

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF SUPERVISORS**  
**Monday, March 14, 2016 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:** Administrator Casey, Attorney Scholze, Brad Zautcke  
Mike Slover and Cindi Ernest

**GUESTS:** Darron Hillock, Robert Bruel, Nick Mulvaney, Mice Ullstrup, Carl Siegel,  
Denise Zirbel, John Roberts, Judy Flentge, Michael Jones, Carol Husnick,  
Bill Burchett, Shelly Burchett, Sharon Pomaville, Chris Skrzynecki and  
Kirk Kisner.

**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 Thursday, April 7, 2016 at the Town Hall Municipal Building and on the Town's website at [www.townofsalem.net](http://www.townofsalem.net)

**APPROVAL OF AGENDA SEQUENCE**

There was a change in the agenda sequence. Item #2 Strand Change Order under Utility Department and Item #3 270<sup>th</sup> Ave Resolution will be moved to after Citizen Comments.

**CITIZEN COMMENTS**

Chris Skrzynecki asked for Supervisor Faber's comment on a "threatening" email that he sent to the Town Board in reference to a citizen. Mr. Skrzynecki read the email.

Supervisor Faber stated he had no comment.

Discussion took place.

Chairman Tesar said that it was cleared by the sheriff.

Supervisor Kmiec stated it was cleared by the sheriff and doesn't feel it needs to go further.

Supervisor Campion stated he didn't feel it needed to go further.

Mr. Skrzynecki said he doesn't think it should be on the Town email system and calls for a sanction or a resignation of Supervisor Faber. He requested it be placed as an agenda item.

Chairman Tesar will take it under consideration and let Mr. Skrzynecki know her decision.

John Roberts stated an interest in the agenda item relating to the Purchase of Service and would like to know a little more about it.

Chairman Tesar gave an overview of the requirements and state the application will be considered as a line item in the budget.

Judy Flentge requested the resignation of Supervisor Faber and that it be placed on the agenda.

Carol Husnick state she has known Supervisor Faber since 1959 and he has always been a “wise guy and kidder”. The person bringing this email to light has a personal agenda against Supervisor Faber.

## **SEQUENCE CHANGES**

### **SEWER UTILITY DEPARTMENT**

2.) Task Order No. 16-01, with Strand Associates, for design, funding assistance, and bidding-related services associated with phase 2 sanitary sewer lift stations and WWTP improvements was presented with an overview of the change order being presented by representatives of Strand. This will be the replacement of influent pumps and the electrical. There have been reliability problems with the pumps and computer system and these are detrimental to the operation of the sewer plant. This is part of Phase 2 in executing the Master Plan.

Administrator Casey added that it was originally thought that the pumps and electrical were good enough to get us through, but they are not.

MOTION BY Supervisor Culat, second by Supervisor Faber to approve Task Order No. 16-01, with Strand Associates, for design, funding assistance, and bidding-related services associated with phase 2 sanitary sewer lift stations and WWTP improvements as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

### **ADMINISTRATOR’S BUSINESS**

3.) Resolution No 16 04 11, a Resolution of the Town Board of the Town of Salem, Kenosha County, Wisconsin, to initiate the process For Discontinuing a Part of 270<sup>th</sup> Avenue in the Town of Salem, Kenosha County, Wisconsin was presented.

Upon questioning by Supervisor Campion, Administrator Casey responded that there would be approximately \$650 in expenses related to this and that the Burchett’s will pay the costs.

MOTION BY Supervisor Faber, second by Supervisor Culat to adopt Resolution No 16 04 11, a Resolution of the Town Board of the Town of Salem, Kenosha County, Wisconsin, to initiate the process For Discontinuing a Part of 270<sup>th</sup> Avenue in the Town of Salem, Kenosha County, Wisconsin as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

Supervisor Campion informed those in attendance that this was voted on and approved during a previous meeting of the Town Electors.

## **PRESENTATIONS, PETITIONS, COMMUNICATIONS, & OTHER AGENCY REPORTS**

1.) Chairman Tesar congratulated Dennis Faber and Mike Culat on their re-election to the Town Board. She also announced that the Annual Town Meeting will be held on Tuesday, April 19, 2016 at 7:00 pm at the Salem Town Hall, located at 9814 Antioch Road, Salem, WI.

## **PLANNING & ZONING**

1.) Applications for appointments to the Planning Zoning Commission were received and Chairman Tesar recommended the reappointments of Kim Breunig, John Fotsch and Karen Baker.

MOTION BY Supervisor Kmiec, second by Supervisor Faber to reappoint Kim Breunig, John Fotsch and Karen Baker to the Planning Commission. Their terms will expire April 30, 2019.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**1.)** A request for an Amendment of Final Plat of Woodhaven Meadows Subdivision, Kevin J. Deaton, Woodhaven Meadows, LLC, 1202 60<sup>th</sup> St., PO Box 10, Kenosha, WI 53141 (Agent) to reduce the rear yard setback to 25' from 50' on lots 1 – 45 (Tax Parcels #65-4-120-134-0207 through #65-4-120-134-0209, #65-4-120-134-0222 through #65-4-120-134-0245, #66-4-120-241-0201 through #66-4-120-241-0206 and #66-4-120-241-0210 through #66-4-120-241-0221) was presented. This subdivision is located in the Southeast 1/4 of Section 13 and Northeast 1/4 of Section 24, Town 1 North, Range 20 East, Town of Salem.

The Town of Salem Planning & Zoning Commission, on a 6-0 vote, recommended approval of the Amendment of Final Plat for Woodhaven Meadows Subdivision to the Salem Town Board.

MOTION BY Supervisor Campion, second by Supervisor Culat to approve the request for an Amendment of Final Plat of Woodhaven Meadows Subdivision, Kevin J. Deaton, Woodhaven Meadows, LLC, 1202 60<sup>th</sup> St., PO Box 10, Kenosha, WI 53141 (Agent) to reduce the rear yard setback to 25' from 50' on lots 1 – 45 (Tax Parcels #65-4-120-134-0207 through #65-4-120-134-0209, #65-4-120-134-0222 through #65-4-120-134-0245, #66-4-120-241-0201 through #66-4-120-241-0206 and #66-4-120-241-0210 through #66-4-120-241-0221) as presented.

Supervisor Campion pointed out that this amendment is “cleaning up some paperwork by making all the covenants the same and is not affecting anything.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**2.)** A request by the Kenosha County Fair Association Inc., PO Box 96, Wilmot, WI 53192-0096 (Owner), Nicholas Mulvaney, Wilmot Mountain Flea Market, Inc., 7525 West Ishham Avenue, Chicago, IL 60631 (Agent) for a conditional use permit to allow a three-year flea market use in the PR-1 Park-Recreational District on Tax Parcel #67-4-120-303-1261 located in the West 1/2 of Section 30, Town 1 North, Range 20 East, Town of Salem was presented.

The Town of Salem Planning & Zoning Commission, on a 6-0 vote, recommended approval of the Kenosha County Fair’s conditional use permit for the three –year flea market to the Salem Town Board.

MOTION BY Supervisor Culat, second by Supervisor Faber to approve the request by the Kenosha County Fair Association Inc., PO Box 96, Wilmot, WI 53192-0096 (Owner), Nicholas Mulvaney, Wilmot Mountain Flea Market, Inc., 7525 West Ishham Avenue, Chicago, IL 60631 (Agent) for a conditional use permit to allow a three-year flea market use in the PR-1 Park-Recreational District on Tax Parcel #67-4-120-303-1261 located in the West 1/2 of Section 30, Town 1 North, Range 20 East, Town of Salem as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

## **ADMINISTRATOR BUSINESS**

**1.)** Partial Payment No 5, in the amount of \$457,027.76, which includes Change Order No., 2, to Reesman’s Excavating & Grading, Inc, for the Salem Business Park Infrastructure Improvements was presented.

MOTION BY Supervisor Faber, second by Supervisor Culat to approve Partial Payment No 5, in the amount of \$457,027.76, which includes Change Order No., 2, to Reesman’s Excavating & Grading, Inc, for the Salem Business Park Infrastructure Improvements as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**2.)** Administrator Casey informed those in attendance that because the Tow can’t donate money, but can purchase service, the Board decided to have a policy in place to address the numerous requests which the Town receives. A Town of Salem Purchase of Service Policy was presented. The cap of the amount requested will be considered by the Board at budget time.

Discussion regarding removing the last two lines.

MOTION BY Supervisor Kmiec, second by Supervisor Culat to approve the Town of Salem Purchase of Service Policy, with the last two (2) lines removed from the page altogether, as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

Upon questioning by Sharon Pomaville of the Sharing Center, Administrator Casey suggested that applications be submitted by August/September for 2017 budget purposes.

**3.)** Discussion and possible action on Resolution No 16 04 11, a Resolution of the Town Board of the Town of Salem, Kenosha County, Wisconsin, to initiate the process For Discontinuing a Part of 270<sup>th</sup> Avenue in the Town of Salem, Kenosha County, Wisconsin was addressed and acted on after Citizen comments.

**4.)** Discussion took place relative to the Refinancing of 2010 G.O. Bonds. Chairman Tesar said that the Town would realize a significant savings by refinancing the bonds from the Highway/Fire Building.

Administrator Casey informed those in attendance that when we financed 2010 G.O. Bonds, the IRS gave us a Build America rebate. When Congress made some cutbacks, there is a clause that allows us to refinance if we didn't get the full rebate. By refinancing these bonds, the Town will save approximately \$850,000. This was informational and no action was taken.

#### **STORM WATER UTILITY**

**1.)** Ordinance No 16 04 11, An Ordinance An Ordinance Repealing and Recreating Section 260 of the Town of Salem Code of Ordinances Relating to Erosion Control and Storm Water Management was presented. This is to bring our current Ordinance in compliance with DNR regulations recently passed. MOTION BY Supervisor Campion, second by Supervisor Faber to adopt Ordinance No 16 04 11, An Ordinance An Ordinance Repealing and Recreating Section 260 of the Town of Salem Code of Ordinances Relating to Erosion Control and Storm Water Management as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

#### **SEWER UTILITY DEPARTMENT**

**1.)** Partial Payment Request No. 9 by MZ Construction Incorporated, in the amount of \$43,452.74, for the Sewage Lift Station 101, 102, 104, 207, and 211 Upgrades was presented.

MOTION BY Supervisor Campion, second by Supervisor Faber to approve Partial Payment Request No. 9 by MZ Construction Incorporated, in the amount of \$43,452.74, for the Sewage Lift Station 101, 102, 104, 207, and 211 Upgrades as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**2.)** Discussion and possible on Task Order No. 16-01, with Strand Associates, for design, funding assistance, and bidding-related services associated with phase 2 sanitary sewer lift stations and WWTP improvements was addressed and acted on after Citizen comments.

**3.)** A quote for the purchase of a replacement (Ford Super Duty F350, 4WD Fleet) utility truck in the amount of \$68,057.00 from Ewald Automotive Group was presented.

MOTION BY Supervisor Culat, second by Supervisor Faber to approve the purchase of the replacement (Ford Super Duty F350, 4WD Fleet) utility truck in the amount of \$68,057.00 from Ewald Automotive Group as presented.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

**CLERK’S BUSINESS**

1.) The minutes of a Regular Board meeting on 3/14/2016 and a Special Board meeting on 03/21/2016 were presented for approval.

MOTION BY Supervisor Culat, second by Supervisor Campion to approve the minutes of a Regular Board meeting on 3/14/2016.

SUPERVISORS Culat, Campion and Chairman Tesar – AYE  
SUPERVISORS Faber and Kmiec – ABSTAIN (absent from meeting)

MOTION CARRIED

MOTION BY Supervisor Culat, second by Supervisor Faber to approve the minutes of a Special Board meeting on 3/21/2016.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

2.) Operator License applications filed with the Town Clerk were presented as follows, with approval contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

Kirk A Kisner    Maureen O’Neil    Jonathan Patlak    Megan Lange

MOTION BY Supervisor Campion, second by Supervisor Faber 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.) An application filed with the Clerk for a 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, completion of beverage server class, and payment of the necessary fees:

NAME & ADDRESS  
OF APPLICANT

TRADE NAME & ADDRESS  
OF ESTABLISHMENT

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

SJB Sandlots of Salem, Inc  
74 E Old Mill Tr  
Antioch, IL 60002  
Agent: Kurt A Starovich

Sandlots  
9251 Antioch Rd  
Salem, WI 53168

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the retail license to sell fermented malt beverages and intoxicating liquors, in accordance with the provisions of CHAPTER 125.04 of the Wisconsin State Statutes 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.) An Amusement Machine License application, submitted to the Clerk, by SJB Sandlots of Salem, Inc, DBA Sandlots 9251 Antioch Rd, Salem, WI was presented.

MOTION BY Supervisor Campion, second by Supervisor Culat to approve the Amusement Machine License application, submitted to the Clerk, by SJB Sandlots of Salem, Inc, DBA Sandlots 9251 Antioch Rd, Salem, WI as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

5.) The vouchers for March 15, 2016 through April 11, 2016, were presented as follows:

Vouchers issued from April 12, 2016  
through May 9, 2016 \$ 1,030,021.97

Payroll #8 Ending	4/16/16	\$ 72,629.15
Payroll #9 Ending	4/30/16	\$ 76,936.98

<b>Total</b>	<b>\$ 1,179,588.10</b>
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MOTION BY Supervisor Faber, second by Supervisor Campion to approve the payment of the vouchers for March 15, 2016 through April 11, 2016, as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**TREASURER’S REPORT**

1.) Chairman Tesar read the Treasurer’s report for March 1, 2016 through March 31, 2016 as follows:

**MARCH 2016- CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM**

March 1, 2016- Beginning Balance **\$1,944,577.31**

<b><u>RECEIPTS</u></b>	<b>\$ 222,563.54</b>
Transfers In	\$ 2,432,492.23
Prior Month Adjustment	\$ 80,188.93

<b><u>DISBURSEMENTS</u></b>	\$ 1,777,151.38
PAYROLL	\$ 164,217.54
Transfers Out	<u>\$ 1,765.73</u>
<b>Total</b>	<b>\$ 1,943,134.65</b>

March 31, 2016- Ending Balance **\$2,736,687.36**

State Pool - General	\$ 2,272,459.36
Gen. Checking	<u>\$ 464,228.00</u>
<b>Totals</b>	<b>\$ 2,736,687.36</b>

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**MARCH 2016 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM**

March 1, 2016 - Beginning Balance \$ 938,330.76

**RECEIPTS** \$ 325.90  
Trnsfr from Gen. Ck. \$ 0.00

**DISBURSEMENT**  
Trnsfr to Gen Ck. \$ 0.00

March 31, 2016 - Ending Balance \$938,656.66

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**MARCH 2016 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM**

March 1, 2016 - Beginning Balance \$ 415,053.34

**RECEIPTS** \$ 4,998.16

**DISBURSEMENTS**  
Transfer to LGIP 8 \$ 0.00

March 31, 2016- Ending Balance \$ 420,051.50

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**MARCH 2016 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM**

March 1, 2016 Beginning Balance \$ 45,592.77

**RECEIPTS** \$ 583.19

March 31, 2016 Ending Balance \$ 46,175.96

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**MARCH 2016 - CASH REPORT FOR THE CAPITAL PROJECTS ACCOUNT – SALEM**

March 1, 2016 Beginning Balance \$ 1,780,899.52

**RECEIPTS** \$ 15,423.65  
Transfer In \$ 0.00

**DISBURSEMENTS**  
Transfer Out \$ 0.00

March 31, 2016 Ending Balance \$ 1,796,323.17

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**MARCH 2016- CASH REPORT FOR THE TRAILS ACCOUNT – SALEM**

March 1, 2016 Beginning Balance \$ 216,135.39

**RECEIPTS**

**\$ 75.07**

**DISBURSEMENTS**

March 31, 2016                      Ending Balance                      **\$ 216,210.46**  
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**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 on the meeting of the Council of Governments. The Hazardous Waste for Kenosha County will be held on May 7<sup>th</sup> from 8:00 am to 1:00 pm. Laverne Jarosz gave a presentation on early onset dementia and presented a Dementia Services Directory. There will be the Dairy Aire Community Bike Ride to Crane Farm for Kenosha County Breakfast. Salem Grade School will be holding their 100 yr anniversary on April 24<sup>th</sup> from 2:00 pm – 4:00 pm. The Open House will be for those who have attended as students. June 1<sup>st</sup>, there will be a meeting in Bristol regarding consolidation of fire and emergency services in Western Kenosha County. Hooker Lake will hold a meeting on Thursday, April 14<sup>th</sup>. Ian Rackou will be honored in a special Court of Honor as an Eagle Scout. Chairman Tesar is compiling special letters of recognition.

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

Supervisor Faber reported that the Town received a reimbursement form the DNR for water Patrol in the amount of \$18,226.90.

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

Supervisor Culat reported that this is Tornado Awareness Week. The Town’s Building Department reported three (3) new homes and remodeling and believes we will be seeing more developers.

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

No report.

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

Supervisor Campion reported that Voltz Lake will be postponing their meeting with the DNR regarding grants until May. There will be a DOT meeting regarding the proposed roundabout on CTH C and STH 83 on April 26<sup>th</sup>.

**CLOSED SESSION**

**1.)** MOTION BY Supervisor Culat, second by Supervisor Faber 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 joint and/or consolidated services agreements.

ROLL CALL VOTE

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

MOTION CARRIED

**The Town Board, Administrator Casey, Clerk Ernest and Attorney Scholze moved into Closed Session at 8:03 pm.**

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

ROLL CALL VOTE

SUPERVISORS Culat, Campion and Chairman Tesar – AYE

MOTION CARRIED

**The Town Board moved out of Closed Session and reconvened in Open Session at 9:11 pm.**

**3.)** There was no discussion, action or announcement relative Section 19.85(1)(e) referenced during the closed session.

#### **ADJOURNMENT**

MOTION BY Supervisor Faber, second by Supervisor Culat to adjourn this Regular meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**This Regular Board meeting was adjourned at 9:11 p.m.**

Respectfully submitted,

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Cindi Ernest, Clerk