TAXES AND FEES AS A CONDITION OF ISSUANCE OF A LICENSE OR PERMIT. This is a result of an inquiry by Supervisor Campion on last month’s agenda.

Supervisor Campion agreed that the current ordinance covers the vast majority of issues and if we go beyond that it could be problematic. Attorney Wanasek indicated it could become more complicated if it would be expanded. Leaving ordinance as it allows Town Board to decide on a case by case basis.

PUBLIC SAFETY

DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM AMEE JANUS TO REDUCE THE SPEED ON 278TH AVENUE IN YAWS SUBDIVISION FROM 25 MPH TO 15MPH.

Chairman Tesar has been in contact with Ameer Janus regarding changing the speed limit and other issues. The speed limit is restricted by State Statute. Ameer Janus, 27806 102nd St explained that the parts of 278th Ave are very narrow as the width in some areas is 17 to 22 feet. Currently Kenosha County Sheriff has a radar sign out there. She has talked to neighbors about getting more enforcement from the County, pavement markings, yard signs, neighborhood watch, and Public Safety enforcement. Janus also spoke of Safecommunity.net a program sponsored by American Family Insurance and other large corporations that place yard signs raising awareness. She has been in contact with a local agent. The Town will continue to monitor this and will patrol this area.

PLANNING & ZONING COMMISSION

PLANNING & ZONING COMMISSION

1.) Discussion and possible action on a Conditional Use Permit application from Brad Pfeiffer for the purpose of selling and repairing trailers in the B-3 Highway Business Dist. on Tax Parcel #66-4-120-232-0400 located in the NW ¼ of Section 23, T1N, R20E, Town of Salem. FYI - W side of STH 83 at intersection of 98th St. Property address is 9730 Antioch Road. For informational purposes only this parcel is adjacent to Town Hall directly north. This agenda item was tabled by Kenosha County pending additional review by the Town of Salem.

Supervisor Faber moved to approve the recommendation by the Plan Commission to approve a one year Conditional Use Permit contingent on the conditions provided by Kenosha County with the removal of "fenced and screened" in condition #12. Supervisor O'Connell seconded. Motion carried 4-0. (See attached list- Conditions of Approval)

2.) Todd A. & Jennifer L. Busche, 26733 105th Street, Trevor WI 53179 (Owner), Steven Cali, 26388 Shannon Avenue, Antioch IL 60002 (Agent), requesting a variance (Section V. A. 12.27-6(f): that detached accessory structures shall be located in the side or rear yard only and shall be located a minimum of 5' from any side property line and a minimum of 10' from the principal structure and Section IV. C. 12.21-4(g): that detached accessory buildings shall be located a minimum of 30' from the right-of-way of a town road in the R-4 Urban Single-Family Residential District) to construct a 24' x 30' detached garage in the street yard (required side/rear yard placement) to be located 2' (required setback 5') from the west property line and 1' (required setback 30') from the right-of-way of 105th Street on Tax Parcel #66-4-120-281-0905, NE 1/4 Section 28, T1 N, 20 E, Town of Salem. For

informational purposes only, this property is located on the south side of 105th Street approximately 180 feet east of the intersection with 268th Avenue.

Supervisor Faber moved to take the recommendation of the Planning and Zoning Commission to deny the variance request from Todd and Jennifer Busche, 26733 105th St. Trevor, WI. (Owner), Steven Cali, 26388 Shannon Avenue, Antioch IL 60002 (Agent), to construct a 24' x 30' detached garage in the street yard (required side/rear yard placement) to be located 2' (required setback 5') from the west property line and 1' (required setback 30') from the right-of-way of 105th Street, Parcel # 67-4-120-354-3010, NE 1/4 Section 28, T1 N, 20 E, Town of Salem Supervisor O'Connell seconded. Motion carried 4-0.

3.) Thomas H. Melinda G. Floore, 23524 128th Street, Trevor WI 53179-9438 (Owner), requesting a variance (Section III. I. 12.15-3: that fences in residential districts shall not exceed a height of 6' in the side yard nor 4' in the street yard in the R-5 Urban Single-Family Residential District) to construct 95' of 8' high residential fencing in the side and street yards (required height maximum 6' & 4') on Tax Parcel #67-4-120-354-3010, se ¼ Section 35, T1 N, 20 E, Town of Salem. For informational purposes only, this property is located on the north side of 128th Street approximately 300 feet east of the intersection with STH 83 (Antioch Road).

Supervisor Faber moved to take the recommendation of the Planning and Zoning Commission and to approve the variance request from Thomas and Melinda Floore, 23524 128th Street, Parcel #67-4-120-354-3010 to construct 95' of 8' high residential fencing in the side and street yards (required height maximum 6' & 4') on Tax Parcel #67-4-120-354-3010, se ¼ Section 35, T1 N, 20 E, Town of Salem. Supervisor O'Connell seconded. Motion carried 4-0.

BUILDING DEPARTMENT

Discussion and possible action on a variance request for building permit #208 relative to the slope on the concrete.

Wendell Ollilia, 9211-256th Ave , permit #208 built a detached garage and there was not a slope or drain in the concrete floor. The home owner explained that he did not realize that he had to do that. Problem was not realized until inspection after concrete floor was poured. It was a mistake by the owner and the request is for a variance to leave as is.

Supervisor O'Connell moved to approve variance request for building permit #208 relative to the slope on the concrete. Seconded by Supervisor Faber. Motion carried 4-0.

Review, discussion and possible action on 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.

Chairman Tesar indicated that Mr. Alber was at meeting early. She excused him from the meeting because of transportation. He has made to payments to County for taxes and purchased items at Menards for repair work on the home. He has been issued a permit for roofing and siding. Building Inspector, Jack Rowland indicated that it is prudent that he gets the work done on roof and siding. Item to be placed on next month's agenda and the Town will continue to monitor progress.

Discussion and possible action relative to a raze order for the Full Gospel Church barn structure located at 12210 Antioch Road Trevor, WI 53179, Tax Parcel No. 67-4-120-354-3304, as presented during the public hearing held at 7:00 pm.

Supervisor Campion wanted to know if they received notice? Mr. Rowland said they had.

Supervisor Faber moved to issue a raze order for the Full Gospel Church barn structure located at 12210 Antioch Road Trevor, WI 53179, Tax Parcel No. 67-4-120-354-3304. Supervisor Campion seconded. Motion carried 4-0.

ADMINISTRATOR'S BUSINESS

Administrator's report.

Administrator Casey reported that the Tower and Well house is near completion. The water tower should be filled by the end of this month and lines will be filled and ready for water. We have had calls asking why the name is Salem on the Tower. This is the Town of Salem's water tower and with all due respect to Trevor, Wilmot, and Camp Lake- they are not municipalities. Visuals of the Tower are very good. Administrator Casey explained that time was spent and the tower was intentionally placed to present well from Hwy C and Hwy 83. It is a good advertisement for the Town of Salem and future development.

Supervisor Faber asked about the sign at the Hwy/Fire Rescue Building. Administrator Casey indicated that the sign will have something to the effect of Town of Salem –Department of Public Works- Highway and Salem Fire Department Headquarters- Trevor Station. The sign may be moved closer to the building for safety reasons.

Discussion and possible action on the proposed budget hearing schedule and special elector's meeting date

The budget workshop dates will be Tuesday, October 4, 2011 at 6:00 P.M. and Monday October 17, 2011 at 6:00 P.M. The budget hearing is scheduled for Wednesday, November 16, 2011 at 7:00 P.M.

Town Hall is on backup generator now.

FIRE AND RESCUE

Discussion and possible action regarding the status of the old rescue building located south of the Town Hall on STH '83'.

There has not been a response. Keep on agenda.

FIRE AND HIGHWAY BUILDING PROJECT

Discussion and possible action on Payment Application No. 3 from Phoenix Fabricators in the amount of \$146,704.70 for the Water Storage Tank. The original contract amount is \$762,074.00. Balance to finish plus retainage is \$151,671.75.

Supervisor Campion moved to approve Payment Application No. 3 from Phoenix Fabricators in the amount of \$146,704.70 for the Water Storage Tank. Supervisor Faber seconded. Motion carried 4-0.

CLERK'S BUSINESS

Supervisor Campion moved to approve the minutes of the previous meeting of a Regular Board Meeting on 08/08/11 and a Special Meeting on 08/29/11. Supervisor O'Connell seconded. Motion carried 4-0.

Discussion and possible action on operator licenses as follows. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

Tricia A. Vogel J. Philip Hess Jeanette M. Ladewig-Nielsen Stacey L. Kramer

Administrator Casey and Attorney Wanasek advised non approval of license to Jeanette M. Ladewig-Nielsen. Attorney Wanasek stated that State Statute says you shall not issue a license if individual has a felony. This individual has two.

Supervisor Faber based on Attorney Wanasek's advice moves to not approve the operator license of Jeanette M. Ladewig-Nielsen and to approve operator licenses for Tricia A. Vogel, J. Philip Hess, and Stacey L Kramer contingent on background check clearance, completion of beverage server class, and payment of the necessary fees. Supervisor O'Connell seconded. Motion carried 4-0.

Supervisor O'Connell moved to approve 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 TRADE NAME & ADDRESS

OF APPLICANT OF ESTABLISHMENT

CLASS "A" BEER AND "CLASS A" LIQUOR

HasiSqi, LLC JP Food & Liquor

23610 128th Street 11110 Antioch Road

Trevor, WI 53179 Trevor, WI 53179

Agent: Kiran Patel

Supervisor Campion seconded. Motion carried 4-0.

Supervisor Campion moved to approve Cigarette License applications as follows, contingent payment of delinquent taxes, assessments, and all necessary fees. JP Food & Liquor. Supervisor O'Connell seconded. Motion carried 4-0.

Supervisor Faber moved to approve Resolution No. 11-09-12A, a Resolution Requesting Exemption from the County Library Tax for the 2012 Budget for the Town of Salem. Supervisor O'Connell seconded. Motion carried 4-0.

Supervisor Faber moved to set Halloween Trick or Treating in the Town of Salem on Halloween, October 31, 2010, 4:00 P.M. to 7:00 P.M. Supervisor Campion seconded. Motion carried 4-0.

Supervisor Faber moved to support the community event, Annual Halloween Spooktacular by Trevor-Wilmot Grade for the hot dog dinner in October with \$700.00. Supervisor O'Connell seconded. Motion carried 4-0.

TREASURER'S REPORT

Treasurer's report for August 1, 2011 – August 31, 2011.

Treasurer's report was read by Chairman Tesar.

Supervisor O'Connell moved to approve payment of the vouchers August 9, 2011 – September 12, 2011 as presented. Supervisor Faber seconded. Motion carried 4-0.

MUNICIPAL COURT

Supervisor Faber moved to approve Resolution No. 11-09-12B, A Resolution of the Salem Town Board, Town of Salem, Kenosha County, Wisconsin, Amending the Uniform Ordinance Bond Schedule For Ordinance Violations Enforced By the Town's Public Safety and the Kenosha County Sheriff. Supervisor Campion seconded. Motion carried 4-0.

LIBRARY BOARD – no report

SEWER UTILITY DISTRICT – no report

STORM WATER DISTRICT – no report

PUBLIC WORKS/HIGHWAY – no report

PARK COMMISSION – no report

SALEM MOUND CEMETERY – no report

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

Chairman Tesar (Lakes Committee & Hooker Lake) report.

No report on the Lakes Committee. Hooker Lake will have their annual meeting on Thursday, September 15, 2011 at the Salem Town Hall.

Supervisor Faber (CCLRD, SEWRPC, P&Z Liaison, Lakes Committee, & Board of Review) report. CCLRD held its annual meeting. Harvesting efforts is more than cutting weeds, it stimulates natural growth. Supervisor Faber requested the following excerpt be included in the minutes from the 2011 EWM Treatment Report.

"Camp Lake

The plant community within Camp Lake would rank above 75% of all other Wisconsin lakes for its closeness to what it would be like under undisturbed conditions! This is a great sign that shows the lake is reacting nicely to the CCLRD restoration efforts. The expanding treatments have eliminated the large monotypic stands of Eurasian Water Milfoil, allowing native vegetation to regain a foothold. Harvesting helps to "top native vegetation and ensure a

balanced plant community lake-wide (remember that it's not just a specific native plant that benefits a lake but the compilation of numerous native plants.)

Center Lake

The plant community within Center Lake is below the Wisconsin state average for its closeness to what it would be like under undisturbed conditions. Assessing the formula for Floristic Quality and the plant survey results, it looks as though Center Lake's value is lower due to the volume of quality plants throughout the lake. Overall, this lake had 21 species of native plants (same as Camp Lake), but was only averaging 1.56 plants per site (compared to 3.20 for Camp Lake). Basically, we've gotten to a point where we have a good number of native plants but now we must work towards increasing the biomass. Continued treatments for EWM will ensure that native plants can continue to establish while harvesting will help the overall diversity."

District members approved to spending \$75,000 to put up a storage facility for equipment on Hwy C at the Sewage Treatment Plant. The board directs Administrator Casey to negotiate lease with CCLRD and bring back to the Town Board.

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

The next Library Board meeting is September 29, 2011 at 7:00P.M. The Twin Lakes library branch will be remodeling starting September 18, 2011 and should last approximately two months. Direct Administrator Casey to contact the Historical Society about using space there for a community knitting group.

Supervisor Campion (County Liaison) report.

The County is looking to stay under a 2.3% increase for 2012 budget. Two union contracts have expired. They are working on policy for this and will become the bedrock as other union contracts expire. A big change will be that managers have the ability to select for positions by job skills instead of seniority. Still in committee is Flexible signs. These would be banner like signs that are permanently placed. They are looking for ways to manage these signs. This would not include campaign or garage sale signs.

Supervisor was interviewed by a candidate for Eagle scout and one of the questions was about the Town's plans for youth in Government. Chairman Tesar informed the board that County Supervisor Kim Bruenig and her would be meeting next week to discuss this issue.

Supervisor moved to adjourn this meeting at 9:22P.M. Supervisor Campion seconded. Motion carried 4-0.

Minutes prepared and submitted by-

Crysti Neuman
Town of Salem Deputy Treasurer