

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF SEPTEMBER 16, 2019**

**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, Kesler, Lorraine, Attorney Belzer and
Operations Manager Broecker.

Absent: Reid

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 9/16/19 Fenton Township Board Meeting agenda as presented.

Motion by: Lorraine

Seconded: Tucker

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

Nays: None

Absent: Reid

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 9/3/19 regular meeting stand approved as presented.

EXPENDITURES:

Treasurer Tucker asked about the invoice for repairs to the Ordinance Enforcement Officer vehicle. Operations Manager Broecker explained that the invoice included new tires, blower resistor, ignition coils, spark plugs, oil change plus labor. Trustee Lorraine asked why the Township is paying for the new fire truck when it won't be delivered for several more weeks. Operations Manager Broecker clarified that the check is being approved tonight, but will be held until the truck is ready for delivery. Motion to approve invoices and expenditures for all funds totaling \$957,857.86 for payment as presented.

Motion by: Tucker

Seconded: Kesler

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

Nays: None

Absent: Reid

Motion carried.

PUBLIC HEARINGS:

Loon Lake Improvement Special Assessment District No. 2 – Continuation of Public Hearing on Special Assessment Roll

Supervisor Mathis noted that, after convening a public hearing at the 9/3/19 board meeting on the special assessment roll for Loon Lake Improvement Special Assessment District No. 2, the Township Board voted to continue the hearing at the 9/16/19 meeting. Operations Manager Broecker explained that the reason for the continuation was a request by a property owner for consideration of reducing or eliminating the special assessment on his and two other similarly situated parcels. The properties in question are located on a cul-de-sac on Neal Court and, although these properties have legal, deeded access to Loon Lake, their parcels do not have actual lake frontage and their location

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relative to the water makes lake access more difficult. The Township Board asked for input from the lake association before determining if the assessment for these properties should be reduced or eliminated.

The board reviewed a letter from the property owner to the lake association requesting consideration for a 50% assessment recommendation, and a letter from the association to the Township indicating they feel the properties should be assessed the same as all other riparian parcels.

Treasurer Tucker stated that, upon further reflection, he believes even more strongly that the lots in questions should be assessed at the full amount. The reasons behind request for reduction requires the board to make a subjective decision, which could set an unwanted precedent.

Trustee Lorraine agreed. The properties in question have full rights to use the lake, even if their access is more difficult.

The proposed "full share" assessment amounts per parcel are as follows:

December	2019	\$ 233.06 (includes township administrative costs)
"	2020	221.91
"	2021	221.91
"	2022	232.03
"	2023	232.03

Public comment:

David Weber, 4212 Neal Court

Mr. Weber, President of Friends of Loon Lake, stated that the association board reached the same conclusion as the township board. Although they sympathize with the difficulties for the three properties to use the lake, they believe the lots should be assessed the full amount.

There was no further public comment. Supervisor Mathis closed the public hearing. Clerk Krug presented the following resolution:

RESOLUTION NO. 2019-41

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 Loon 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

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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. 2019-06 and shall hereby be confirmed as the special assessment roll for Loon Lake Improvement Special Assessment District No. 2.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2019-06 shall be divided into five annual installments with the first installment due on or before December 1, 2019 and the following installments to be due on or before the 1st day of December of the years 2020 through 2023, 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.*
- 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. 2019-41 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Absent: Reid

Motion carried. Resolution declared adopted.

Regarding a different topic that affects Loon Lake, Supervisor Mathis noted that someone has been placing PVC pipes and chicken wire in the culverts between Loon Lake and

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Squaw Lake, in an apparent attempt to block the culverts and affect lake levels. The sheriff department is aware of this issue and the Township will continue to monitor this area.

Proposed 2019 Special Assessment Roll - Fenton Township Fire Protection Special Assessment District

Supervisor Mathis opened the annual public hearing on the Fire Protection Special Assessment Roll. The assessment per property remains at \$65.00.

There was no public comment. Supervisor Mathis closed the public hearing. Clerk Krug presented the following resolution:

RESOLUTION NO. 2019-47

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 raising money by special assessment for furnishing fire protection and purchasing and housing equipment, and for the operation of same, and, and

WHEREAS, such public hearing was preceded by proper notice in the Tri-County Times, a newspaper of general circulation in the township, 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. 2019-10 and shall hereby be confirmed as the 2019 special assessment roll for the Fenton Township Fire Protection Special Assessment District.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2019-10 shall be due and payable on or before December 1, 2019.*
- 3. If any 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*

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accordance with Michigan Public Act 33 of 1951, as amended, Michigan Public Act 81 of 1989, as amended, and Public Act 188 of 1954, as amended.

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 P.A. 33 of 1951, P.A. 81 of 1989 and P.A. 188 of 1954.*
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. 2019-47 as presented.

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

Motion carried. Resolution declared adopted.

REPORTS:

None

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Resolution No. 2019-48, Schedule Public Hearing on Proposed Street Improvement Special Assessment District for Margaret Drive and Ruth Drive

Supervisor Mathis reported that property owners on Margaret and Ruth Drives have filed petitions to create a street improvement special assessment district to resurface both streets. The signatures on the petitions submitted represent 61.78% of the total frontage in the proposed district, with 87 of 150 property owners signing the petition.

The next step in the process is to conduct a public hearing on the creation of the special assessment district. A resolution has been prepared to schedule that public hearing. It was noted that the proposed date for the hearing is in November to allow time to schedule an informational meeting for the property owners prior to the hearing.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2019-48

WHEREAS, the Charter Township of Fenton has accepted petitions from owners of properties benefiting from the proposed improvement of Margaret Drive and Ruth Drive

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to create a special assessment district under the authority of Michigan Public Act 188 of 1954, as amended, for the purpose of asphalt resurfacing Margaret Drive and Ruth Drive, both public streets in Fenton Township, and

WHEREAS, it has been determined that the petition has been signed by property owners constituting more than 50% of the road frontage of the proposed special assessment district, and

WHEREAS, preliminary plans and estimated costs for the foregoing street improvements have been placed on file in the office of the Township Clerk,

NOW, THEREFORE, BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to resurface Margaret Drive and Ruth Drive, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does tentatively designate the special assessment district against which the costs of the improvements are to be assessed as the Margaret Drive-Ruth Drive Improvement Special Assessment District, which shall include the lands and premises more particularly described as follows:

***All parcels of land with frontage on Margaret Drive and/or Ruth Drive
and***

BE IT FURTHER RESOLVED, that a hearing on any objections to the petitions, to the improvement, the estimate of costs, and to the special assessment district proposed to be established for the assessment of the cost of such improvement, shall be held on Monday November 4, 2019 at a regular meeting of the township board at the Fenton Township Civic Community Center, 12060 Mantawauka Drive, Fenton, Michigan, commencing at 7:30 p.m., and

BE IT FURTHER RESOLVED, that the Township Clerk is instructed to give proper notice of such hearing by mailing and publication in accordance with law and statute provided, and

BE IT FINALLY RESOLVED, that 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. 2019-48 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Absent: Reid

Motion carried. Resolution declared adopted.

Letter of Retirement - Leeandra "Andy" Badgley

Supervisor Mathis reported that long-time Fenton Township employee Andy Badgley has submitted a letter confirming her retirement effective November 27, 2019. Board action is required to formally approve her retirement. In her letter, Ms. Badgley thanked the Township for the opportunity to serve the community for the past 18 years, and stated she is looking forward to traveling and spending more time with her family. Supervisor Mathis described Andy as an "amazing" individual, who will definitely be missed.

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Motion to accept, with regret, the retirement/resignation of Leeandra Badgley, effective November 27, 2019.

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

Motion carried.

Offer to Purchase 1981 American LaFrance Pumper Truck

Supervisor Mathis reviewed an offer from local resident Pete Toriello to purchase the 1981 American LaFrance fire truck. The truck has been out of service for several years and attempts to sell the truck by auction have not resulted in any bids or offers. Mr. Toriello is offering \$300 for the truck, with plans to renovate the vehicle for use in local parades and events. In his offer letter, Mr. Toriello stated that he wants to dedicate the renovated truck to the memory of his late brother-in-law, who worked with the same model truck for the Hackensack, New Jersey Fire Department. Supervisor Mathis stated that she is in favor of selling the truck to Mr. Toriello.

Motion to approve the sale of the 1981 American LaFrance pumper truck, in "as is" condition, to Peter Toriello for a purchase price of \$300.

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

Motion carried.

Fenton Township Fire Department - Recommended Termination

Fire Chief Volz reviewed his memo to the board recommending the termination of Firefighter Michael Johns for failure to meet the minimum monthly required alarm response percentage for the third time in a 12-month period.

Firefighter Johns responded to 9% of the alarms for the month of August. He was previously issued a Verbal/Level 1 Written Warning for the month of March (10%), and a Level 2 Written Warning for the month of April (9%). The minimum standard for firefighters is 20%.

Motion to terminate the employment of Firefighter Michael Johns for failure to meet the minimum monthly required alarm response percentage three times in a 12-month period.

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

Motion carried.

BOARD COMMENT:

None

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PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Chris Swanson, 5 Barrington Hills

Mr. Swanson thanked the board for completing the Eleanor Drive paving project and also thanked Operations Manager Broecker for guiding the residents through the special assessment process. The newly paved street looks great and everyone he has spoken to is happy with the road. Mr. Swanson commended the board and township administration for consistently providing excellent service to the public.

Kirk Stephens, 5015 Lahring Road

Mr. Stephens criticized the Township for dismissing firefighters and not hiring new ones. He claimed that a recent fire near his home resulted in a low number of responding firefighters. Treasurer Tucker noted the irony of this criticism, given that Mr. Stephens himself was dismissed from the fire department for not responding to alarms.

Michael Johns, 6337 Cook Road, Swartz Creek

Mr. Johns accused Chief Volz of lying with regard to his previous disciplinary actions. He claims his dismissal is retaliation for supporting Firefighter Polidan in her lawsuit against the Township.

Kristy Polidan, 9070 McCall Road, Grand Blanc

Ms. Polidan agreed that the fire department needs more firefighters. She also stated there are no “checks & balances” within the department, claiming that Station 2 firefighters are not making their percentages, but are not being disciplined.

Clerk Krug thanked and commended both stations of the Fenton Township Fire Department, the City of Fenton Fire Department and the Genesee County Sheriff Department for their quick response to a structure fire at his daughter’s home. Their actions saved the lives of his two grandsons, who were still sleeping when the fire started.

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

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 09/17/19