

Salem Township Board of Trustees
Minutes of the Regular Board Meeting
April 13, 2010
APPROVED (as amended) with Corrections

1. Pledge of Allegiance/Call To Order

Meeting called to order at 7:30 p.m. by Supervisor Heyl who led in the Pledge of Allegiance.

2. Roll Call

Present: Bejin, Heyl, Trent, Uherek, Van Fossen, Wallazy, Witkowski. Absent: None.
Quorum declared.

3. Agenda

Motion by Mrs. Van Fossen and seconded by Mr. Wallazy to approve the agenda as presented. Numerous requests were made for additions to the agenda and were voted on individually as follows:

Under Business Items

Add item 7-K: Salem Community Events unanimously approved

Add item 7-L: Plante & Moran Engagement Letter approved 6-1

Add item 7-M: Ray Givens Letter approved 4-3

Add item 7-N: Ellie Hill Request for use of Village Green failed 3-4

Under Board Discussion

Add item 9A: Use of Township Messenger failed 3-4

Add item 9B: Containment of Professional Services failed 3-4

Add item 9C: South Lyon Youth Assistance unanimously approved

And add Business Item 11: Potential Closed Session after Public Comment approved unanimously.

Motion to approve the agenda as amended failed 3-4.

The following business items were asked to be removed from the agenda:

Item 7B – Contract Post Office Eviction failed 3-4

Item 7E – Legal Communication failed for lack of a second

Item 7H – Dissolve Fire Administrative Board failed 3-4

Item 7I – Fire Department Rules and Regulations failed 3-4

Motion to approve the agenda as amended carried 5-2.

4. Presentations – Dr. Donna Weinstein of South Lyon Youth Assistance was unable to attend and will be rescheduled to another meeting.

5. Public Comment - Brief: Eleven citizens provided comments within the allotted 20 minutes for Public Comment. The Board unanimously agreed to allow an extra 10 minutes of public comment where an additional five citizens provided comments.

Page 2

Salem Township Board of Trustees
April 13, 2010 – APPROVED (*AS AMENDED*) with Corrections

6. Consent Agenda

Motion by Mr. Trent and seconded by Ms. Bejin to approve the following consent agenda items:

- A. Minutes of the March 9, 2010 Regular Meeting of the Board of Trustees
- B. Minutes of the March 26, 2010 Special Board Meeting as corrected
- C. Closed Session Minutes from the Special Board Meeting of March 26, 2010
- D. Disbursements for March 2010
 - 1. General Fund - \$183,479.71 (checks 21322-21384)
 - 2. Payroll - \$47,523.77
 - 3. Sewer Fund - \$144,742.16
 - 4. Electronic Fund Transfers - \$172.00
- E. Designated Official Depositories (Comerica Bank, JP Morgan Chase, Fifth Third, MBIA, Bank of America, Flagstar, National City Bank)
- F. Official Paper of Record (South Lyon Herald with Ann Arbor.com as alternate)
- G. 2010-11 Fiscal Year Meeting Dates
- H. Accept the FAB Minutes of February 8, 2010

Motion Ms. Bejin, second Mr. Trent to pull item G. from the Consent Agenda and added as Business Item 7-O.

Motion Mr. Witkowski, second Mr. Trent to pull ~~pull Item G. and added as Business Item 7-O.~~ ~~was pulled~~ Check #21379 for Johnson Rosati totaling \$15,578.50 ~~was pulled~~ from item D-1 and included under Business Item 7-F.

Motion carried 6-1 (Uherek) to approve the remainder of the consent agenda items.

7. Business Items

A. Retirement Benefits Committee

Motion by Ms. Bejin and seconded by Mr. Witkowski to seat a Retirement Benefits Committee to review the history and current status of all retirement benefits available to Salem Township employees and report the findings and possible resolutions to the Board. Expenses for professional services incurred, not to exceed \$2,000, will be charged against the claims/damages account previously created. Also, waive the attorney-client privilege on correspondence from Johnson Rosati dated March 22, 2010 and Frazer Trebilcock of January 14, 2010 regarding the Township's 457 Plan. Members of the committee are Susan Bejin, Chair; Paul Uherek, Co-Chair, and Douglas Shepherd. Motion by Mr. Uherek and seconded by Mrs. Van Fossen to amend the motion and add *Plan Administrator* Robert Heyl to the committee. Amendment carried unanimously.

Motion by Mr. Wallazy to further amend and expand the scope of the committee's charge to investigate the possible recovery of expenses from the Arbitration and ACLU legal cases.

Motion died for lack of a second.

Original motion as amended carried 6-1 (Van Fossen).

B. Contract Post Office Eviction

Motion by Mr. Uherek and seconded by Mr. Heyl to authorize the township attorney to issue a notice to quit to the contract post office to vacate the Rider House in 30 days. Further, that the township attorney pursue further legal remedies if the Rider House is not vacated.

Page 3

Salem Township Board of Trustees
April 13, 2010 – APPROVED (*AS AMENDED*) with Corrections

Motion to amend by Mrs. Van Fossen and seconded by Mr. Trent to extend the notice to quit to August 15, 2010. Roll call vote: Ayes 3 (Trent, Van Fossen, Wallazy) – Nays 4 (Bejin, Heyl, Uherek, Witkowski). Motion to amend failed.

Motion by Ms. Bejin and seconded by Mr. Witkowski to postpone the decision indefinitely. Roll call vote: Ayes 3 (Bejin, Trent, Witkowski) – Nays 4 (Heyl, Uherek, Van Fossen, Wallazy). Motion to postpone failed.

Roll call vote on original motion: Ayes 4 (Heyl, Uherek, Van Fossen, Wallazy) – Nays 3 (Bejin, Trent, Witkowski). Motion carried.

C. Remove Attorney Client Privilege on Attorney Bills

Motion by Mr. Wallazy and seconded by Mr. Uherek to approve the reconsideration of waiving the “attorney-client privilege” on all prior detailed legal invoices subject to redaction of any matter covered by a confidentiality agreement or prohibited from release by court order. Motion carried unanimously.

D. Waive Privilege on Attorney Opinion

Motion by Mr. Wallazy and seconded by Mrs. Van Fossen to waive the attorney-client privilege on the March 31, 2010 township attorney opinion as to whether or not the Salem Township **Fire** Administrative Board is a public body. Motion carried unanimously.

E. Legal Communications

Motion by Mr. Uherek and seconded by Mr. Heyl to direct that the law firm of Johnson Rosati will send its written and e-mail correspondence to the Supervisor and all written and e-mail correspondence from the Board to Johnson Rosati will come through the Supervisor. The Supervisor will decide on further distribution of the correspondence. This supersedes any prior motion.

Motion to amend by Mrs. Van Fossen and seconded by Mr. Uherek to replace the sentence “The Supervisor will decide on further distribution of the correspondence.” with the following:

Copies of the attorney’s responses will be returned to the requesting party with a cc to the Supervisor.

The Supervisor will keep a file in his office of correspondences requested to and from the attorney firm by the following:

- The Township Board
- Township Board Approved Committees, and
- Individual Board members, Department Heads, except those from Administrative Officials performing their administrative (statutory) day-to-day functions.

The Supervisor’s files will be made available to all Board members for review upon their request and scheduling an acceptable time convenient to both parties.

Roll call vote: Ayes 3 (Heyl, Uherek, Van Fossen) – Nays 4 (Bejin, Trent, Wallazy, Witkowski). Motion to amend failed.

Roll call vote on original motion: Ayes 3 (Heyl, Uherek, Van Fossen) – Nays 4 (Bejin, Trent, Wallazy, Witkowski). Motion failed.

Page 4

Salem Township Board of Trustees
April 13, 2010 – APPROVED (*AS AMENDED*) with Corrections

F. Approval of Legal Expenses

Motion by Mr. Trent and seconded by Mrs. Van Fossen to approve the invoices from Johnson Rosati for services rendered for the month of January 2010, check #21305 in the amount of \$13,139.10 and for the month of February 2010, check #21379 in the amount of \$15,578.50.

Motion by Mr. Witkowski to amend the motion to require additional information on the bills and not use the word “Miscellaneous” was withdrawn.

Motion by Ms. Bejin and seconded by Mr. Witkowski to amend the motion giving a directive to have Johnson Rosati stay within budget for legal expenses and review quarterly. Roll call vote: Ayes 3 (Bejin, Trent, Witkowski) – Nays 4 (Heyl, Uherek, Van Fossen, Wallazy)

Motion to amend failed.

Roll call vote on original motion: Ayes 5 (Heyl, Trent, Uherek, Van Fossen, Wallazy) – Nays 2 (Bejin, Witkowski). Motion carried.

G. Grass Cutting Contract

Motion by Mr. Heyl and seconded by Mr. Witkowski to approve Three Cedars Farm Landscaping, LLC for the 2010 lawn care season per the proposed bid of \$2,685.00 and add item 9C and 9D from the Bid Policy to the contract. Motion carried unanimously.

H. Dissolve Fire Administrative Board

Motion by Mrs. Van Fossen and seconded by Mr. Wallazy to approve by resolution the dissolving of the Salem Township Fire Administrative Board. Roll call vote: Ayes 4 – (Heyl, Uherek, Van Fossen, Wallazy) – Nays 3 (Bejin, Trent, Witkowski). Resolution 2010-04-13-01 approved (copy attached).

The Board took a brief recess at 11:40 p.m. and reconvened at 11:49 p.m.

I. Fire Department Rules and Regulations

Motion by Mrs. Van Fossen and seconded by Mr. Wallazy to direct the Salem Township Fire Chief to use the current Fire Department Rules and Regulations in running the Fire Department, except reporting will be to the Township Board and that the Day-do-day contact person will be the Township Supervisor. The current Fire Department rules and regulations shall be referred to the Township attorneys.

Motion was substituted by Mr. Wallazy and seconded by Mrs. Van Fossen for the following:

The Salem Township Fire Chief to use the current Salem Township Fire Department Rules and Regulations in running the Salem Township Fire Department with the following exceptions: All responsibilities referenced within the Salem Township Fire Department Rules and Regulations that apply to the Salem Township Fire Administrative Board shall now become the responsibility of the Salem Township Board of Trustees. Also, the Township Board shall be kept apprised of all complaints received pertaining to the Salem Township Fire Department can be appealed to the Salem Township Board of Trustees whose decision becomes final. Furthermore, the Salem Township Fire Chief shall report directly to the Salem Township Board of Trustees. The Fire Chief’s day to day contact person shall be the Township Supervisor. In

Page 5

Salem Township Board of Trustees
April 13, 2010 – APPROVED (AS AMENDED) with Corrections

his absence, the Supervisor has the authority to designate an interim contact person (Administrative Officer Township Treasurer or Clerk). The Township Board shall retain all other responsibilities applicable to the Township Board within the Salem Township Fire Department Rules and Regulations. The current Fire Department Rules and Regulations shall be referred to Johnson Rosati subject to initial review of the Michigan Municipal League.

Motion by Mr. Uherek and seconded by Mr. Heyl to amend the motion to add that Johnson Rosati review the Fire Department Rules and Regulations, the Township Personnel Policy and Procedure Manual and all related associated policies at a cost not to exceed \$10,000. After discussion the motion was withdrawn.

Motion by Mr. Heyl and seconded by Mr. Uherek to insert the words “by the Fire Chief” between “received” and “pertaining”. Roll call vote: Ayes 4 – (Heyl, Uherek, Van Fossen, Wallazy) – Nays 3 (Bejin, Trent, Witkowski). Motion to amend carried.

Roll call vote on motion as amended: Ayes 4 – (Heyl, Uherek, Van Fossen, Wallazy) – Nays 3 (Bejin, Trent, Witkowski). Motion carried.

J. Fire Department Support Resolution

Motion by Mr. Witkowski and seconded by Ms. Bejin to approve resolution 2010-04-13-02 expressing support for the dedication of the Salem Township paid on-call Fire Department. Roll call vote: Ayes 4 (Bejin, Trent, Van Fossen, Witkowski) – 3 (Heyl, Uherek, Wallazy). Resolution approved (copy attached – *delete two references to FAB and replace with "itself"*).

K. Salem Community Events

Motion by Mr. Trent and seconded by Ms. Bejin to approve the request of Salem Community Events for utilizing the township complex and surrounding adjacent properties for the annual Flag Day celebration scheduled on June 5th, 2010. Setup for the event will begin on June 4th and cleanup on June 6th. Motion carried unanimously.

L. Plante & Moran Engagement Letter

Motion by Mr. Trent and seconded by Mr. Wallazy to approve utilizing the services of Plante & Moran for Salem Township’s annual audit for the fiscal year ending March 31, 2010 per the attached engagement letter with estimated fees of \$23,700. Motion carried 6-1 (Bejin).

M. Ray Givens Letter

This item was omitted from discussion and passed over as an oversight.

Note: Mr. Heyl ruled that Mr. Witkowski could submit the following motion that was rejected during the approval of the agenda.

N. Citizen Request for Use of Village Green Park Gazebo

Motion by Mr. Witkowski and seconded by Mr. Wallazy to approve the request of Ellie Hill of Salem Township to use the Village Green Park on June 13, 2010 for a graduation party following the policies and guidelines of the park rules and Park Lease Agreement. Motion carried unanimously.

Page 6

Salem Township Board of Trustees
April 13, 2010 – APPROVED (*AS AMENDED*) with Corrections

O. Fiscal Year Meeting Dates

Motion by Ms. Bejin and seconded by Mr. Witkowski to approve the 2010-11 fiscal year meetings dates as the second and fourth Tuesday of each month beginning at 7:00 p.m. effective April 27. Motion carried 6-1 (Uherek).

8. Reports

Board received the following reports for the month of March: Fire Department, Treasurer, and Planning Commission Liaison.

9. Board Discussion – South Lyon Youth Assistance canceled and will be rescheduled.

10. Public Comment - Extended: Eleven citizens provided comments.

11. Closed Session

Motion by Mr. Trent and seconded by Mr. Uherek to go into closed session at 1:48 ~~p.m.~~ a.m. pursuant to MCL 15.268 (8)(h) to discuss Attorney-Client privileged communication of April 9, 2010 on the placement of a residence on a list of unsecured locations.

Roll call vote: Ayes 7 (Bejin, Heyl, Trent, Uherek, Van Fossen, Wallazy, Witkowski) – Nays 0. Motion carried unanimously.

The Board reconvened in open session at 2:48 a.m.

Motion by Mr. Witkowski and seconded by Mr. Heyl to direct the attorney to listen to the tapes of the last two months FAB meetings. Motion carried 6-1 (Bejin).

Meeting adjourned at 2:51 a.m.

David Trent
Salem Township Clerk

Approved: As presented As amended (*in italics*)

This 27th day of April 2010 at the regular meeting of the Salem Township Board of Trustees.

David Trent

04/27/2010

Signature of Clerk

Date

Page 7

Salem Township Board of Trustees

April 13, 2010 – APPROVED (*AS AMENDED*) with Corrections

Approved with Corrections in sections 6 and 7D (in **Bold** font) at the regular meeting of the Salem Township Board of Trustees of May 11, 2010.

David Trent

05/11/2010

Signature of Clerk

Date