

VIENNA TOWNSHIP BOARD MEETING
MONDAY, FEBRUARY 2, 2015
CYNTHIA J. BRYAN, CLERK

Roll Call: Present: Taylor, Bryan, Cain, Fuller, Lemeiux, Belill, Thomas
Absent: None

Previous Minutes: January 5, 2015. Moved by Bryan, seconded by Cain to approve the minutes of January 5, 2015 with any changes and corrections. All in favor.

January 15, 2015. Moved by Bryan, seconded by Cain to approve the minutes of January 15, 2015 with any changes and corrections. All in favor.

Bills: Bills in the amount of \$ 125,551.42 were presented. Cain stated that the truck had come in and that he would request that the bill in the amount of \$29,748.80 be added to the bills, making the total approved bills \$155,300.22 Moved by Cain, seconded by Bryan to approve the bills in the amount of \$ 155,300.22.
ROLL CALL: Yeas – Bryan, Cain, Fuller, Lemieux, Thomas, Belill, Taylor
Nays – None Motion carried

Treasurer's Report: Cain presented the December 2014 Treasurers Report.

Building Report: Canterbury reported that 2014 building was up \$200,000 from 2013, with the total number of new builds being 10. She stated that as of January 1st, the building department began inspections for City of Clio and they are expected to be small like Forrest Township. Canterbury reported that Applebee's is expected to open in about a week and a half.

Library Report: Thomas reported that December was an average month, but that the week of Christmas and the New Year were extremely busy. She stated that friends of the Library would be holding their next book sale on February 7th and will use the proceeds for window treatments on the east side of the building and to restore and repair to the circulation desk.

Senior Center Report: Susan Marlow stated that Burton is snowed in and presented the Board with financials. Marlow reported that repairs have been made to the van and a semi-annual inspection will be conducted on it moving forward, the server at the Senior Center has been replaced and are looking into replacing other outdated equipment, and they are continuing to work on membership numbers.

Fire Authority Report: Cain reported the Fire Authority is in the process of looking at a new truck and a committee has been formed to spec it out. He stated that they are looking at possibly replacing two vehicles for this one and they are working to determine if there is enough funds to do so. Cain stated that the spec should be done by the next Fire Authority meeting and the bid process will begin and that they are looking at a 15 year lease with a buy option at the end. Belill questioned what type of truck they are looking at and Cain stated that they are looking at a tanker and a pumper with possible rescue equipment.

BDA Report: Curtis stated that there have been some issues with lights down, but that it has been handled and in the future calls should be made directly to the County. Cain stated that he felt the BDA should handle any contact with the County regarding light repairs and Curtis agreed. Curtis stated that they haven't had a meeting since the last meeting, but would be discussing property in front of Conlee's donated to the BDA, snow removal on the sidewalks and approving the budget adjustments at their next meeting. Cain stated that the Township would take care of the plowing of the sidewalk from the City of Clio to Kan Rock Tire.

Supervisor's Report: Taylor stated that he has been to meetings regarding the bridge repairs on Webster and Wilson Roads. He stated that it is the responsibility of the Township to have the light poles taken down and reinstalled upon completion. He stated that work is expected to begin in June and be completed in August and the cost for the light removal and installation could cost between \$3,000 and \$5,000.

Additions/Changes: 6. Assessor Employment Status

Correspondence: 2015 BDA Annual Report

Public Comment: Sheila Lash, 4331 E. Lake Road, stated that she researched deeds with the Genesee County Registrar of Deeds and they can find nothing registered before 1988. She stated that she measured the distance between her location and the bar and it is .6 miles, not the previously stated 1 mile and that she feels that the soccer fields should have no bearing on the decision because the bar is right across the street from the complex. Lash expressed her concern over losing two potential sales because the zoning issue and felt that because the property is located on a highway and is not in a neighborhood there should be no problem with rezoning it as commercial. Lash stated that she felt the assisted living facility down the road should be considered commercial and that none of the neighbors have attended meetings in opposition of the rezoning.

individually as was done for the Board of Review. Fuller stated that only those individuals up for renewal needed to be voted on. Taylor stated that Gery Giltinan and Doug Chilson were up for renewal and recommended that they both be retained. Moved by Fuller, seconded by Belill to appoint Gery Giltinan to the Planning Commission.

ROLL CALL: Yeas – Thomas, Belill, Taylor, Bryan, Cain, Fuller, Lemieux
Nays – None Motion carried

Moved by Fuller, seconded by Belill to appoint Doug Chilson to the Planning Commission.

ROLL CALL: Yeas – Belill, Taylor, Thomas
Nays – Bryan, Cain, Fuller, Lemieux Motion denied

Taylor stated that they would now look at the appeal board. Fuller stated that they would need to put someone in the position and recommended that Doug Fillmore be placed on the Board. Taylor stated that Fuller could not make the recommendation and Fuller disagreed. Bryan stated that she has tried to convey to Taylor in the limited time she has had with him that a person on the planning commission also needs to be on the zoning board and that Doug Chilson would be that person. Taylor stated that Vern Curtis could fill that requirement and that he spoke with Marie who felt that they should remain the way they are because there is a learning curve and it takes a while to catch on and he agreed with her. Fuller stated that the Board does not agree with them. Belill stated that the Board did not have to agree with Taylor, but that it was his job to make the recommendation to Board and that the same thing occurred 4, 5 or 6 years ago. Fuller stated that there hasn't been a supervisor for 4, 5 or 6 years either and the way it has been done has been illegal by paying the BDA members and the Board was trying make things right. Lemieux stated that three qualified individuals had responded with a letter of interest, and he felt those three should be considered. Belill questioned what Michigan Law states on who makes the recommendation, Bryan stated that there are a few Boards in which the Supervisor makes the recommendation, but that she didn't bring the information with her. Belill suggested the appointments be tabled until it is known for sure. Lemieux stated that this should have been completed in December, Belill stated that she agreed but didn't think a decision should be made without the law behind them. Taylor stated that he felt it was a good idea to ask for interest from the outside, but felt that three Board members had already made their decision and questioned why he should even make recommendations if the decision has already been made. Bryan stated that she sent an email to all Board members requesting that they come in and look over the letters of interest, three of the members did meet to go through them because it is something that needs to be completed and they cannot rely on Taylor to come into the office. Bryan continued that herself, Lemieux and Cain did a ton of research on the applicants and met to discuss them. Fuller stated that he came in to look at the letters, but they were not

available because Taylor had removed them from the office. Fuller stated the service Taylor has provided the Township has been crap and that he should do the Township a justice and resign from the Board. Taylor stated that Fuller had already tried that and it didn't work and that he came in on Sunday to look them over and took them home to finish them. Taylor stated that he apologized that Fuller came home from vacation and he didn't have them available when he came in last minute to look at them. Fuller stated that he had no right to remove them from the office, Taylor stated that he had every right in the world. Bryan stated that there were three Board members who were informed that they would be available to look at and nothing was set in stone. Bryan stated that they couldn't wait for Taylor who comes into the office for a very limited amount of time to discuss the applicants and when she suggested that they discuss them, Taylor took the attitude that a decision had been made and there was no sense in discussing them. Bryan stated that they researched every applicant, looked at their strengths and made recommendations based on that, and did not base the decision to go against what Taylor wanted and if a conversation had taken place, they could have discussed it and possibly come to an agreement. Bryan stated that if Taylor wanted to table it, he could but that this is something that should have been completed three months ago. Lemeiux stated that this would push it until the 1st week of March and he doesn't think it will change whether the Board waits a month or week. Taylor stated that he is willing to sit down and discuss the appointments, but that it is hard for him to believe that anyone else is open when the decision has already been made. Bryan stated that the recommendations they created are not set in stone and if they were why would she send an email to the rest of the Board asking them to come in, review them and ask questions. Bryan stated that this needs to be taken care of, Lemieux stated that it needs to be taken care of tonight and Taylor stated that it wasn't going to be taken care of tonight. Lemieux stated that if Taylor couldn't handle the responsibilities of the Township, he needs to consider resigning as Fuller had stated. Falardeau questioned whether there were any appointments that the Board could agree on. Lemieux questioned whether there was a conflict on the ZBA, Bryan stated that she felt there was a conflict with Vernon Curtis serving on the BDA, Planning Commission and Zoning Board of Appeals. Taylor stated that he agreed there could be a conflict and stated that he felt there could have been some kind of compromise if they could have sat down and talked about it. Bryan stated that Taylor could have made an appointment to talk to her, Cain or Lemieux. Lemeiux stated that he is in the office 4 days per week, 6-7 hours per day and Taylor comes in at 4 or 4:30pm and there has been ample time to take care of this. Lemeiux questioned why an end of year task is carrying on into March. Taylor stated because he was dumb enough to suggest that letters of interest be taken and to think that there would be an open and honest conversation to discuss them. Cain stated that he was offended that Taylor

insinuated that he was not open and honest about the individuals who applied and took it very seriously when he went through each candidate. Cain stated that Taylor sat down with Bryan and himself for 10 minutes and decided that they would come up with suggestions and then sit down and discuss them. Cain stated that Taylor didn't do his part and now wants to question what they did. Taylor stated that he was sorry Cain was offended, but that he would have liked to have been there. Cain stated that he would have liked for Taylor to be there too. Taylor stated that he wanted it to be an open discussion and didn't feel like it would have been. Cain stated that he doesn't know how it couldn't have been open, as he didn't know the individuals who applied, with the exception of Gery Giltinan and Vernon Curtis. Cain stated that if Taylor had come to him with reasoning behind any of his recommendations, they could have had a discussion, but to assume that the decision was already made is incorrect. Taylor stated that there was no reason to discuss it, because they already had their 3 votes and it was a done deal. Lemieux stated that 3 votes was not a done deal last time he checked that Taylor called him on Saturday and they had this same conversation. Lemieux stated his concern with conflict of interest between the Planning Commission and Zoning Board of Appeals and explained that he as a Board member couldn't vote on something that the Zoning Board of Appeals sends to the Board. Lemieux stated that a member of a Board cannot vote twice on items. Lemieux stated that he hoped there was no prejudice against Fillmore on Taylor's part, Taylor stated that there wasn't and that he placed him on the Board to begin with. Taylor stated that he felt it needed to be tabled, so that they could sit down and have a good heart to heart so that we don't have the same thing at every meeting. Moved by Bryan, seconded by Belill to table the board appointments until March 2, 2015.

ROLL CALL: Yeas – Thomas, Belill, Taylor, Bryan

Nays – Cain, Fuller, Lemieux

Motion carried

Operation and Maintenance Agreement – Genesee County Water and Waste. Taylor stated that Ryan supplied a detail of what was proposed, what it currently costs to do what we are doing and a recommendation for moving forward. Cain stated that he and Ryan went through the agreement and spoke in detail with John O'Brien about it. Cain stated that he asked Ryan to compare the previous contract with the proposed contract and present the Board with exhibit A that Taylor had detailed. Taylor stated that they had accused him of being late, but that he had never received one in the past. Taylor stated that some of their rates are outrageous and it is more cost effective to do some of it on our own. Lemieux stated that Palmer advised the Board before his retirement to make contact with Jeff Wright and begin the process of getting out of the sewer business. Taylor stated that all the Board needed to do was check the box and begin sending checks and they would no longer be responsible for the

hours in a three day work week. Taylor stated that he was present when the contract was signed and at that time Beach had prior commitments on Monday and it was decided that he would work Tuesday – Thursday and Friday as needed, and if his commitment changed he would work on Monday. Lemeiux stated that the work hours are under section 4 and that the public act states that he reports to the Supervisor. Lemeiux felt that the law would provide for the Supervisor to manage his hours. Lemeiux stated that Beach is in the office before most people are out of bed in the morning and on the weekends as needed and he felt they should allow him to return to a three day work week. Taylor stated that they had allowed him to work on Friday because his job does not require him to interact with residents very often. Bryan stated that she hadn't heard about this until a couple hours before the meeting and in fact hadn't seen the letter from Taylor presented to the Board until the start of the meeting. Bryan stated that when she spoke with Beach regarding the necessity for him to be at the Township she explained more than what Beach stated. Bryan stated that she was informed when taking on HR that the reason Beach was allowed to work a three day work week was because at the time he was hired he lived up north and was commuting back and forth, but that since then Beach has purchased a house and lives in Vienna Township. Bryan explained that in addition to being able to work a three day work week, on weeks where the holiday falls on a Monday, as the majority do, Beach has been taking Tuesday as the holiday leaving the Township with an assessor for two days. Bryan stated that when she spoke with Beach regarding moving to a four day work week, he never mentioned another job and that the employee manual states that employees can work second jobs provided it doesn't interfere with their job at the Township. Bryan questioned whether this second job was the reason for Beach's request to not work Monday because he stated he would work four days in the winter, but only wanted to work three in the summer. Bryan stated that if she were an employee and this happened she would request that she be allowed to do the same. Bryan stated that she felt the Board should be allowed the opportunity to look at the contract that was signed and the letter presented to them by Taylor before making this decision. Belill stated that she would like to see a copy of the contract. Beach stated that he would be willing to waive Monday holidays to move to a three day work week. Bryan stated that it wasn't really the point, but rather the point is that we are all there to serve the public. Bryan stated that working Friday defeats the purpose of closing on Friday as a cost savings measure and the residents aren't able to contact him. Beach stated that any calls or people coming in could talk to Marie. Bryan stated that she was aware of at least one call by a resident who was unable to contact you and the problem arises when Canterbury is out on vacation. Beach stated that he would work that out with Canterbury and that agreement has been in place since he started. Taylor stated that he sees no harm in talking through this more as a board. Lemeiux stated that the letter is dated January 28,

2015, so it is nothing that popped up and Taylor should have provided it to the Board then. Lemieux stated that in the meeting Taylor acknowledged that he made verbal agreements since the contract was signed. Taylor stated that the Board needed to look at some of the things Bryan had brought up before making the decision. Lemieux stated that the contract was signed under this Boards term with the exception of Cain and Bryan. Cain stated that the contract states none of what Lemieux is questioning. Lemieux stated that the contract was cookie cutter and the only thing changed was the address. Cain stated that when a contract is signed, you must be aware of what the contract states. Lemieux stated that section 4 is what is in question, Bryan stated that she questions more than that. Lemieux stated that this was discussed between Beach and Taylor last week and that it should be tabled so that everyone can come up with an agreement, Belill stated that it had already been suggested. Moved by Cain, seconded by Belill to table until March 2, 2015. All in favor

Public Comment:

Roy Seary, 4215 W. Wilson Road, stated he would like to have a Supervisor up here a little more often and that he feels the employees should be at the office 5 days a week, 8 hours a day.

Jeff Herrington, 3096 W. Wilson Road, stated that he was speaking tonight as a resident of the Township and not in a professional capacity. Herrington suggested that the video tape of this meeting be sent to the Governor's office as soon as it is available and feels it is ridiculous for this to continue to go on. He continued that public service is about serving the public and not about the public serving them. He stated that Taylor was clearly using this job to supplement his income and is not putting in the time it takes to run this Township and be a leader in this Township. Herrington asked Taylor to do the right thing and resign from his office.

Board Comment: None

Moved to adjourn at 7:35PM

Cynthia J. Bryan
Clerk

CERTIFICATION:
STATE OF MICHIGAN
COUNTY OF GENESEE

Approved

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the regular meeting of the Township Board of the Charter Township of Vienna, Genesee County, Michigan, held on the 2nd day of February, 2015.

Randy Taylor
Supervisor

Cynthia J. Bryan
Clerk