

**MINUTES**  
**BERTRAND TOWNSHIP BOARD**  
**3835 Buffalo Road, Buchanan, MI**  
**Regular Board Meeting**  
**April 10, 2014**

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE AND INVOCATION**

At 7:00 p.m. the meeting was called to order by Supervisor Hicks. All stood, the Invocation was given by Steve Hicks and then the *Pledge of Allegiance* was recited.

**Members Present:** Hicks, Kuhn, Lano, Pastryk, Zelmer

**Others Present:** Mr. Greg Parks and Mr. Edwin Peters from Wolverine Pipeline, Deputy Sullivan of the Berrien County Sheriff's Dept (arrived 7:05 p.m.) Chief Knisely, Lt. Nichols and Lt. Huston, nine guests and one reporter.

**2. CONSENT CALENDAR: (see attachments)**

Approval of agenda; Township special board meeting minutes from March 24, 2014; Approval of bills presented for payment in the amount of \$52,133.05 (fire dept. \$19,663.21 plus general fund, \$32,381.48 plus WRT \$88.36) and report on file for SMCAS.

Supervisor Hicks declared that he wanted item 6 C. Township Board Position Related to Unpaid Property Taxes stricken from the agenda.

**Motion** was made by Hicks seconded by Pastryk to approve the consent calendar as amended.

**Motion carried**

**4. FIRE DEPARTMENT REPORT: (see attachment)**

Because there was no one from the Sheriff's dept. present, Chief Knisely was instructed to go ahead with his report. He provided the April 2014 Monthly Fire Department report.

**3. SHERIFF DEPARTMENT REPORT:**

Deputy Sullivan of the Berrien County Sheriff's Dept. passed out the Bertrand Township report for the month of February, 2014, gave a quick review of the report details and asked if there were any questions which he then answered.

- **Wolverine Pipeline Presentation**

Two representatives from Wolverine Pipeline, Mr. Greg Park and Mr. Edwin Peters, gave a power point presentation in order to raise awareness about the Wolverine pipeline that runs through our area. Some of the topics covered in this presentation included background history of Wolverine; how the pipeline is used and regulated; construction, maintenance and safety. The twenty minute presentation was followed with a question and answer time.

**5. PUBLIC COMMENTS: Please limit comments to 3 minutes**

One guest asked that the record show what his comments are which is why a summary is included in the minutes. Steve LeClaire requested that "the record show", that Lee Ashcraft who has filed recall language against the clerk and who made comments published in the newspaper, as if he were speaking for the township and the fire department, does not represent him, the board or the fire department. Chief Knisely was asked by Mr. LeClaire if Lee Ashcraft who is a member of the township's fire department, is representing, speaking and acting on behalf of the fire department and the Chief replied "no". The other matter addressed by Mr. LeClaire was item 6.C. which supervisor Hicks had stricken from the agenda. This item concerned the discrepancy between board members being delinquent in paying their property taxes and serving on the board and still getting paid and a business owner who was denied a contract because of unpaid property taxes. He also reserved comment for item 7.E. Two other guests made comments.

In the course of Mr. LeClaire's comments concerning the matter of unpaid property taxes, Trustee Zelmer stated that the board should hold itself to a higher standard and that since there isn't currently any statute or law concerning board members being able to serve while having delinquent property taxes; the board should develop a policy about this. Mr. LeClaire asked that this matter be put on an agenda.

**6. UNFINISHED BUSINESS: \* see attachment)**

**A. Ordinance 63**

Supervisor Hicks stated that this matter had been tabled from the last meeting in order to allow the Fire Chief and his officers to review the ordinance. There was nothing that could be done at this time since there was no information received from the Chief.

**B. Application Refund \***

At the March board meeting Clerk Lano stated that she would provide an accounting of the cost related to an application that had been submitted by Steve Lecklider that had received no hearing or final action from the township. The Clerk requested approval from the board to return the amount indicated on the Lecklider Escrow Summary upon receiving a written letter to withdraw the application from Mr. Lecklider.

**Motion** was made by Lano seconded by Zelmer that upon receiving a letter from Mr. Lecklider withdrawing the application, the board gives permission to the clerk to return \$719.32 to Mr. Lecklider.

Roll call vote: Yes: Kuhn, Lano, Zelmer No: Hicks, Pastryk **Motion carried 3 to 2**

**C. Township Board Position Related to Unpaid Property Taxes**

**7. NEW BUSINESS (\* see attachments)**

**A. Mowing Bids for 2014 Mowing Season \***

Two bids were received along with one letter from RNG Professional Lawn Care explaining why he would not bid. The two bidders were Adam Byrdak of Byrdak Lawn Care and August Kuehn of STC Design, LLC. The total bid price per mow for Brydak Lawn Care was \$445 and the price for STC Design, LLC was \$480. The prices provided are for a mowing contract based upon per time mowed and not per season.

**Motion** was made by Pastryk seconded by Hicks to award Adam Brydak the 2014 mowing and trimming contract.

Roll call vote: Yes: Kuhn, Lano, Pastryk, Recused: Zelmer **Motion carried 4 to 0**

**B. SMCAS Articles of Incorporation \***

Supervisor Hicks explained that these revised SMCAS Articles of Incorporation have been reviewed by Attorney Randy Hyrns. The board has had time to review the revised Articles of Incorporation and has had the opportunity to communicate with SMCAS concerning this document.

**Motion** was made by Lano seconded by Hicks to approve the proposed Articles of Incorporation of SMCAS.

**Motion carried unanimously**

**C. Farm Lease for US 12 Acreage\***

Supervisor Hicks had Attorney Sara Bell write up a farm lease for the acreage by the Fire Station on US 12. The board members just received a copy of the prepared lease. Trustee Zelmer was asked for his input on this matter. He pointed out that we have a lease now but no plan for how to go about leasing out the land. The process to be used to solicit a farmer who would be interested in farming this land was discussed. It was determined to post a notice on the township's website, place a sign on the land, post a notice on the township's door and by word of mouth advertise the land for rent with a bid due no later than 4 p.m. on Monday, April 28th. The bid will be on a per acre basis. The acreage will need to be determined. The Supervisor will be authorized to take care of the farm lease agreement once the bids are opened.

**D. Computer purchase \***

The township's computers which are running off of Windows XP no longer have security updates available. Because of their age and the cost to update software, a price quote from NETJACO Solutions, LLC was received for replacing the four computers affected. In stead of purchasing a new server, a fifth computer which would replace the server has been included in the estimate. The estimate of \$7,564.90 includes the equipment and a labor estimate of 8 hours.

**Motion** was made by Lano seconded by Kuhn to accept the estimate from NETJACO Solutions, LLC for the purchase of the five computers for the township. Roll call vote:

**Motion carried unanimously**

**E. BTFD Officers Proposed Salary Increases \***

In March, the board received a request for wage increases from Chief Knisely. He stated at that time that the wages have not increased in the last two years. What he proposed originally was an increase in the Asst. Chief's Salary by \$650 = \$3,500. Captain Salary Increase by \$500 = \$2,250 per Captain. Lieutenant Salary = \$1,625 per Lieutenant. Firefighter wage increases were proposed: \$14.50 per hour – per fire call / currently \$13 per hour; \$14.50 per hour – per training / currently \$13 per hour; \$12 per hour – per work hour / currently \$10 per hour; \$20 per Business Meeting attended / currently \$8 per meeting

The board members then received a copy of the email dated Monday, April 7, 2014 sent from Chief Knisely to the board with the following request for wage increases:

Fire Calls

Fire Calls to increase from \$13 to \$14.50 per hour for active certified members  
\$10 per hour for non certified (candidates) (Those who are going through the Adult FF I & II class)  
Cadets (High school student going through the FF I & II) will not be eligible for pay until hired on.

Trainings

\$14.50 for certified FD members  
\$10 for non certified candidates

Meetings

\$15 for certified FD members  
\$10 for non certified members

Work Details

\$12.50 for certified FD members  
\$10 for non certified candidates

Officer Salary Increase

Asst. Chief – Jim Pastryk / \$3,500  
Captain Matt Remmo / \$2,250  
Captain Chris Burks / \$2,250  
Lt. Chris Huston salary / \$1,650  
Lt. Cory Nichols salary / \$1,250  
Chief Bill Knisely / \$20,000 will remain the same

Clerk Lano pointed out that there were a number of corrections that needed to be made and asked the Chief to clarify if what he has provided is what he is requesting. To start with, Asst. Chief Pastryk’s current salary is \$3,250. An increase to \$3,500 would not be a \$650 increase. On the captain’s salary the current annual salary is \$2,650 and the Chief’s information shows that he is requesting \$2,250 which would actually be a \$400 decrease. Chris Huston is currently receiving \$500 and Cory Nichols is currently receiving \$400. The current rate of pay for training is \$11 per hour, not \$13.

Chief Knisely explained that his motivation for asking for these pay increases is because he has a hard time finding people who will show up to the classes and commit themselves to 250 hours of training and then retain them to serve on our department. There was discussion about the wage/salary comparison information that the Chief also provided which he obtained yesterday. Clerk Lano called a number of the municipalities to confirm the info reported and discovered that it was not all correct. Chief Knisely stated that this info came from Chief Jesswin and it was from last year and may not be accurate. As far as other wage comparison detail, Lano mentioned that the paid on call and part time fire fighters who are required to be MFR’s or EMT’s for Niles City are receiving \$11.88 per hour.

Trustee Pastryk stated that he was going to go ahead and make a motion to increase the fire department wages. Lano questioned Pastryk in doing this since he would be voting to increase his brother’s salary. Pastryk claimed that there was no conflict of interest since he and his brother don’t share a checkbook. He also stated that he has other good friends and family members on the fire department but that has nothing to do with his making the motion to increase their wages.

**Motion** was made by Pastryk seconded by Kuhn to make fire calls to be paid at \$14.50 per hour for active certified members and \$10 for non certified candidate; trainings to be paid at \$14.50 for a certified member and \$10 per hour for non certified members; meetings increased from \$8 per meeting to \$15 per meeting for certified members and \$10 per meeting for non certified members; work details to be paid at \$12.50 per hour for certified members and \$10 for non certified. Salaries for the officers: Asst. Chief to be \$3,500; Captains to be \$2,750; Lt. Chris Huston to receive \$1,650 and Lt. Cory Nichols to receive \$1,250, effective for this budget year.

Discussion ensued on this motion with Trustee Zelmer stating his concern for those in this township who have not received any pay increases. He also pointed out that in looking at the salary comparison provided by the chief; our fire fighters are currently receiving a good wage. It would be better to take smaller steps rather than such big steps as these pay increases are. Lano expressed her concern over the fact that last month this board denied a 1.5% pay increase which amounted to \$5.75 per week for Gena Welsh and a \$15 per month cell phone stipend for Angie Kirby. It could very easily be perceived that there is some discrimination when we deny two individuals of a certain class such small increases but then turn around and give such substantial increases to another class of individuals.

Steve LeClaire who had reserved comment on this agenda item asked to speak. He asked the Chief if he knew what the total increase in dollar amount is for the pay increases that he has asked for. The Chief stated that he did not have an answer to the question. Mr. LeClaire pointed out that he did his own research on fire fighter wages and he learned that the union fire fighters in Niles are getting paid \$14.81 per hour. As a business mind looking at the economic environment, he just doesn’t understand how this board can justify such big pay increases especially when there are so many other needs in this township and other areas that need attention that the township’s funds might need to be dispensed on.

After hearing more comments from the board member on this matter Pastryk asked for a vote.

Roll call vote: Yes: Hicks, Kuhn, Pastryk No: Lano, Zelmer

**Motion carried 3 to 2**

#### **F. A/C Proposals \***

Supervisor Hicks shared information related to the air conditioning estimates that he received for installing new air conditioners in the township hall. Two estimates were provided. Price proposals for the Community Building were also received but there is no need at this time to have new units installed at that building.

**Motion** was made by Hicks seconded by Pastryk that we accept the bid from Vander Weft Energy Inc. at a price of \$7,687 to install the two indoor units and the two outdoor units here at the township hall. Trustee Zelmer asked Hicks if he was aware that there would be a need for a separate bid for the electrical. Hicks did not have a cost estimate for the electrical. Trustee Zelmer suggested that it would make sense to have the total project cost before purchasing air conditioners since it wouldn't do much good to have new air conditioners without any power to them. At this point Hicks withdrew his motion with consent from Pastryk.

#### **G. 2014 Road Proposals \***

The board reviewed the revised as of April 8<sup>th</sup>, Projected 2014 Road Improvements information provided by BCRC Managing Director Louis Csokasy. The project list includes Chamberlain Road from Rynearson to the Landfill entrance with the township's portion to be \$38,300. Four other road projects are included at a total cost to the township of \$85,456.

**Motion** was made by Lano seconded by Zelmer to approve of the Proposed 2014 Road Improvement projects at a cost of \$85,456. Roll call vote: **Motion carried unanimously**

#### **H. AT & T Video Service Local Franchise Agreement \***

Notification was received from AT & T regarding their plans to begin offering U-verse service in the township. The Video Franchise Agreement supplied by AT & T was reviewed by the board and Supervisor Hicks offered his explanation of what all was entailed. Pursuant to Section 3(3) of Act 480, the township has 15 business days from March 21, 2014 to notify AT & T if the Agreement is complete. The deadline date is tomorrow. In the Uniform Video Service Local Franchise Agreement on page 4, VI Fees (A.) (ii) the board inserted 5% in the blank. On page 6, VIII. Peg Fees (A) (2) (3) the board inserted 2% in the blanks.

**Motion** was made by Hicks seconded by Kuhn to complete the AT & T Video Service Local Franchise Agreement by filling in the blanks are mentioned in discussion. Kuhn disclosed that he will not vote since he owns AT & T stock. **Motion carried 4 to 0**

#### **I. Personal Days Off \***

Treasurer Kuhn addressed this matter which is follow up to what was brought up in the special meeting held on March 24<sup>th</sup> when the board met in a special meeting to discuss the terms, qualifications and benefit compensation for the township's administrative assistant/secretary position. He provided information that he obtained from Alice Kring regarding personal days. He wanted guidance from the board and if he should move forward with developing and formalizing something for our township. Trustee Zelmer asked him to use information from municipalities of our size and scope rather than personal or private businesses.

**Motion** was made by Lano seconded by Hicks that we move forward with having Treasurer Kuhn develop guidelines in relation to personal days and paid time off and that the information be presented to the board no later than our June board meeting. **Motion carried unanimously**

#### **J. Township Flooring Proposals \***

Supervisor Hicks shared information for the flooring proposals at the Community Building and in the bathrooms in the township hall. There is a moisture problem in the township hall bathrooms that will need to be addressed first before the flooring can be installed. Hicks pointed out the differences in the price quotes and the differences in the floor material. Kuhn suggested that only one bathroom at a time be done in the township hall. With Professional Floor Installation there is only one material choice and there was not a sample available for the board to see.

**Motion** was made by Hicks seconded by Zelmer to accept the quote from Professional Floor Installation for the new floor covering in the bathrooms at the township hall at a price of \$840 and the Community Building at a price of \$7,900. Roll call vote: **Motion carried unanimously**

### **8. COMMUNICATIONS**

#### **A. Millage Renewal Proposal for Buchanan Community Schools May 6th**

The May 6<sup>th</sup> election only applies to the registered voters in the Buchanan Community School District.

#### **B. Zoning Administrator's Annual Report \***

A letter dated March 27, 2014 from Zoning Administrator Joe Kring provides a list of the actions he performed between March 25, 2013 and March 27, 2014. This letter also reported that he attended 11 SMCAS board meetings and 7 NATS meetings.

**C. Community Park Advisory Committee Meeting April 14, 6 p.m.**

Supervisor Hicks announced that the advisory committee that he formed will be meeting on April 14<sup>th</sup> at 6 pm. He stated that this is the advisory board to do the Enbridge grant and to do the park that needs to be done by September. Anyone who wants to participate in this project can attend the meeting. He said that he is chairing this committee.

**9. PUBLIC COMMENTS:** *Please limit comments to 3 minute*

Comments were made by three guests and by Chief Knisely who commented on a number of subjects.

**10. BOARD MEMBER COMMENTS:**

Trustee Pastryk shared that he noticed that Enbridge workers are back in the area and to watch out for the traffic. Treasurer Kuhn shared his opinion about how we need to handle pay rate adjustments. He announced that he has settled with the county and that he is ready for the next tax collection season. He will be interviewing another person for the deputy treasurer position. Hicks read a note that had been sent to the board from Commissioner Jim Curran. He also stated that spending \$87,000 on our roads isn't going to get much done.

**11. MISCELLANEOUS / ANNOUNCEMENT / SCHEDULE**

- Next Township Board Meeting: Thursday, May 8, 2014

**12. ADJOURNMENT**

**Motion** to adjourn at 9:30 pm, was by Lano seconded by Hicks.

**Motion carried unanimously**

Respectfully Submitted,

\_\_\_\_\_  
Jane Lano  
Bertrand Township Clerk

dated

\_\_\_\_\_  
witness