

**MINUTES
TOWN OF SALEM
REGULAR MEETING OF THE BOARD OF SUPERVISORS
MONDAY, AUGUST 10, 2009 7:00 P.M.**

Chairman Linda Valentine called this Regular Meeting of the Town of Salem Board of Supervisors to order at 7:03 p.m. with the following present:

CHAIRMAN: Linda Valentine

BOARD OF SUPERVISORS: Josephine Weidman, Joe Meier, Pat O'Connell, and Dennis Faber

OTHERS: Pat Casey, Rich Scholze, Brad Zautcke, Chris Lamb, Jack Rowland, Mike Murdock, Mike Slover, David Shortess, and Cindi Ernest.

GUESTS: Jim Valentine, Steven Rasinkis, Anna Kenjer, Tom Donat, Joe Hughes, Dennis Hackeloer, Freda Pryga, Jim Maze, Marigrace Stephens, Bill Stephens, Jim Kutzler, Mark Morris, Camille Haltom, Blair Haltom, Joan Serritella, Tina Markarian, Bonnie Bennett, Crysti Neuman, Lynn Murdock, AB O'Brien, Dean Hintzman, Tom O'Brien, Sandra Malueg, Diane Kreye, Pat Mulvey, John Ciesla, Jackie Ciesla, Jim Laschinski, Mary Laschinski, Greg Kruchko, Pam Kruchko, Lee Hultin, Jim Cross, Jerry Leslie, Tim Vanderhoef, Patti Zurla, Huntley Krawoyk, Marvin Mullens, Dr. Brad Smith, Gary Pogachar, Stacy Webber, Darren Hillock, Gail Dziki, and Deneen Smith.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Valentine.

OPEN MEETING COMPLIANCE CHECK

The agenda was posted by 5:00 p.m. on Friday, August 7, 2009 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

The agenda sequence was not changed.

PUBLIC HEARINGS

This Public Hearing was opened at 7:06 p.m.

1.) Applications were filed with the Clerk of the Town of Salem, Kenosha County, Wisconsin 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 and Class B (combination beer & intoxicating liquor consumption on premises)

Haltom & Associates, Inc.
30620 114th St.
Wilmot, WI 53192
Agent: Tina Markarian

Fox River Spirits
11333 Fox River Rd.
Wilmot, WI 53192

Mary Rose Piazza, LLC
8502 246th Ave.
Salem, WI 53168
Agent: Freda R. Pryga

Mary Rose Piazza
9524 Camp Lake Rd.
Camp Lake, WI 53109

There were no comments for or against these proposed licenses.

This Public Hearing was closed at 7:12 p.m.

CITIZEN INITIATED BUSINESS

1.) Citizens Comments:

Mark Morris spoke regarding the ERU he is being charged for the Storm Water Utility. He stated that his impervious area is 6,000 square feet less than what the Town had as his impervious area and he wants something done about it.

He was advised to petition to the Town Board and make his case.

Jim Cross told those in attendance that he feels the Public Works/Highway building at a cost of \$8.3 million is unreasonable. He questioned what happens if there are overruns then will we be back for more money? Unemployment is not going down and County, State, and Federal taxes are going up.

Mary Laschinski stated she became a new resident in 2005. She didn't know she could have a say. She questioned how many citizens are affected by the things the board has passed. She then questioned if the property was paid, to which Administrator Casey replied that it was paid in full. She then went on and questioned whether it would be prudent to build the highway/fire facility now. She questioned when the architect was hired was any part of his plans "green". She requested that the Town put the project on hold.

Dr. Brad Smith echoed the concerns of the past speakers. He stated that we need the facilities, but we need to remember we are in an economic crisis.

2.) A request by Michael Gorzynski to replace an ash tree at 9016 257th Ave. in Falcon Heights was presented. The claim is that the tree was damaged by a snow plow. Mr. Gorzynski was not in attendance. There was no action taken on this item.

3.) Bonnie Bennett requested to discuss when the sewer fees, for damaged equipment, will be reduced. Administrator Casey informed those in attendance that the increase in November was used to pay off capital debt from mandated improvements. During the budget process we will review the needs of the sewer utility. It's a self sufficient fund and will need to be looked at to keep it sufficient. We have to make sure that the utility is self supported. We are looking at a ten (10) year plan to be sure that the rates keep up with the debt.

4.) Dean Hintzman, CCLRD (Camp and Center Lake Rehabilitation District) Chairman, stated that at their quarterly meeting there were requests for more consistent water patrol. They formed a resolution and would be willing to contribute \$9,500 per year towards a joint agreement with the Town for consistent a water patrol presence on Camp/Center Lakes. This would amount to \$40 per man hour or 10 extra hours per lake. He also proposed possible in kind services such as pulling buoys. Administrator Casey asked the Board's approval to begin discussions with CCLRD and bring an agreement back to the board. Supervisor Meier expressed concerns about what this type of manpower commitment will do to the other lakes. Administrator Casey stated that we will not sacrifice patrols on the other lakes, but would like to look at this. **MOTION BY** Supervisor O'Connell, second by Supervisor Weidman to have CCLRD work with Administrator Casey and the Water Patrol on an agreement.

UNANIMOUS VOTE – AYE

MOTION CARRIED

It was mentioned that there were only four (4) people at CCLRD's quarterly meeting.

Diann Tesar stated that the Town only has two (2) boats. The lakes don't have enough patrol as it is. She questioned who is going to be doing the paperwork involved and the reimbursement. Hooker Lake wouldn't tax residents like that.

PRESENTATIONS, PETITIONS, AND COMMUNICATIONS

1.) Auditor Jim Frechette presented and reviewed the Fiscal Year 2008 Audit with those in attendance. He also stated to the board that the GAO (Government Accountability Office) is trying to get Boards to prepare their own management letter.

MOTION BY Supervisor Faber, second by Supervisor Meier to approve the Fiscal Year 2008 Audit as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Victoria McGrath of McGrath Consulting presented their study and recommendations for personnel, wage step grades, and benefits.

MOTION BY Supervisor O'Connell, second by Supervisor Meier to follow through with the recommendations of McGrath Consulting and for the Administrator to use the study as a guideline.

UNANIMOUS VOTE – AYE

MOTION CARRIED

CLERK'S BUSINESS

1.) The minutes of the previous meetings, a Regular Board Meeting on 07/13/09 and a Board Budget Workshop on 07/23/09 were presented.

MOTION BY Supervisor Weidman, second by Supervisor O'Connell to approve the minutes of a Regular Board Meeting on 07/13/09 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

MOTION BY Supervisor Meier, second by Supervisor Faber to approve the minutes of a Board Budget Workshop on 07/23/09 as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

2.) Alcohol License applications were presented during the public hearing. Approval is contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

MOTION BY Supervisor Meier, second by Supervisor Weidman to approve the alcohol licenses as presented in the Public Hearing, contingent on background check clearance, payment of delinquent taxes, assessments, and all necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) Amusement Machine License applications as follows were presented. Approval is contingent on payment of delinquent taxes, assessments, and all necessary fees.

Arleene's Coin Laundry

MOTION BY Chairman Valentine, second by Supervisor O'Connell to approve the Amusement Machine License as presented, contingent on payment of delinquent taxes, assessments, and all necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

4.) Operator Licenses were presented as follows. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

Lauren Lichter
Natalee Adams
Linda A. Hollingshead

Jade Grumbeck
Sharon M. Arimas
Teri Siepl

Jeffrey A. Joiner

MOTION BY Chairman Valentine, second by Supervisor Faber to approve the 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

5.) A Temporary Class B “Picnic License” for the following was presented:

- Lake Shangri-La Family Fun Day on September 5, 2009 from 11:00 a.m.-10:00 p.m.

MOTION BY Chairman Valentine, second by Supervisor Weidman to approve the Temporary Class B “Picnic License” for Lake Shangri-La Family Fun Day on September 5, 2009 from 11:00 a.m.-10:00 p.m.

UNANIMOUS VOTE – AYE

MOTION CARRIED

6.) Direction regarding EARLY VOTING was requested by Chairman Valentine.

MOTION BY Chairman Valentine, second by Supervisor Faber that the Board likes early voting, but would like to see a refinement of the absentee voting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

7.) The rescheduling of the October Regular Board Meeting on October 12th due to the October Wisconsin Towns Convention of the same week was presented. A reschedule date of October 19th at 7:00 p.m. was suggested.

MOTION BY Chairman Valentine, second by Supervisor Faber to move the October Regular Town Board meeting to October 19th at 7:00 p.m.

UNANIMOUS VOTE – AYE

MOTION CARRIED

8.) Setting trick or treat time and date for Saturday, October 31, 2009 from 4:00 p.m. – 7:00 p.m., in the Town of Salem was presented.

MOTION BY Chairman Valentine, second by Supervisor O’Connell to set Saturday, October 31st 2009 from 4:00 p.m. – 7:00 p.m., in the Town of Salem, for Halloween Trick or Treating.

UNANIMOUS VOTE – AYE

MOTION CARRIED

TREASURER’S REPORT

1.) Treasurer’s report July 1, 2009 – July 31, 2009 was presented by Chris Lamb as follows.

JULY 2009 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM

July 1, 2009- Beginning Balance **\$976,910.31**

RECEIPTS

\$ 856,110.81

Transfer from UD128928 \$ 673,778.41

<u>DISBURSEMENTS</u>	\$ 1,143,368.02
PAYROLL	<u>\$ 202,936.60</u>
Total	\$ 1,346,304.62

July 31, 2009 - Ending Balance		\$1,160,494.91
State Pool - General	\$ 861,232.81	
Gen. Checking	<u>\$ 299,262.10</u>	
Totals	\$ 1,160,494.91	

JULY 2009 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM

July 1, 2009- Beginning Balance \$ 12,254.97

RECEIPTS \$ 2.26

DISBURSEMENTS \$ 0.00
Transfer to Gen. Fund \$ 0.00

July 31, 2009 - Ending Balance		\$ 12,257.23
State Pool - Tax	\$ 7,028.22	
Tax Checking	<u>\$ 5,229.01</u>	
Total	\$ 12,257.23	

JULY 2009 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM

July 1, 2009 - Beginning Balance \$ 859,244.90

RECEIPTS \$ 249.82

DISBURSEMENTS

July 31, 2009 - Ending Balance \$ 859,494.72

JULY 2009 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM

July 1, 2009 Beginning Balance \$ 34,229.62

RECEIPTS \$ 9.95

July 31, 2009 Ending Balance \$ 34,239.57

2.) Consideration and possible action to amend the TOS Sex Offender Residence Ordinance was removed from the agenda as this was done in a Special Meeting previous to this meeting.

PLANNING AND ZONING COMMISSION

1.) A variance request for tax parcel # 66-4-120-291-2615 and a property address of 28309 107th Place was presented. For informational purposes only this property is located on the southeast corner of 107th Place & 106th Place. Existing structures may be enlarged if at least 50% of set back requirements are met. Side yard setback requirement is 50% of 10 feet, variance requested is for 2.7 ft. side yard set back. All P & Z commissioners present at this meeting viewed this property on July 22, 2009.

Planning and Zoning Commission approved with the condition that the proper documentation is provided or obtained if necessary and provided to staff. Motion carried 6-0.

MOTION BY Supervisor Valentine, second by Supervisor Faber to approve the variance with the condition that the proper documentation is provided or obtained if necessary and provided to staff.

UNANIMOUS VOTE - AYE

MOTION CARRIED

SEWER UTILITY DISTRICT

1.) Payment Request # PR-1210801C-07 by Delta Electric, Inc. for Wet Weather Flow Equalization Facilities in the amount of \$84,500.00 was presented. Original contract amount \$649,400.00, amount added by change orders \$43,600.00, less previous payments of \$444,075.00.

MOTION BY Supervisor Valentine, second by Supervisor O'Connell to approve Payment Request # PR-1210801C-07 by Delta Electric, Inc. for Wet Weather Flow Equalization Facilities in the amount of \$84,500.00.

UNANIMOUS VOTE - AYE

MOTION CARRIED

2.) Payment Request# PR-1210802-09 by JF Ahern Co. for Digester Cover and Clarifier Renovations in the amount of \$33,392.50 was presented. Original contract amount \$790,000.00, amount added by change orders \$156,307.00 (which includes moneys to be reimbursed to the U.D. for repairs covered by insurance), less previous payments of \$310,122.75.

MOTION BY Supervisor Valentine, second by Supervisor Meier to approve Payment Request# PR-1210802-09 by JF Ahern Co. for Digester Cover and Clarifier Renovations in the amount of \$33,392.50.

UNANIMOUS VOTE - AYE

MOTION CARRIED

3.) Payment Request # PR-1210801A-08 by Staab Construction Corporation for Wet Weather Flow Equalization Facilities in the amount of \$289,359.75 was presented. Original contract amount \$3,540,000.000 amount added by change orders \$13,884.00, amount deducted by change order \$58,707.00, less previous payments of \$2,325,029.92.

MOTION BY Supervisor Valentine, second by Supervisor Faber to approve Payment Request # PR-1210801A-08 by Staab Construction Corporation for Wet Weather Flow Equalization Facilities in the amount of \$289,359.75.

UNANIMOUS VOTE - AYE

MOTION CARRIED

4.) Tort claims submitted by Daniel & Renee Beucher, William & Marigrace Stephens, Michael Ring & Leona Hultin, Orlando & Elizabeth Greiner, and Joshua & Elizabeth Mulloy, to the Town of Salem relative to the June 19, 2009 rains were presented.

Town Attorney John Belajac advised the Town to deny the claims.

Discussion followed.

Chairman Valentine asked that when looking at a program that the Town consider some kind of special assessments.

MOTION BY Supervisor Valentine, second by Supervisor Faber to deny the tort claims or any other tort claims which may come forward.

UNANIMOUS VOTE - AYE

MOTION CARRIED

Attorney John Belajac will meet with the individual property owners in the conference room.

5.) Town Attorney John Belajac suggested to the Board that the Town work with the residents and look at possibly look at developing a program to install back water valve preventers.

MOTION BY Supervisor Valentine, second by Supervisor O'Connell to direct staff to look into (investigate) to relieve back up problems with back flow preventers and locate other potential problem areas.

UNANIMOUS VOTE - AYE

MOTION CARRIED

HIGHWAY

1.) Nothing to report.

FIRE AND RESCUE

1.) Nothing to report.

BUILDING DEPARTMENT

1.) Nothing to report.

JUDICIAL

1.) Nothing to report.

STORM WATER DISTRICT

1.) Nothing to report.

PARK COMMISSION

1.) A lease agreement with Rock Lake Highland Association for park lease and shoreline property was presented. The Park Commission previously approved this lease.

MOTION BY Supervisor O'Connell, second by Supervisor Faber to approve the lease agreement with Rock Lake Highland Association for park lease and shoreline property.

UNANIMOUS VOTE - AYE

MOTION CARRIED

2.) Relative to the policies and procedures on the appointment of a Park Commission and Board of Review member, Chairman Valentine questioned what the expectations are for these positions.

MOTION BY Supervisor Weidman to recommend the appointment of Karen Ihlen to the Park Commission.

MOTION FAILED FOR LACK OF A SECOND

Discussion followed with an indication of writing a letter to direct the boards to come up with policies, procedures, knowledge, and attendance. This would also apply to the Planning and Zoning.

No further action was taken on this.

BOARD OF REVIEW

1.) Policies and procedures on the appointment of a Board of Review member were covered under Park Commission.

LIBRARY

1.) The Joint Library Agreement with regard to compliance with WI Statutes Sec 43.53 and Sec 43.54, Fiscal Agency and associated costs of service and employee benefits was discussed. Chairman Valentine stated that according to State Statutes, the Town of Salem is entitled to more board members on the library board, based on population.

Discussion followed with a recommendation that the municipalities meet with their attorneys.

Supervisor O'Connell recommended meeting with all prior to taking any action.

MOTION BY Chairman Valentine, second by Supervisor O'Connell to advance the meeting with the Joint Library members as quickly as possible.

UNANIMOUS VOTE - AYE

MOTION CARRIED

Supervisor Weidman volunteered her services as a member of this board.

2.) The Library Fiscal Agent and the associated costs of service and employee benefits were discussed. Supervisor O'Connell pointed out that in the past, the Library took care of paying it's own bills. When Twin Lakes became Fiscal Agent and the change is made in this fiscal year, the funds were not budgeted to provide for employees on the WRS. The library also will need to upgrade their software to be compatible with Twin Lakes. This also wasn't budgeted.

Further discussion followed.

Motion by Supervisor O'Connell, second by Supervisor Faber to have Administrator Casey and Attorney Scholze contact Twin Lakes and work with them on Fiscal Agent associated costs changes.

UNANIMOUS VOTE - AYE

MOTION CARRIED

SALEM MOUND CEMETERY

1.) Administrator Casey attended the Salem Mound Cemetery meeting and indicated that their operating funds will run out in 2010. State Statutes require that when a cemetery becomes insolvent, the municipality becomes responsible for it. He stated the board can either take over the cemetery and "go into the cemetery business" or fund it through the budget process and let them continue their operations as they are.

Discussion followed relative to the Town's options with board members indicating they didn't wish to be in the cemetery business.

Motion by Supervisor Faber, second by Supervisor Weidman to contribute to the operations of Salem Mound Cemetery through the budget, and ask for reports of the cemetery, effective January 1, 2010.

UNANIMOUS VOTE - AYE

MOTION CARRIED

REPORTS AND ACTION TAKEN ON PREVIOUS COMMISSION MEETINGS, FUTURE AGENDA ITEMS, AND UPCOMING SCHEDULED MEETINGS. And Considerations by the Board

Chairman Valentine Report

Comment

Chairman Valentine stated that this is the place for the board to bring up issues and not the time to vote nor voted on.

Attorney Scholze stated that it is the opinion of the Town's Association that the Town Chair has the authority for the agenda. Board members can make a motion and a second and if it carries then an item goes on the agenda. If it is an upcoming item, then it complies.

Chairman Valentine stated she attended SBA meetings with people from the Town She also received a letter from the census people. They want to know where our concentrations of homeless are.

- 1.) Chairman Valentine reported back to the board relative to the request by John VanDenberge that the Town contact Kenosha County and the Dept. of Natural Resources about the culvert on CTH "C" and 274th Ave. This request was made at the July meeting. She stated she has done some contact work. She stated she has an appointment with Heidi from the DNR to look at the wetlands in the area.
- 2.) Beginning proceedings on the ownership of the Center Lake Outlet Gate Dam was discussed with no decisions being made.
- 3.) Chairman Valentine requested action on directing an amendment to Chapter 2 of the Town of Salem Ordinances relative to the selection of Board Meeting Chair in the absence of the elected Chairman. The current ordinance states that the senior (based on election) member of the board acts in the absence of the Chair.
Discussion followed.
Motion by Supervisor Weidman, second by Supervisor O'Connell to leave the ordinance as it is stated.
Supervisors Faber, O'Connell, Meier, and Weidman – AYE
Chairman Valentine - NAY
MOTION CARRIED
- 4.) Chairman Valentine requested the creation of an ordinance and/or permit fee for temporary advertising signs of those contractors working on private properties after the work has been completed including the establishment of the date upon which the sign will be removed.
Attorney Scholze will research this item to see if it conflicts with County ordinances.
- 5.) Chairman Valentine requested the creation of an ordinance for permanent advertising signs placed on private property in residential and business areas.
Attorney Scholze will research this item also.
- 6.) Chairman Valentine requested creation of an ordinance similar to that attached to address BLIGHT, including those properties that are in the midst of development, in foreclosure and/or abandoned. See a Kentucky and Milwaukee ordinance exhibit.
Attorney Scholze will research this item also.
- 7.) Chairman Valentine requested action on the inclusion of a generator for the Town Hall and its necessary associated structures, interface and protection. She feels this is especially necessary given that the Town Hall is an emergency shelter.
Administrator Casey stated that this is a budgetary item and will attempt to include it in the budget.

Chairman Valentine announced that there will be a Special Town Board meeting on Thursday, August 13th at 6:00 p.m.

Attorney Scholze apologized to the Town Board regarding the confusion over questions about the agendas. He stated that he didn't communicate the information to his partner and believed that he had. The problems could have been avoided.

Supervisor Faber (CCLRD, SEWRPC, P&Z Liaison) Report

Supervisor Faber reported that there will be a Multi Use Jurisdictional meeting on August 25th at 2:00 pm and the CCLRD annual meeting will be held at the Town Hall on August 22nd from 9:00 – 11:00 am.

- 1.) A request for action on SNW levels at the onset of high water as well as the removal of the SNW order on the decrease in the water levels on a lake specific basis; as well as the possible re-evaluation of the lake

level board placements was presented as well as a request to review TOS Chapter 20 Lakes and Beaches. It was stated that the established elevation markers heights may not be where they end up. Many variables need to be looked at.

Discussion followed.

Motion by Supervisor Faber, second by Supervisor Weidman to SET A Special Board meeting to look at the slow no wake levels and review Chapter 20 Lakes and Beaches, Ordinance 04-01-12C, Ordinance 07-09-10A, Ordinance 08-04-17, information from John Bronikowski (08-22-07), the new restrictions to take affect Feb. 1, 2010 and the 07-08-09 brainstorming session notes.

UNANIMOUS VOTE – AYE

MOTION CARRIED

Supervisor Weidman requested that this take place sometime after the Kenosha County Fair.

Supervisor Meier (FD/EMS, Hooker Lake District) Report

Supervisor Meier reported that there will be a Hooker Lake meeting on August 20th at 7:00 and the Annual meeting on September 17th. There was no fire department meeting this month.

Supervisor O'Connell (Board of Review, FD/EMS, Library Board, Voltz Lake District) Report

Supervisor O'Connell stated he needs to meet with Larry Cantwell regarding a Voltz Lake meeting. He stated that he will no longer be able to serve on the Fire/EMS Committee and suggested an appointment be on next month's agenda.

Supervisor Weidman (Fair, & Parks Commission) Report

Supervisor Weidman reported that the Kenosha County Fair starts next week, August 19th thru the 23th. Last month's Park Commission meeting was held at the new Pavilion. The next meeting will be on August 26th at 7:00 p.m.

The Community Park will not be ready for use for 2010.

In October, a community work day will be scheduled to install the new playground equipment.

It was requested that the Park Commission meeting be changed from August 26th to August 27th.

Finance Committee Report.

1.) Chairman Valentine requested the names of committee members and responsibilities of this committee. Discussion followed about dissolving this committee. No action was taken on this item.

Lakes Committee Report.

1.) Chairman Valentine requested the names of the committee members and responsibilities of this committee. She also requested that the committee member names be put on the website.

Discussion followed with Supervisor Faber stating he would like to see a committee member from every lake.

Attorney Scholze questioned whether this would be an advisory committee to coordinate lake issues.

Further discussion followed. No action was taken on this item.

ADJOURNMENT

MOTION BY Supervisor Weidman, second by Supervisor Meier to adjourn this Regular Board meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

This Regular Board meeting was adjourned at 10:57 p.m.

Respectfully submitted,

Cindi Ernest, Clerk