

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF OCTOBER 1, 2018**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Mathis called the meeting to order at 7:30 p.m.

Present: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker, Attorney Belzer and
Operations Manager Broecker.

Absent: Kesler

OPENING PRAYER / PLEDGE OF ALLEGIANCE:

Trustee Goupil offered the opening prayer. Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 10/1/18 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Lorraine

Ayes: All Present

Nays: None

Absent: Kesler

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 9/17/18 regular meeting stand approved as presented.

EXPENDITURES:

Treasurer Tucker, noting that the expenditure list includes several special assessment refunds for the Four Lakes paving project, explained that the project would be re-bid and constructed in 2019. Motion to approve invoices and expenditures for all funds totaling \$459,918.74 for payment as presented.

Motion by: Tucker

Seconded: Krug

Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker

Nays: None

Absent: Kesler

Motion carried.

PUBLIC HEARINGS:

**Little Long Lake Improvement Special Assessment District No. 2 - Hearing on
Special Assessment Roll**

Supervisor Mathis opened a public hearing on the special assessment roll for Little Long Lake Improvement Special Assessment District No. 2. The proposed roll assesses a total of \$518.14 per parcel, spread over 5 years. The board will accept public comment on the following:

1. An individual's assessment in relation to benefit received.
2. The total cost of the project.
3. The validity of the proceedings to date.

There was no public comment. Clerk Krug presented the following resolution:

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RESOLUTION NO. 2018-33

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed special assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the lake improvement project within Little Long Lake Improvement Special Assessment District No. 2 as shown on the plans and specifications for such project, and

WHEREAS, such public hearing was preceded by proper notice in the Tri-County Times, a newspaper of general circulation in the township, and by first class mail notice to each property owner of record within said district and upon said assessment roll, and

WHEREAS, comments were received from those present at such public hearing concerning said special assessment roll and opportunity to all present to be heard in the matter, and

WHEREAS, a record of those present to protest, and of written protests submitted, if any, at or before the public hearing was made a part of the minutes of the hearing, and

WHEREAS, the Township Board has duly inspected the proposed special assessment roll and considered all comments and proposed amendments thereto and has found the proposed special assessment roll, as submitted, to be correct, just and reasonable;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The special assessment roll submitted by the supervisor and assessing officer of the Township, shall hereafter be designated as Fenton Township Special Assessment Roll No. 2018-04 and shall hereby be confirmed as the special assessment roll for Little Long Lake Improvement Special Assessment District No. 2.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2018-04 shall be divided into five annual installments with the first installment due on or before December 1, 2018 and the following installments to be due on or before the 1st day of December of the years 2019 through 2022, inclusive.*
- 3. Future due installments of an assessment against any parcel of land may be paid to the township treasurer at any time in full. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the township board for reassessment upon the township tax roll, in accordance with said Michigan PA 188.*
- 4. The assessments made in said special assessment roll are hereby ordered and directed to be collected by the township treasurer, and the township clerk shall deliver said special assessment roll to said treasurer with his warrant attached, commanding the treasurer to collect such assessments in accordance with the direction of the township board and said PA 188.*

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5. *All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.*

Motion to adopt Resolution No. 2018-33 as presented.

Motion by: Krug
Seconded: Shumaker
Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker
Nays: None
Absent: Kesler

Motion carried. Resolution declared adopted.

REPORTS:

Public Safety Update

Trustee Goupil provided updates from the Fire Department:

- Chief Volz is working on lowering the department's ISO Rating. The capabilities, (i.e. aerial trucks), of neighboring departments with mutual aid agreements are now factored into the rating, which affects home insurance rates.
- Chief Volz also confirmed that the fire department training tower would be located at the DPW facility.
- Station 1 has received a new 911 base radio.
- Chief Volz has obtain two quotes and is working on a third for the installation of a security camera/card access system at each station.

Education Update

Treasurer Tucker stated that he, along with Clerk Krug, Chief Volz and Operations Manager Broecker, recently attended Michigan Township's Association training in Grand Rapids. He found much of the information very useful, including a recommendation to create a township motto, and to consider a township-wide survey on various topics.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

Schedule Election Commission Meeting – 10/15/18

Clerk Krug stated that the Election Commission will meet at 7:00 p.m. on Monday 10/15/18 (prior to the board meeting) to appoint election inspectors for the November 6, 2018 General Election.

NEW BUSINESS:

Dry Hydrant Easement Agreement - 13358 Wenwood Drive

The board reviewed a proposed easement agreement to allow the Township to install a dry hydrant on Wenwood Drive. Dry hydrants allow the Fire Department to draft water directly from the lake to fight fires. Locating a dry hydrant in a neighborhood shortens the amount of time needed to refill a tanker truck. Dick Cramer, owner of the property granting the easement, supports the dry hydrant installation, which will improve home insurance ratings for surrounding properties. Attorney Belzer confirmed that he has reviewed the easement agreement and recommends approval.

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Treasurer Tucker inquired whether the Township attorney had reviewed and approved the proposed indemnification language. Attorney Belzer confirmed that he had. Treasurer Tucker also suggested additional language to deal with the issue of lot splits.

Motion to approve the dry hydrant easement agreement for the property located at 13358 Wenwood Drive, as amended.

Motion by: Tucker
Seconded: Lorraine
Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker
Nays: None
Absent: Kesler

Motion carried.

Resolution No. 2018-34, Schedule Public Hearing on Special Assessment Roll - North Shore Drive Improvement Special Assessment District

Operations Manager Broecker, noting that the township board had previously adopted a resolution to create the North Shore Drive Improvement Special Assessment District, reported that the project has now been designed and a construction proposal has been presented to Fenton Township. A special assessment roll, based on the submitted proposal, has been prepared, certified by the Township Supervisor and filed with the Township Clerk. Because the revised cost exceeds the previous estimated cost by more than 10%, PA 188 requires the board to hold a hearing to give property owners an opportunity to provide input on whether or not the project should move forward. If it is determined to move forward, that same hearing can include a review and confirmation of the special assessment roll. A resolution to schedule the public hearing has been prepared for board consideration. Clerk Krug presented the following resolution:

RESOLUTION NO. 2018-34

WHEREAS, the Supervisor and assessing officer of the township has, in accordance with the resolution of the Fenton Township Board and the laws and statutes pertinent thereto, prepared a special assessment roll in the total amount of \$109,590.00 covering all parcels of land in the North Shore Drive Improvement Special Assessment District according to the relation of the benefit to each parcel of land to the total benefit to all parcels of land in such special assessment district, and has affixed thereto her certificate as required by said resolution, and

WHEREAS, the total cost in said special assessment roll exceed the previous estimated cost by more than ten percent (10%), and

WHEREAS, Public Act 188 of 1954, as amended, requires that, if an actual incremental cost increase exceeds the estimate costs by 10% or more, notice shall be given and a hearing afforded to the record owners of property to be assessed;

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. That said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular working hours of regular working days from the present date until the public hearing upon the same and shall further be examined at such public hearing.*

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2. *That the Fenton Township Board shall meet at 7:30 p.m. on October 15, 2018 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the township, to:
 - a. *Receive comment from property owners in the special assessment district regarding the continuation of the project given the increase in costs.*
 - b. *Review the special assessment roll and hear any objections thereto.**
3. *That the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in the Tri-County Times, a newspaper of general circulation in the township prior to the date of the hearing, with the first publication being not less than ten (10) days prior to the hearing and shall further cause notice of such hearing to be mailed by first class mail to all owners of or persons having an ownership interest in property within the North Shore Drive Improvement Special Assessment District as shown on the current assessment roll of the Township also at least ten (10) days prior to said hearing, all in accordance with the law and statute provided.*
4. *All resolutions and parts of resolutions insofar as they conflict with the provisions of the within resolution are hereby rescinded.*

Motion to adopt Resolution No. 2018-34 as presented.

Motion by: Krug
Seconded: Lorraine
Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker
Nays: None
Absent: Kesler

Motion carried. Resolution declared adopted.

Proposed Employment Agreement – Fire Chief

Supervisor Mathis stated that a new employment agreement has been drafted for Fire Chief Ryan Volz. The new agreement is consistent with similar agreements already in place for the Operations Manager and the Assessor, and has been reviewed by the Township Attorney.

Supervisor Mathis asked to be allowed to abstain from voting on the agreement, due to a perceived conflict of interest.

Motion to allow Supervisor Mathis to abstain from voting on the Fire Chief employment agreement due to a perceived conflict of interest.

Motion by: Goupil
Seconded: Tucker
Ayes: Krug, Tucker, Shumaker
Nays: Goupil, Lorraine
Absent: Kesler
Not voting: Mathis

Motion failed.

Motion to approve the employment agreement for Fire Chief Ryan Volz as presented

Motion by: Goupil

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Seconded: Lorraine
Ayes: Mathis, Krug, Tucker, Goupil, Lorraine, Shumaker
Nays: None
Absent: Kesler

Motion carried.

Diversity Training – Determination of Comparable Training

Supervisor Mathis noted that three members of the Fenton Township Fire Department did not complete the required employment/diversity training recently provided by the Township. As a result, they are on temporary suspension until this training requirement is met. The Township has received a request to allow these three individuals to use the *FEMA Diversity Awareness* online course to serve as comparable training to meet the requirement. Attorney Belzer commented that, while the FEMA online course is excellent for diversity training, it does not cover other key areas, such as harassment, that were included in the training provided by the Township. Attorney Paul Vance of Cline, Cline & Griffin has offered to provide the same training as done for the staff and fire department for \$300. After additional discussion, the board agreed that the three department members, along with a recently hired firefighter, could take the class with Mr. Vance, with the cost being paid by the Fire Fund training budget. It was emphasized that all four need to attend a single session, not separate sessions.

Motion to approve a \$300 Fire Fund expense to allow members of the fire department that haven't already done so, to take the employment based training class provided by Cline, Cline & Griffin, at a date and time to be determined by the Fire Chief.

Motion by: Lorraine
Seconded: Goupil
Ayes: Mathis, Tucker, Goupil, Lorraine, Shumaker
Nays: No
Absent: Kesler

Motion carried.

BOARD COMMENT:

None

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Tod Shull, Fenton Township Fire Department

Regarding the employment training class, Mr. Shull asked who is authorized to administer the class. Treasurer Tucker stated that, for now, we should use an attorney that specializes in employment law. Going forward, the township may look to internally provided training and/or online training for new hires and ongoing training needs.

ADJOURN: Meeting adjourned at 8:20 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 10/2/18