

APPROVED MINUTES
BERTRAND TOWNSHIP BOARD
3835 Buffalo Road, Buchanan, MI
Regular Board Meeting
March 13, 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 read by Scott Bonner and then the *Pledge of Allegiance* was recited. The Township Budget Hearing will be called to order at 7:15 pm. The Fire Assessment District Budget Hearing will be called to order at 7:45 pm.

Members Present: Hicks, Kuhn, Lano, Pastryk, Zelmer
Others Present: Deputy Sullivan of the Berrien County Sheriff's Dept., Joe Sobieralski from SMEGA, Attorney Sara Bell, Chief Knisely, Captain Burks, fourteen adult guests and two children.

2. CONSENT CALENDAR: (see attachments)

Approval of agenda; Township regular board meeting minutes from February 13, 2014 & special board meeting February 17, 2014; Approval of bills presented for payment in the amount of \$27,490.90 (fire dept. \$11,097.36 plus general fund, \$16,305.18 plus WRT \$88.36) and reports on file.

Supervisor Hicks added to the consent calendar item E. Approval of February attorney bill in the amount of \$440.00. Trustee Zelmer moved item 7.F. to the end of the New Business items and it will follow 7.O.

Motion was made by Zelmer seconded by Lano to approve the consent calendar as amended.

Motion carried unanimously

3. SHERIFF DEPARTMENT REPORT: None was given

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

4. FIRE DEPARTMENT REPORT: (see attachment)

Chief Knisely provided his March 2014 business report. He announced that the annual awards banquet which is open to the public will take place on April 5th. A flyer is on the door with the date, time and location details.

At 7:15 pm, Supervisor Hicks called the public hearing into session for the purpose of hearing and receiving comments on the proposed budget for fiscal year 2014-2015 for the General Fund and West River Terrace budgets. A brief time was given for the public to examine the proposed budgets and to ask any questions. There were a number of comments and questions about the proposed budget. Hearing no other comments, the public hearing was closed at 7:24 pm.

5. PUBLIC COMMENTS: Please limit comments to 3 minutes

Public comments were made by two people.

6. UNFINISHED BUSINESS: * see attachment)

A. Board Member Salary Resolutions 031314 A thru D *

The board member salaries will remain unchanged from last year.

Motion was made by Zelmer seconded by Pastryk to adopt Resolution 031314 A which is the salary resolution for the supervisor position with an annual salary of \$27,078.

Roll call vote: Kuhn, Lano, Pastryk, Zelmer Abstain: Hicks

Motion carried

Motion was made by Zelmer seconded by Pastryk to adopt Resolution 031314 B which is the salary resolution for the clerk position with an annual salary of \$24,040.

Roll call vote: Hicks, Kuhn, Pastryk, Zelmer Abstain: Lano

Motion carried

Motion was made by Zelmer seconded by Pastryk to adopt Resolution 031314 C which is the salary resolution for the treasurer position with an annual salary of \$24,040.

Roll call vote: Hicks, Lano, Pastryk, Zelmer Abstain: Kuhn

Motion carried

Motion was made by Kuhn seconded by Lano to adopt Resolution 031314 D which is the salary resolution for the trustee position with an annual salary of \$4,000.

Roll call vote: Hicks, Kuhn, Lano, Abstain: Pastryk, Zelmer

Motion carried

7. NEW BUSINESS (* see attachments)

A. Audit Proposals *

The annual audit to be performed for fiscal year ending March 31, 2014 is the last year of the three year contract agreement that the township has had with the State of Michigan Local Audit and Finance Division. The clerk provided two audit proposals that have been received from the State of Michigan Local Audit and Finance Division. The proposals are dated February 28, 2014 with one of the proposals providing a price for service for one year (BT fiscal year ending March 31, 2015). The second proposal contains the price for services for three years (BT fiscal years ending March 31, 2015, 2016 and 2017).

Motion was made by Lano seconded by Zelmer to enter in to the three year contract agreement with the State of Michigan Local Audit and Finance Division. Roll call vote: **Motion carried unanimously**

B. Consideration of Amended 2013/2014 Budget *

Lano pointed out that there is one category on the current 2013/2014 fiscal year budget for the township budget that will be over and requested that the board amend category 851 Insurance & Bonds from \$7,000 to \$7,250. The fire department and West River Terrace budgets will not require any final amendments.

Motion was made by Lano seconded by Kuhn to amend the 2013/2014 fiscal year budget as presented by the clerk. Roll call vote: **Motion carried unanimously**

C. Consideration of Township 2014/2015 Budget Resolution 031314 E *

The budget hearing for considering the Township 2014/2015 Budget was conducted earlier in the meeting. The West River Terrace budget is incorporated in Resolution 031314 E. Lano pointed out that a \$1,000 annual fee to be paid to SMEGA is included in the Township Board category. Mr. Sobieralski thanked the board for including SMEGA in the budget.

Motion was made by Zelmer, seconded by Lano to adopt Resolution 031314 E which is the Bertrand Township General Appropriations Act (Budget) Fiscal Year 2014-2015 as presented.

Roll call vote:

Motion carried unanimously

The public hearing for the Fire Protection Special Assessment District budget was scheduled for 7:45 pm. Since the public hearing had not taken place yet, item 7.D. was skipped over till after the hearing. Item 7.E. was then opened up for discussion.

E. Pension Plan Adoption Agreement Resolution 031314 G*

Resolution 031314 G is a resolution that if adopted would add the secretary/administrative assistant position to the township's pension plan. This stems from the board discussion at the budget workshop held on February 17th when the idea of adding this position to the pension fund was discussed.

Motion was made by Lano seconded by Zelmer to adopt Resolution 031314 G which will amend the John Hancock adoption agreement to include the secretary/administrative assistant position. Discussion ensued on this matter. Treasurer Kuhn requested that the board talk about the total compensation/benefit package for this position rather than separately talking about the pension and then a wage adjustment which is under item 7.H. He also requested that the board consider having the office open on Fridays and start doing yearly employee performance evaluations. Since it was now 7:45 pm, the discussion regarding item 7.E. will continue after the public hearing is closed.

At 7:45 pm, Supervisor Hicks called the public hearing into session for the purpose of hearing and receiving comments on the proposed budget for fiscal year 2014-2015 for the Fire Protection Special Assessment District. A brief time was given for the public to examine the proposed budget and to ask any questions. Hearing no comments, the public hearing was closed at 7:48 pm.

Since there was a motion on the floor, discussion continued in regards to the Pension Plan Adoption Agreement Resolution. With the board members stating that this matter would be addressed before April 1st, Lano withdrew her motion with consent from Zelmer. It was also stated that we need to have a special meeting to discuss the items that were brought up in discussion.

D. Consideration of Fire Department 2014/2015 Budget Resolution 031314 F *

Motion was made by Lano, seconded by Zelmer to adopt Resolution 031314 F which is the Fire Protection Special Assessment District General Appropriations Act (Budget) Fiscal Year 2014-2015 as presented.

Roll call vote:

Motion carried unanimously

G. Consideration of RFP for 2014 Mowing Service

The lawn mowing specifications were reviewed. For the 2014 mowing season the bid deadline detailed in the specifications will be April 7, 2014 at 2:30 pm. Discussion took place on this matter in regards to whether or not a multi year contract would be a good idea. It was the consensus of the board to go with the specifications as they are written but request a bid for a two year contract and at a later date consider granting an extension to the contract if both parties are interested.

Motion was made by Lano seconded by Zelmer to approve the Lawn Service Specifications in order to solicit bids for the 2014 mowing season.
Motion carried unanimously

H. 2014/2015 Pay Rate Considerations

Pay rate considerations for the township secretary/administrative assistant position and the assessor position were brought up for discussion. This carries over from the budget workshop discussion held on February 17, 2014 which included a 1.5% increase for the secretary/administrative assistant position and a \$15 per month phone usage stipend for the assessor.

Motion was made by Lano seconded by Zelmer to provide a 1.5% increase for the secretary/admin assistant position and to provide a \$15 per month phone usage stipend for the assessor. Discussion ensued with a request from Treasurer Kuhn for the board to review the total compensation benefit package of these positions as well as considering the idea of extending the office hours. Upon hearing that the members of the board were willing to schedule a special meeting before April 1st to address the matter of compensation packages, Lano withdrew her motion with consent from Zelmer.

Motion was made by Kuhn seconded by Zelmer to schedule a special meeting for March 24th at 7 pm in order to discuss terms, qualifications, compensation and benefit package for the secretary/administrative assistant position.
Motion carried unanimously

I. Fire Department Officer Appointments

The Chief's recommendations for fire department officers for 2014-2015 are as follows: Asst. Chief – Jim Pastryk; Captain – Matt Remmo; Captain – Chris Burks; Lieutenant – Chris Huston; Lieutenant – Cory Nichols.

Motion was made by Zelmer seconded by Pastryk to accept the slate of officers for the fire department as presented.
Motion carried unanimously

J. Fire Department Payroll

The matter of verifying fire department payroll was discussed. Lano expressed that after studying the fire department payroll reports and the FLSA regulations she has concerns related to the individual time sheets and the retention of the fire department payroll records. Chief Knisely stated that he was not going to give the information to the clerk that she has requested and since there has been so much difficulty in trying to obtain signed time sheets for the fire fighters, Supervisor Hicks was asked and he agreed to go to fire station one to verify that the payroll time sheets are being filled out in accordance to FLSA and that the records are maintained and retained in the acceptable manner.

K. Ordinance 63

Supervisor Hicks explained that this matter was on the agenda at the request of a resident. Ordinance No. 63 is the ordinance pertaining to the fire department structure, responsibilities and accountability. The Ordinance, the Fire Dept. Administrative Rules and the Fire Dept. Policy Manual have incompatibilities that need to be resolved. Attorney Bell gave her opinion on how to deal with incompatibilities and offered a number of suggestions on how to deal with the problems and issues but that there isn't any thing we can do tonight.

Motion was made by Hicks seconded by Zelmer to table any action on Ordinance No. 63.
Motion carried unanimously

L. Approval of Payment for FD Awards Banquet Scheduled for April 5, 2014

Chief Knisely submitted a request for approval of spending up to \$700 in order to pay for the Fire Department Awards Banquet scheduled for April 5, 2014. This banquet will be open to the public.

Motion was made by Pastryk seconded by Zelmer to approve spending no more than \$700 for the Fire Dept. awards banquet.
Motion carried unanimously

M. Location of Emergency Management Plan Book

It was determined that the Berrien County Emergency Management Plan Book No. 73 will continue to be kept at Fire Station One. The Plan Books are numbered and copies of the book are not supposed to be made.

N. Application Refund

Lano explained that an application received from Steve Lecklider in 2012 is still in limbo as no hearing was ever conducted and consequently there was never a written determination given to Mr. Lecklider. Lano requested permission to refund the application fee and the escrow money paid which totals \$900. Members of the board stated that all appropriate fees should be paid first before issuing a refund. All expenses have been tracked related to this application and Lano will provide the members of the board with the escrow balance that should be returned before issuing a refund. Attorney Bell suggested that we receive a letter from Mr. Lecklider stating that he is withdrawing his application which would assist is closing out this file.

Motion was made by Lano seconded by Zelmer to table the matter of the refund on the Lecklider application until April. **Motion carried unanimously**

O. Invocation

A resident requested that this matter be on the agenda so the board could address whether or not it is appropriate to be opening up the board meetings with prayer. Supervisor Hicks explained that the invocation was added to the agenda when he became supervisor and expressed his opinions on the matter. Brief board discussion took place on this matter.

F. Social Security Number Privacy Matter/Policy Resolution 031314 H

Attorney Sara Bell was present and explained that among the exemptions permitted by the OMA, Section 8(h) authorizes a public body to meet in a closed session to “consider material exempt from discussion or disclosure by state or federal statute.” MCL 15.268(h). In accordance with the Open Meetings Act the board may discuss the written opinion letter that Attorney Bell has prepared in closed session. It was also stated that the board would be taking no action while in closed session. She requested that the board take a roll call vote to go in to closed session. All guests would be asked to leave should the board vote to go into closed session.

Motion was made at 9:43 pm by Hicks seconded by Zelmer to go in to closed session under section 8(H) of the OMA for the purpose of considering the written legal opinion of Attorney Bell regarding the Social Security Number Privacy Matter. Roll call vote: **Motion carried unanimously**

At 10:08 pm the board came out of closed session and the board meeting reconvened. Since Lee Ann Couture was not present, Attorney Bell addressed Mrs. Couture’s husband, Martin Couture. Attorney Bell explained what steps the board was going to take in responding to the concerns detailed in the letter received from former township employee Lee Ann Couture.

8. COMMUNICATIONS

A. Enbridge Deactivating Process

A letter dated February 26, 2014 has been received from Enbridge with news that the deactivation process for Line 6B pipeline that was to start on February 28th has been delayed and will need to be rescheduled.

B. Berrien County Commissioners Meeting April 3rd at 7 pm at Fire Station One

At the request of Berrien County Commissioner Jim Curran, arrangements have been made for the April 3, 2014 Berrien County Commissioners meeting to be held at Fire Station One. The meeting is open to the public.

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

Six people made public comments.

10. BOARD MEMBER COMMENTS:

Board member comments were made by Zelmer, Kuhn, Lano and Pastryk. The matter mentioned by Trustee Zelmer is time sensitive as the board needs to decide what to do about leasing the farm ground by fire station one.

11. MISCELLANEOUS / ANNOUNCEMENT / SCHEDULE

- Next Township Board Meeting: Thursday, April 10, 2014

12. ADJOURNMENT

Motion to adjourn at 10:39 pm, was by Lano seconded by Kuhn. **Motion carried unanimously**

Respectfully Submitted,

Jane Lano
Bertrand Township Clerk

dated

witness