

**MINUTES
TOWN OF SALEM
REGULAR MEETING OF THE BOARD OF SUPERVISORS
Monday, May 13, 2013 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: Dennis Faber, Mike Culat, Ted Kmiec and Dan Campion.

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

GUESTS: Ron Gandt, Patty Gandt, Carol Husnick, Kyle Christensen, Gail Dziki, Darren Hillock, Trent Tobias, Elizabeth Greiner, Fred Brown, Cary Artac, Vince Mutchler, Julie Schroeder, Ted Milligan, Sue Milligan, Rita Mirman, Laura Johnson, Barbara Faber, Sue Gerber, Colleen Dykstra, Cindy Cort, Lorraine Burnier, and Tim Burnier.

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, May 10, 2013 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.

PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS

1.) A proposal with the Village of Silver Lake Emergency Medical Services was again brought to the table.

MOTION BY Supervisor Culat, second by Supervisor Faber to not move forward with the Village of Silver Lake Emergency Medical Services.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) A proposal for to join other area communities and have ICMA do a fire study was presented.

Supervisor Faber indicated that he had attended the meeting in Bristol where his was presented and he is very much in favor of this study. The cost is based on population and will be about \$1.00 per person based on Salem's population.

MOTION BY Supervisor Faber, second by Supervisor Culat to proceed with the commitment to join the study and qualify that if no one else is participating we say no.

Administrator Casey indicated that Silver Lake is "on the fence", Bristol and Somers are waiting to see what we do and Paddock Lake has declined.

Supervisor Campion expressed concern because we have done a great job with our fire department and questioned if we are spending money when not needed.

Administrator Casey clarified that this is not a management study. It is more of a study on intergovernmental consolidation or shared services. To act as one to provide the best service and that we are doing it economically. Further discussion followed relative to shared services, diminished services and we are waiting on information based on our concerns before making any decisions.

UNANIMOUS VOTE – AYE

MOTION CARRIED

BUILDING DEPARTMENT

1.) Update, discussion and possible action on 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. This item was tabled from the March 2013 Regular Board meeting for further review.

This item will be moved to the regular board committee meetings on the Monday after regular board meetings while the board monitors the progress Mr. Alber is making. Building Inspector Rowland will inform Mr. Alber of this.

PLANNING AND ZONING

1.) A request by Stuart B. Frankel & Rita Mirman, 21904 121st Street, 3433 N. Seeley Ave., Chicago IL 60657 (Owners), for a variance (Section V. B. 12.28-7: which states that non-conforming structures which encroach upon the yard requirements of this ordinance, but which met yard requirements of the applicable zoning ordinance at the time of construction, may be structurally enlarged or expanded if the existing structure is located at least fifty (50) percent of the minimum setback requirement and further provided that the alteration does not create a greater degree of encroachment on yard, height, parking, loading, or access requirements in the R-4 Urban Single-Family Residential District) to construct a 15' x 15' screen room addition onto the north side of an existing non-conforming residence, which is located **4.30** feet (required setback **10** feet) from the side property line and 12.49 feet (required setback **30** feet) from the street property line on Tax Parcel #67-4-120-361-1771, Northeast ¼ Section 36, Township 1 North, Range 20 East, Town of Salem. For informational purposes only this property is located on the north side of 121st Street at the intersection of 219th Avenue.

The Town of Salem Planning Commission approved the variance on a vote of 5-0.

MOTION BY Supervisor Culat, second by Supervisor Kmiec to approve the variance request by Stuart B. Frankel & Rita Mirman, 21904 121st Street, 3433 N. Seeley Ave., Chicago IL 60657 (Owners), to construct a 15' x 15' screen room addition onto the north side of an existing non-conforming residence, which is located **4.30** feet (required setback **10** feet) from the side property line and **12.49** feet (required setback **30** feet) from the street property line on Tax

Parcel #67-4-120-361-1771, Northeast ¼ Section 36, Township 1 North, Range 20 East, Town of Salem as presented.

UNANIMOUS VOTE

MOTION CARRIED

2.) A Request by Trent J. Tobias, 10411 256th Avenue, PO Box 153, Trevor WI 53179 (Owner), for a variance (Section V. A. 12.27-6(d): which states 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 50' x 30' detached accessory structure to be located in the **street yard** (side or rear yard required) on Tax Parcel #66-4-120-271-0220, Northeast ¼ Section 27, Township 1 North, Range 20 East, Town of Salem. For informational purposes only this property is located on the east side of 256th Avenue approximately 0.2 miles south of intersection with CTH "AH" (103rd Street).

The Town of Salem Planning Commission approved the variance on a vote of 4-1.

MOTION BY Supervisor Faber, second by Supervisor Culat to approve the variance request by Trent J. Tobias, 10411 256th Avenue, PO Box 153, Trevor WI 53179 (Owner), to construct a 50' x 30' detached accessory structure to be located in the street yard (side or rear yard required) on Tax Parcel #66-4-120-271-0220, Northeast ¼ Section 27, Township 1 North, Range 20 East, Town of Salem as presented.

UNANIMOUS VOTE

MOTION CARRIED

3.) A request for approval of a temporary use was submitted by Leonardo & Maria Hernandez, 27232 West Nippersink, Ingleside, IL 60041 (Owner), James Soehn, 9787 271st Avenue, Trevor, WI 53179 (Agent), (Section VII. B. 12.36-5(a)5: which states that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to temporarily operate a food vending stand in the B-3 Highway Business District on Tax Parcel # 66-4-120-263-0120 located in the southeast quarter of Section 26, Township 1 North, Range 20 East, Town of Salem. For informational purposes only this parcel is located on the west side of STH "83" (Antioch Road) approximately 300 feet north of the intersection with 112th Street.

The Town of Salem Planning Commission approved the variance on a vote of 4-0 with the recommendations as follows:

- The hours of operation will be on Fridays, Saturdays and Sundays from 10:00 am – 8:00 pm.
- The Temporary Use Permit is valid for twelve (12) months from date of approval.
- Upon completion of the Temporary Use, all temporary equipment and signage shall be removed from the property.
- Temporary Use is subject to no equipment or signage blocking the vision triangle at the driveway entrance to STH "83" (Antioch Road).
- Temporary Use is subject to applicant obtaining required approval and license from the Kenosha County Health Department prior to opening for business.
- Temporary Use is subject to the property owner paving and striping the entire parking lot and installing, per conditions 3, 4, and 5 of the Kenosha County Certificate of Compliance issued for Lucky Dog Liquors (now known as JP Food and Liquor) on July 2, 2009. Said paving and landscaping work is to be completed no later than August 1, 2013.

MOTION BY Supervisor Faber, second by Supervisor Culat to approve the Temporary Use for Leonardo & Maria Hernandez, 27232 West Nippersink, Ingleside, IL 60041 (Owner), James Soehn, 9787 271st Avenue, Trevor, WI 53179 (Agent), to temporarily operate a food vending stand in the B-3 Highway Business District on Tax Parcel # 66-4-120-263-0120 located in the southeast quarter of Section 26, Township 1 North, Range 20 East, Town of Salem. For informational purposes only this parcel is located on the west side of STH "83" (Antioch Road) approximately 300 feet north of the intersection with 112th Street with the following conditions stipulated by the Town Planning Commission:

- The hours of operation will be on Fridays, Saturdays and Sundays from 10:00 am – 8:00 pm.
- The Temporary Use Permit is valid for twelve (12) months from date of approval.
- Upon completion of the Temporary Use, all temporary equipment and signage shall be removed from the property.
- Temporary Use is subject to no equipment or signage blocking the vision triangle at the driveway entrance to STH "83" (Antioch Road).
- Temporary Use is subject to applicant obtaining required approval and license from the Kenosha County Health Department prior to opening for business.
- Temporary Use is subject to the property owner paving and striping the entire parking lot and installing, per conditions 3, 4, and 5 of the Kenosha County Certificate of Compliance issued for Lucky Dog Liquors (now known as JP Food and Liquor) on July 2, 2009. Said paving and landscaping work is to be completed no later than August 1, 2013.

UNANIMOUS VOTE
MOTION CARRIED

PUBLIC SAFETY DEPARTMENT

1.) Ordinance No. 13 05 13, An Ordinance Creating Section 229-4 of the Code of the Town of Salem Relating to Direct Sellers was presented.

MOTION BY Supervisor Culat, second by Supervisor Faber to adopt Ordinance No. 13 05 13, An Ordinance Creating Section 229-4 of the Code of the Town of Salem Relating to Direct Sellers as presented.

The license fee will be \$10.00 per month or \$100.00 per year plus a \$25.00 administrative fee.

UNANIMOUS VOTE
MOTION CARRIED

FIRE/RESCUE DEPARTMENT

1.) Fire Chief Slover requested permission to purchase of cardiac monitor(s) for Fire and Rescue. MOTION BY Supervisor Faber, second by Supervisor Campion to approve the purchase of Philips MRX ALS Monitors in the amount of \$19,856.

UNANIMOUS VOTE – AYE
MOTION CARRIED

CLERK'S BUSINESS

1.) The minutes of the previous meeting of a Regular Board meeting on 04/08/2013 and Special Meetings on 4/15/2013 and 4/22/2013 were presented.

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the minutes of the previous meeting of a Regular Board meeting on 04/08/2013 and Special Meetings on 4/15/2013 and 4/22/2013 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.

Allyson Crutchfield

Tammy Curtis

Kyle Christensen

MOTION BY Supervisor Campion to table the operator licenses.

MOTION FAILED FOR LACK OF A SECOND

MOTION BY Supervisor Culat, second by Supervisor Faber to approve the operator license applications as presented. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

Supervisor Campion stated that there is one applicant who stated they had not been convicted of any alcohol related laws, but they have been convicted.

Discussion followed.

MOTION AMENDED BY Supervisor Faber, second by Supervisor Campion to approve the operator license applications on the condition of the applicant correcting the application.

UNANIMOUS VOTE – AYE

MOTION CARRIED

TREASURER'S REPORT

1.) Chairman Tesar gave the Treasurer's report for April 1, 2013 – April 30, 2013 as follows:

MAY 2013 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

May 1, 2013- Beginning Balance **\$4,242,226.69**

<u>RECEIPTS</u>	\$ 124,223.58
Transfer from LGIP	\$ 0.00
Prior Month Adjustment	\$ (8,825.22)

<u>DISBURSEMENTS</u>	\$ 1,250,310.02
PAYROLL	<u>\$ 151,529.32</u>
Total	\$ 1,401,839.34

May 31, 2013 - Ending Balance **\$2,955,785.71**

State Pool - General \$ 1,678,977.94

Gen. Checking \$ 1,276,807.77

Totals \$ 2,955,785.71

MAY 2013 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM

May 1, 2013 - Beginning Balance **\$ 962.87**

RECEIPTS **\$.07**
Trnsfr from Gen. Ck. \$ 0.00

DISBURSEMENT
Trnsfr to Gen. Ck. \$ 0.00

May 31, 2013 - Ending Balance **\$ 962.94**

MAY 2013 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM

May 1, 2013 - Beginning Balance **\$ 443,255.36**

RECEIPTS **\$ 33.84**

DISBURSEMENTS

May 31, 2013- Ending Balance **\$ 443,289.20**

MAY 2013 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM

May 1, 2013 Beginning Balance **\$ 38,954.09**

RECEIPTS **\$ 2.97**

May 31, 2013 Ending Balance **\$ 38,957.06**

MAY 2013 - CASH REPORT FOR THE CAPITAL PROJECTS ACCOUNT - SALEM

May 1, 2013 Beginning Balance **\$ 186,436.39**

RECEIPTS **\$ 14.23**

DISBURSEMENTS

Supervisor Faber reported that CCLRD will be treating weeds on May 15th. The vehicle is still in Camp Lake and CCLRD has been on top of it and in constant contact with the DNR. The DNR has requested that CCLRD stay out of the issue and they will handle it. The statutes call for a fine and the DNR has given the owner an extra ten (10) days. The DNR has indicated that the vehicle issue is between the individual owner of and the DNR. The Town's Water Patrol has marked the area where it is located for boats and skiers.

The Board of Review will hold their first meeting on June 5th and the books will be opened beginning on June 5th. June 24th before 9:00 am is the deadline for filing objections to the assessments.

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

Supervisor Culat thanked our public works guys for what they do. He stated we don't realize what they do until you go down and watch them.

The building report from Building Inspector Rowland shows revenues up and are promising. The sewer department has started televising for the upcoming road project.

Supervisor Kmiec (Park Commission Joint Liaison, Administration, Public Safety, & Communication Committee) Report

Supervisor Kmiec had nothing to report, but agreed and with all reported by Supervisor Culat.

Supervisor Champion (County & Voltz Lake Liaison, Administration, Communication & Public Works Committees) Report

Supervisor Champion reported that the County's Youth in Governance program would like to see feedback from the kids that participated this past year.

A boater safety class will be held on June 8th and 9th and CPR Training will be held on May 16th. The Council of Governments was held on April 27th and was well attended with every municipality represented.

Both Supervisor Champion and Supervisor Faber thanked the public works employees for the work they did during the heavy rains and flooding.

CITIZENS COMMENTS

Lorraine Brunier read a prepared letter to the board that the majority of homeowners on Hooker Lake do not want buoys placed on the lake. They requested that any buoy proposal be rejected.

Supervisor Kmiec stated that he agreed with the comment.

Supervisor Faber gave a history of the request and stated there will need to be a give and take regarding the buoys.

Further discussion followed.

CLOSED SESSION

1.) MOTION BY Supervisor Culat, second by Supervisor Champion 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 acquisition of property.

ROLL CALL VOTE

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

MOTION CARRIED

Town Board moved into closed session at 7:50 p.m.

2.) MOTION BY Supervisor Culat, second by Supervisor Campion 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

Town Board moved out of closed session at 8:35p.m.

3.) There was no discussion, action or announcement relative 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 8:36 p.m.

Respectfully submitted,

Cindi Ernest, Clerk