

**MINUTES  
TOWN OF SALEM  
REGULAR MEETING OF THE BOARD OF SUPERVISORS  
MONDAY, DECEMBER 10, 2012 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, Town Attorney, Mike Murdock, Mike Slover, Dave Shortess and Cindi Ernest

**GUESTS:** Carl Siegel, Scott Fredrick, Mary Wells, Roland Buhler, Sandy Wilson, Toni Schaedel, Robert Meisinger, Diane Propeck, George Propeck, Tim Vanderhoef, Dave Hoke. Karen Ihlen, Joahn Ihlen, Cheryl Hoke, Betty Greiner, Ron Gandt, Chris Skrzynecki, Brian Cardiff, Roland Albor, Sabrina More, Kim Roper, Julie Braakman.

**PLEDGE OF ALLEGIANCE**

Chairman Tesar led the Pledge of Allegiance.

Following the pledge, Chairman Tesar wished all Town residents a happy holiday and God bless all.

**OPEN MEETING COMPLIANCE CHECK**

The agenda was posted by 4:00 p.m. on Friday, December 7, 2012 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.

**CITIZEN COMMENTS**

Tim Vanderhoef reminded the board that he spoke at the last two meetings regarding no wake on Hooker Lake. He reminded that it is only a 67-acre lake; he went out and got signatures on a petition.

The Hooker Lake no wake change request was tabled by the board until the SWERPC studies have been completed.

Mary Wells informed the board that Salem Stream homeowners are concerned that the retention ponds may flood. No one has dug out the black silt.

Administrator Casey indicated that this is usually the responsibility of the homeowners association and subdivision. He stated that they would review the covenants of the subdivision and advise Ms. Wells of what we find.

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

**1.)** Toni Schaedel, representing Cross Lake, informed the board that Stantech took samples from Cross Lake. They believe there may be a hybrid Milfoil.

Chairman Tesar indicated that all of the lakes are experiencing this.

Ms. Schaedel told the board they would like any help from the town they can get for this. The lake has three organizations on the lake with one being in Illinois. Illinois didn't pay for any of the permits because they aren't WI and DNR.

Supervisor Faber pointed out that \$5,000 that CCLRD pays to lease property is designated to help the lakes. The Town is currently doing a SWERPC study. He also he would also like to personally think about this as there is no public access on Cross Lake.

Ms. Schaedel pointed out that there are over 300 taxpayers who use the lake and 100 homeowners in the Cross Lake Assoc. with 50 people having access keys.

Discussion followed with Supervisor Culat questioning whether Oakwood Knolls has contacted the Village of Antioch.

Ms. Schaedel indicated that she didn't know.

Supervisor Culat will help coordinate with the Village of Antioch and this item was tabled until the January regular board meeting.

**2.)** Chairman Tesar informed the board that the Sharing Center is requesting an annual donation from the Town to further civic functions. In 2010, the Town gave the Sharing Center \$5,000. Approximately 45% of the Sharing Center's clients are from the Town of Salem. It was determined by the Town's attorney that in order to do this, it would need to be a budgeted item and approved by the Town's Elector's.

MOTION BY Supervisor Culat, second by Supervisor Campion to table this item to the Town Elector's meeting in April.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**3.)** A request was made to by Joseph Krupinski to address the board relative to receiving additional credit and/or exceptions for all the drainage projects completed on his property. Mr. Krupinsky did not appear at this meeting.

MOTION BY Supervisor Culat, second by Supervisor Faber to table this item until the January regular board meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**4.)** A proposal by Supervisor Culat for a vacant property ordinance. This item was tabled from last month's agenda.

MOTION BY Supervisor Culat, second by Supervisor Kmiec to table this item until the January regular board meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**5.)** Ordinance No.12 12 10, An Ordinance Creating Section 330-19 of the Code of the Town of Salem Regarding the Permitted Methods of Boat Propulsion on Rock Lake was presented.

MOTION BY Supervisor Culat, second by Supervisor Faber to adopt Ordinance No.12 12 10, An Ordinance Creating Section 330-19 of the Code of the Town of Salem Regarding the Permitted Methods of Boat Propulsion on Rock Lake as presented.

Supervisor Faber pointed out that this is a rewriting of the original ordinance after conversations held with the DNR.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

### **BUILDING DEPARTMENT**

**1.)** An update by Mr. Alber relative to the progress of the renovation of 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.

Mr. Alber indicated that he took out a permit for the roof and did work over the weekend.

Public Safety Dept head Dave Shortess indicated that there are new trusses on the roof.

Mr. Alber continued to inform the board that this is actually an addition, which will have a roof and siding. The original main house has siding and is all painted.

MOTION BY Supervisor Culat, second by Supervisor Kmiec to table this item until the January regular board meeting.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

### **PARK COMMISSION**

**1.)** Chairman Tesar presented a recommendation for Kim Roper as her Park Commission Board appointment. This appointment replaces the seat of Crysti Neuman who resigned. The term ends June 30, 2015.

MOTION BY Supervisor Faber, second by Supervisor Campion to appoint Kim Roper to the Park Commission Board, replacing Crysti Neuman. The term expires on June 30, 2015.

SUPERVISORS Faber, Kmiec, Campion and Chairman Tesar – AYE

SUPERVISOR Culat – NAY

MOTION CARRIED

### **FIRE AND RESCUE**

**1.)** The agreement to provide Emergency Medical Services to the Village of Silver Lake was put on hold until Silver Lake determined what action they would take.

Discussion of the agreement and the metrics followed with Chairman Tesar indicating that she likes, should we have an agreement, the idea of reviewing it in a year.

Administrator Casey responded that there is a lot of work and the board would need to give time for an agreement to “mature”, with two (2) years being better than a year.

Fire Chief Mike Slover and Bob Johns with the Silver Lake EMS both gave further input on the status of what is currently occurring at Silver Lake.

Further discussion followed with Administrator Casey indicating that possible revenue to the town should this agreement happen would be \$15,000 - \$30,000 based on patient transport service.

MOTION BY Supervisor Campion, second by Supervisor Faber to table this item until the January regular board meeting.

UNANIMOUS VOTE – AYE  
MOTION CARRIED

### **PLANNING AND ZONING**

**1.)** A request by George R. & Diane R. Propeck (Owner), 12501 280<sup>th</sup> Ave., Trevor, WI 53179 (Owner), for an amendment to the Adopted Land Use Plan maps for Town of Salem: 2035 (Maps 23, 24, 25 and Appendix Map 8.9 of the comprehensive plan) from “General Agricultural, Rural Cluster Single-Family & Primary Environmental Corridor” to “Countryside Single-Family Residential & Primary Environmental Corridor” on part of Tax Parcel #67-4-120-333-0200 located in the SW ¼ of Section 33, T1N, R20E, Town of Salem was presented. For informational purposes only this parcel is located on the southeast corner of 122<sup>nd</sup> Street and 280<sup>th</sup> Avenue. After discussion the Town Board will consider Ordinance 12-12-10, an Ordinance adopting Amendment No. 2012-02 to the Town of Salem Comprehensive Plan. The Town of Salem Planning & Zoning Commission approved Resolution No. 12-11-28, A Resolution Approving Amendment 2012-02 to the Comprehensive Plan for the Town of Salem: 2035 and made a recommendation for approval of Ordinance 12-12-10, an Ordinance Adopting Amendment No. 2012-02 to the Town of Salem Comprehensive Plan: 2035, on a 4-0 vote.

MOTION BY Supervisor Faber, second by Supervisor Kmiec to take the recommendation of the Town of Salem Planning & Zoning Commission and adopt Ordinance 12-12-10, an Ordinance Adopting Amendment No. 2012-02 to the Town of Salem Comprehensive Plan: 2035 as presented.

ABSTAINED - Supervisor Culat due to a conflict of interest and left the room.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**2.)** A request by George R. & Diane R. Propeck (Owner), 12501 280<sup>th</sup> Ave., Trevor, WI 53179, for rezoning from “General Agricultural District (A-2) & Lowland Resource Conservancy District (C-1)” to “Rural Residential District (R-1), General Agricultural District (A-2) and Lowland Resource Conservancy District (C-1)” on Tax Parcel #67-4-120-333-0200 located in the SW ¼ of Section 33, T1N, R20E, Town of Salem. For informational purposes only this parcel is located on the southeast corner of 122<sup>nd</sup> Street and 280<sup>th</sup> Avenue.

The Town of Salem Planning & Zoning Commission made a recommendation to approve the requested rezoning on a 4-0 vote.

MOTION BY Supervisor Faber, second by Supervisor Campion to take the recommendation of the Town of Salem Planning & Zoning Commission and approve the rezoning from “General Agricultural District (A-2) & Lowland Resource Conservancy District (C-1)” to “Rural Residential District (R-1), General Agricultural District (A-2) and Lowland Resource Conservancy District (C-1)” on Tax Parcel #67-4-120-333-0200 located in the SW ¼ of Section 33, T1N, R20E, Town of Salem as presented.

ABSTAINED - Supervisor Culat due to a conflict of interest and left the room.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**3.)** A request by George R. & Diane R. Propeck (Owner) for approval of a Certified Survey Map (dated November 14, 2012) by Robert Wetzel of B.W. Surveying to create one (1) 16.60-acre parcel, one (1) 9.58-acre parcel and one (1) 7.72-acre parcel from existing Tax Parcel #67-4-120-333-0200 located in the SW ¼ of Section 33, T1N, R20E, Town of Salem was presented. For informational purposes only this parcel is located on the southeast corner of 122<sup>nd</sup> Street and 280<sup>th</sup> Avenue.

The Town of Salem Planning & Zoning Commission made a recommendation to approve the Certified Survey Map (dated November 14, 2012) by Robert Wetzel of B.W. Surveying to create

one (1) 16.60-acre parcel, one (1) 9.58-acre parcel and one (1) 7.72-acre parcel from existing Tax Parcel #67-4-120-333-0200 with the following conditions:

- 1.) Items 1 through 21 are addressed in the review memorandum from Meehan & Company, Inc. dated Nov. 20, 2012.
- 2.) The right-of-way dedication, vision triangle and landscaping berm are addressed in the review memorandum from R.A. Smith National, dated Nov. 21, 2012.

MOTION BY Supervisor Faber, second by Supervisor Campion to take the recommendation of the Town of Salem Planning & Zoning Commission to approve the Certified Survey Map (dated November 14, 2012) by Robert Wetzel of B.W. Surveying to create one (1) 16.60-acre parcel, one (1) 9.58-acre parcel and one (1) 7.72-acre parcel from existing Tax Parcel #67-4-120-333-0200 with the following conditions:

- 1.) Items 1 through 21 are addressed in the review memorandum from Meehan & Company, Inc. dated Nov. 20, 2012.
- 2.) The right-of-way dedication, vision triangle and landscaping berm are addressed in the review memorandum from R.A. Smith National, dated Nov. 21, 2012.

ABSTAINED - Supervisor Culat due to a conflict of interest and left the room.

UNANIMOUS VOTE – AYE

MOTION CARRIED

The subdividers agreement will be brought back after Mr. Propeck's review.

**4.)** A request by Mill Creek Villas Condominium Association, C/O Real Estate Specialists, P.O. Box 438, Pewaukee, WI 53072 (Owner), Planning, Development, & Extension Education Committee, P.O. Box 520, Bristol, WI 53104 (Sponsor), for a rezoning from Agricultural Preservation District (A-1) to Multiple-Family Residential District (R-9) on Tax Parcels #65-4-120-151-0501 through 65-4-120-151-0532 located in the NE ¼ of Section 15, T1N, R20E, Town of Salem was presented. For informational purposes only these properties are located on the north and south sides of 87th Street approx. 0.1 mi W of STH "83" (Antioch Rd.).

The Town of Salem Planning & Zoning Commission made a recommendation to approve the requested rezoning on Tax Parcels #65-4-120-151-0501 through 65-4-120-151-0532 on a vote of 3-0 with Chairman Breunig abstaining.

MOTION BY Supervisor Faber, second by Supervisor Campion to take the recommendation of the Town of Salem Planning & Zoning Commission to approve the request by Mill Creek Villas Condominium for a rezoning from Agricultural Preservation District (A-1) to Multiple-Family Residential District (R-9) on Tax Parcels #65-4-120-151-0501 through 65-4-120-151-0532 located in the NE ¼ of Section 15, T1N, R20E, Town of Salem as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**5.)** Resolution 12-12-10, A resolution authorizing designated Town staff to review and make formal recommendations to Kenosha County involving wetland boundary adjustments was presented.

MOTION BY Supervisor Culat, second by Supervisor Campion to adopt Resolution 12-12-10, A resolution authorizing designated Town staff to review and make formal recommendations to Kenosha County involving wetland boundary adjustments as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**STORM WATER**

**1.)** A Payment Request No. 1 by Bradford Contractors, LLC in the amount of \$93,360.69, for Jason's Pond Detention Pond Modifications, 264<sup>th</sup> Avenue Culvert Replacement and 256<sup>th</sup> Culvert Replacement was presented. Original contract amount was \$104,700. There was discussion on the condition of the roads where the culvert replacement took place. MOTION BY Supervisor Culat, second by Supervisor Kmiec to approve Payment Request No. 1 by Bradford Contractors, LLC in the amount of \$93,360.69, for Jason's Pond Detention Pond Modifications, 264<sup>th</sup> Avenue Culvert Replacement and 256<sup>th</sup> Culvert Replacement as presented. UNANIMOUS VOTE – AYE  
MOTION CARRIED

#### **ADMINISTRATORS BUSINESS**

**1.)** An authorization to sign a contract for garbage/recycling disposal with Johns Disposal was presented. Administrator Casey indicated that Johns will begin garbage/recycling pickup the first of the year and will begin using the "carts" in the spring when the weather clears. MOTION BY Supervisor Campion, second by Supervisor Kmiec to authorize the signing of a contract for garbage/recycling disposal with Johns Disposal as presented. UNANIMOUS VOTE – AYE  
MOTION CARRIED

**2.)** Payment Request #19 from Miron Construction Co., Inc. in the amount of \$2,912 was presented. Original contract amount was \$4,500,474. MOTION BY Supervisor Culat, second by Supervisor Campion to approve Payment Request #19 from Miron Construction Co., Inc. in the amount of \$2,912 as presented. UNANIMOUS VOTE – AYE  
MOTION CARRIED

**3.)** Resolution No. 12 12 10A, A Resolution Authorizing the Master Equipment Lease-Purchase Agreement with PNC Equipment Finance, LLC was presented. This lease agreement is for the lease of the new town vehicles. MOTION BY Supervisor Culat, second by Supervisor Campion to adopt Resolution No. 12 12 10A, A Resolution Authorizing the Master Equipment Lease-Purchase Agreement with PNC Equipment Finance, LLC as presented. UNANIMOUS VOTE – AYE  
MOTION CARRIED

**4.)** Discussion on the 2013 Town of Salem street paving was requested. This will be referred to the Public Works Committee for discussion in committee.

#### **CLERK'S BUSINESS**

**1.)** The minutes of the previous meetings of a Regular Board meeting on 11/12/2012, a Public Hearing on 11/19/2012 and Special Board Meetings on 11/19/2012 and 11/27/2012 were presented. MOTION BY Supervisor Culat, second by Supervisor Campion to approve the minutes of Regular Board meeting on 11/12/2012, a Public Hearing on 11/19/2012 and Special Board Meetings on 11/19/2012 and 11/27/2012 as presented. UNANIMOUS VOTE – AYE  
MOTION CARRIED

2.) An Operator Licenses application was filed with the Clerk as follows. Approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

Heather Zimmerly /Stevens

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the Operator License application as presented with approval is contingent on background check clearance, completion of beverage server class, and payment of the necessary fees.

UNANIMOUS VOTE – AYE

MOTION CARRIED

3.) An application for a Temporary Class B “Picnic License” was filed with the Clerk for the following event with approval contingent on the payment of necessary fees and a licensed bartender (operator) for the event.

- Lake Shangri-La Property Owners Association, 22112 121<sup>st</sup> Street, Bristol, WI, for Lake Shangri-La Annual Ice Fishing Derby, January 26, 2013, 6:00 am until January 27, 2013 6:00 pm.

MOTION BY Supervisor Campion, second by Supervisor Faber to approve the Temporary Class B “Picnic License” application as presented with approval contingent on the payment of necessary fees and a licensed bartender (operator) for the event.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**TREASURER’S REPORT**

1.) Chairman Tesar read the Treasurer’s report for November 1, 2012 – November 30, 2012 as follows:

**NOVEMBER 2012 - CASH REPORT FOR THE GENERAL ACCOUNT - TOWN OF SALEM**

November 1, 2012- Beginning Balance **\$2,285,440.08**

**RECEIPTS** **\$ 344,298.21**

Prior Month Adjustment \$

**DISBURSEMENTS** \$ 588,038.13  
PAYROLL \$ 170,464.87  
**Total** \$ **758,503.00**

November 30, 2012 - Ending Balance **\$1,871,235.29**

State Pool - General \$ 1,610,184.80

Gen. Checking \$ 261,050.49

**Totals** \$ **1,871,235.29**

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**NOVEMBER 2012 - CASH REPORT FOR THE TAX ACCOUNT - TOWN OF SALEM**

November 1, 2012- Beginning Balance **\$ 0.00**

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

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

November 30, 2012 - Ending Balance **\$ 0.00**

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**NOVEMBER 2012 - CASH REPORT FOR THE PARK ACCOUNT - TOWN OF SALEM**

November 1, 2012 - Beginning Balance **\$ 545,241.08**

**RECEIPTS** **\$ 84.26**

**DISBURSEMENTS** **\$ 0.00**

November 30, 2012 - Ending Balance **\$ 545,325.34**

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**NOVEMBER 2012 - CASH REPORT FOR THE MAINTENANCE ACCOUNT-SALEM**

November 1, 2012 Beginning Balance **\$ 37,371.16**

**RECEIPTS** **\$ 5.78**

November 30, 2012 Ending Balance **\$ 37,376.94**

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**NOVEMBER 2012 - CASH REPORT FOR THE CAPITAL PROJECTS ACCOUNT - SALEM**

November 1, 2012 Beginning Balance **\$ 475,298.81**

**RECEIPTS** **\$ 73.46**  
Transfer from LGIP 8 \$ 0.00

**DISBURSEMENTS**



Transfer to Gen Fund \$ 0.00

November 30, 2012 Ending Balance \$ 475,372.27

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**NOVEMBER 2012- CASH REPORT FOR THE TRAILS ACCOUNT – SALEM**

November 1, 2012 Beginning Balance \$ 225,749.66

**RECEIPTS \$ 34.89**

November 30, 2012 Ending Balance \$ 225,784.55

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2.) The approval of payment of the vouchers for November 13, 2012 through December 10, 2012, was presented as follow:

Vouchers issued from November 13, 2012 through December 10, 2012 \$ 689,287.35

Payroll #24 Ending 11/17/12 \$ 63,698.58  
Payroll #25 Ending 12/01/12 \$ 88,892.27

Total \$ 841,878.20

MOTION BY Supervisor Culat, second by Supervisor Campion to approve the payment of the vouchers for November 13, 2012 through December 10, 2012, as presented.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**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 there is a Library Board meeting on Monday and requested that the Town Board Committee meeting be moved. There was a consensus of the board that it be changed to Tuesday, December 18, 2012 at 5:30 pm.

She also reported that she and Supervisors Campion and Culat attended the Council of Governments, and update on the date of October 26<sup>th</sup> for next year’s Pumpkin Daze and Youth in Governance and the County’s budget is at a 0% increase this year and broadband implementation.

Supervisor Campion questioned if we receive information from HeirComm regarding the broadband to please inform the board.

Administrator Casey indicated that the AT&T construction on our tower will start Wednesday and they will be going 4G.

Chairman Tesar reported that \$18,000,000 in fraud has been found by State Representative Samantha Kerkman and he committee.

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

Supervisor Faber had nothing to report.

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

Supervisor Culat had nothing to report.

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

Supervisor Kmiec had nothing to report.

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

Supervisor Campion reported on the Council of Governments and its benefits. George Melcher is retiring from Kenosha County Planning at the end of the month and Ray Arbett is leaving and going into the private sector. There are brochures out on the County Bike Trails and the map shows the designated trails. Western Kenosha County Transit is cutting service to Western Kenosha County, but will augment with door-to-door service.

## **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 the purchase of property.

And

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 the Town Clerk.

ROLL CALL VOTE

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

MOTION CARRIED

**The Town Board moved into Closed Session at 8:42 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 Faber, Culat, Kmiec, Campion and Chairman Tesar – AYE

MOTION CARRIED

**The Town Board moved out of Closed Session at 9:55 pm.**

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

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

#### **ADJOURNMENT**

MOTION BY Supervisor Campion, second by Supervisor Kmiec to adjourn this Regular Board meeting.

UNANIMOUS VOTE – AYE

MOTION CARRIED

**This Regular Town Board meeting was adjourned at 9:56 p.m.**

Respectfully submitted,

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Cindi Ernest, Clerk