

**REGULAR MEETING
LENOX TOWNSHIP BOARD OF TRUSTEES
MONDAY, JANUARY 4, 2016**

- 1. CALL TO ORDER:** 7:30 P.M.
MEMBERS PRESENT: Trombly, Kethe, Ottenbacher, Turchi, Boyd
ATTORNEY PRESENT: Gary Dovre
RESIDENTS AND GUESTS PRESENT: 12

2. ADOPTION OF AGENDA

Andrew, from Cub Scout Troop 82 led the group in the Pledge of Allegiance. Supervisor Trombly reported that two items should be added to the agenda, being, **d.** Hi-Tech Server Backup Request. and **e.** Senior Coordinator Fitness Certification Request.

Motion by Turchi seconded by Boyd to approve the agenda with the two additions of **20. d. & e.** All Ayes. Motion passes.

3. PUBLIC COMMENTS

No Public Comments were heard at this time.

4. APPROVAL OF MINUTES

Motion by Boyd seconded by Turchi to approve the minutes as presented from December 7, 2015. All Ayes. Motion passes.

5. SHERIFF'S REPORT

The October and November Sheriff Reports were submitted to the Board for their review.

6. FIRE DEPARTMENT REPORT

Chief Fouchia submitted the Report with a total of 46 calls, of which nine were in the Station #2 area. The Fire Department provided mutual aid to Ira Township and New Haven Fire Departments and received aid from Chesterfield Township and New Haven Fire Departments. The breakdown is as follows:

| | | | |
|-------------------------|----|--------------|----------|
| Emergency medicals | 32 | Good Intent | 4 |
| Motor Vehicle Accidents | 6 | <u>Other</u> | <u>2</u> |
| Fire | 2 | Total | 46 |

He informed the Board that he received a letter from the State of Michigan Department of Natural Resources advising him that Lenox has been awarded a State Grant in the amount of \$1,795 for new foam equipment for Engine II as well as Class A foam.

7. RICHMOND LENOX EMS REPORT

Director White was not able to attend this meeting; a monthly report was not submitted.

8. DPW REPORT

DPW Superintendent Cam Trombly submitted the DPW Report for the month.

9. CODE ENFORCEMENT REPORT

The Michigan Liquor Control Commission Inspection Forms have been filed with the Clerk's Office, with two establishments currently closed for the season.

10. ASSESSING ADMINISTRATION SERVICES

The Assessing Department Report was submitted by Assessor Thomas Monchak for this meeting.

11. ENGINEER'S REPORT

The Engineer's Report was dispersed to the Board for their review.

12. LIBRARY REPORT

The Lenox Township Library will be closed for the Martin Luther King Holiday on Monday, January 18, 2016. The Library's winter programming schedule is available online at lenoxlibrary.org. Free tutoring is available on Monday and Tuesday evenings from 4:30 . 7:00 PM and Friday mornings by appointment.

13. SENIOR CENTER REPORT

There was no report submitted for this meeting.

14. SUPERVISOR'S REPORT

Karen Shafik, Certified Public Accountant with the auditing firm of Stewart, Beauvais & Whipple, provided a summarization of the 2014-2015 Audit Report. Lenox Township has received an unmodified opinion for this recently completed audit. A clean or unmodified opinion shows that the accounting procedures utilized at the Township are in accordance with Generally Accepted Accounting Principles.

15. TREASURER'S REPORT

Motion by Boyd seconded by Turchi to approve the November Treasurer's Report as presented. All Ayes. Motion passes.

16. ORDERS AND BILLS

Kethe explained that the Orders and Bills this month are small as everything was paid before the Holiday break. Several bills came in after the report was generated to equal a total of \$61,009.10.

Motion by Boyd seconded by Ottenbacher to approve the Orders and Bills in the amount of \$61,009.10.

Roll Call Vote: Boyd- Aye, Turchi- Aye, Ottenbacher- Aye, Kethe- Aye, Trombly- Aye. Motion passes.

17. TRUSTEE'S REPORT

Trustee Turchi said at the Planning Commission level they continue working on the Master Plan. They are reviewing the last Master Plans goals and objectives for relevancy and they also discussed a questionnaire to be completed by the residents.

Trustee Boyd remarked that since Jeff White is not here he wanted to remind everyone of the Annual Blood Drive scheduled for January 5, 2016 at Richmond Township Offices from 2:00 PM to 8:00 PM.

18. CLERK'S REPORT

Clerk Kethe reported that there will be a Presidential Primary Election held on March 8, 2016; a New Haven Community Schools Bond issue will be on the ballot as well. Absentee Ballot Applications are presently being prepared to be mailed.

Motion by Turchi seconded by Kethe to receive and file all Reports. All Ayes. Motion passes.

19. UNFINISHED BUSINESS

A. FIRE DEPARTMENT INTERIOR LIGHTING PROJECT PROPOSAL

Fire Chief Fouchia remarked that he put together a proposal contacting five companies and receiving four bids. The original company, Supreme Electric, came in with the lowest bid. He recommended that the contract be awarded to Supreme Electric. Trustee Boyd confirmed that the total complete project cost is \$36,323.82.

Chief acknowledged that total as being accurate. All four companies offer warranties in their contracts.

Motion by Boyd seconded by Kethe to approve Supreme Electric to do the lighting work at both fire halls in the amount of \$36,323.82. All Ayes. Motion passes.

B. PLANNING COMMISSION ALTERNATE APPOINTMENT

Supervisor Trombly reported that Attorney Joppich rendered an opinion regarding appointing an alternate for the Planning Commission. There are no provisions in the Planning Enabling Act for an alternate on the Planning Commission.

Attorney Dovre stated that since there is no statutory authority, an alternate should not be appointed. No further action is needed from the Board of Trustees regarding this issue.

20. NEW BUSINESS

a. CABLE COMMISSION APPOINTMENT

Supervisor Trombly remarked that Amy Flood has expressed an interest in sitting on the North East Macomb Cable Commission (NEMC), and he would like to recommend that she be appointed, as she is a resident and a Lenox Township employee.

Motion by Kethe seconded by Ottenbacher to approve the appointment of Amy Flood to the Cable Commission. All Ayes. Motion passes.

b. PROPOSED POLICY MANUAL UPDATES

Trustee Boyd explained that he has been rereading the Township Policy Manual making sure issues were not missed. The first matter is the order of who should be doing the weekend park clean up and preparation when the pavilions have been reserved. The manual should list seasonal employee first, DPW Assistant second, and DPW Department head last. This would be done to keep payroll costs down.

Also, he would like the standard work week defined. He stated that for employees that receive medical benefits, the work week is 30 hours, with Lenox supplying Paid Time Off (PTO). If an employee does not work some hours during a work week, that employee would have to use PTO in order to keep medical benefits. This would be defining the work week as 30 hours- Monday thru Thursday. Extra hours worked on Friday and/or weekends would not count towards medical, the employee would still have to use PTO if time off is used during the week. A revision would be necessary, removing 4, under 4.3 F. Paid Time Off . which reads: *Time off without pay may be taken with the approval of their immediate supervisor.* Adding that PTO for employees that do not have PTO, which is the seasonal DPW Worker, he would be able to take a day off without pay. He discussed this with an Attorney from Johnson, Rosati, Schultz & Joppich who had no issue with these changes.

Attorney Dovre remarked that it would be better to refer to one of the recognized employee classes in the Manual.

Trombly suggested a Policy Manual Workshop with input from the Department Heads to discuss things before bringing it to the Board.

Trustee Turchi commented that she does not think this would require a workshop as this would be just cleaning things up and clarifying the manual. Internal discussion would be recommended with the Board making an educated decision after that. Clarification issues may arise at any time, special meetings would not be necessary for small changes.

DPW Superintendent Trombly said that a few times per year, he sends workers home early for a scheduling problem or weather related, so if someone gets sent them home, is the Township going to make them use their PTO time? This would affect his DPW assistant as he has not accrued any paid time off.

Boyd remarked that when the Township closed down, the employees were paid, no time was lost.

Clerk Kethe said that the intent is that before an employee could take a day off without pay, they should use up the PTO time that is there.

Boyd added that an employee that has not earned PTO time, would not be penalized if time off is necessary.

Kethe suggested that the Board take time to look over the changes.

Motion by Kethe seconded by Boyd that we table the Proposed Policy Manual Updates until next month. All Ayes. Motion passes.

c. CONSENT AGENDA IMPLEMENTATION DISCUSSION

Clerk Kethe detailed that when the Policy Manual was approved, there was a specific use of the consent agenda; Attorney Joppich's Office distributed a sample directly from the manual. This would free up time for agenda items, to not discuss monthly reports from the Department Heads and Directors, unless there is something that needs to be addressed. That item could be moved to 7. Items Removed from Consent Agenda.

Trustee Boyd commented that if each item listed on the Consent Agenda is read aloud, the agenda should stay as it is, as there would be no time saved.

Attorney Dovre explained that the Supervisor would list each item on the Consent Agenda and identify what period of time was covered by each report, there would be no summarization on the Supervisor's part. At the end of the report listing, anyone present could request that a certain report be removed from the Consent Agenda and added to the regular Agenda and discussed.

Kethe added that the total amount of the Orders and Bills would be provided at the meeting, as bills always come in after the report has been generated that must be added to the total. The Auditors look for this total to be included in the meeting minutes. Motion by Turchi seconded by Boyd to authorize the Clerk to implement the Consent Agenda for February's meeting. All Ayes. Motion passes.

d. HI-TECH SERVER BACK-UP REQUEST

Clerk Kethe stated that the back-up software is as old as the old server was and is out of date. This update will utilize Cloud software so the restore is safer and the backup tapes will always be stored offsite.

Trustee Boyd asked if the purchase would still be within the budget.

Kethe acknowledged that this cost is within the budgeted amount for the server project.

Motion by Boyd seconded by Ottenbacher to approve the Hi-Tech Server Back-up Request in the amount of \$1,495.00. All Ayes. Motion passes.

e. SENIOR COORDINATOR FITNESS CERTIFICATION REQUEST

Supervisor Trombly reported that his office has made numerous phone calls to try and find an exercise instructor replacement. Deputy Supervisor Jeanette Ventimiglia explained that the Senior Center Director LuAnne Kandell was experiencing difficulty contacting the County personnel that agreed to conduct the exercise program. During the Christmas Holiday break, Kandell was informed that they have no one to teach the exercise class. She contacted the Arthritis Foundation, and was told they no longer supply exercise classes. Kandell researched the certification process and is willing to become certified to lead the following classes: Senior Fitness Certification, Expert Rating Meal Planner, Yoga Certification, and Healthy Eating for Weight Loss Certification. These are online classes, with a deeper discount the more classes that are paid for.

Clerk Kethe stated that according to the minutes from last month, the senior exercise position was supposed to be published in the Sunday paper, was that task accomplished?

Ventimiglia reported that the publication did not make it in the newspaper. It took a while to get the advertisement correct, and then with the Holidays and Kandell deciding that she would step forward, Ventimiglia thought it could wait until this meeting.

Kethe played the devil's advocate, commenting that if the Township pays to certify Kandell, she can take that certification and work anywhere. She does feel this would be a great thing for the Township and that Kandell would do a great job.

Trustee Boyd remarked that if there is any type of re-certification, and she is working somewhere else, the employer would be responsible for paying a portion of the re-certification cost.

Treasurer Ottenbacher remarked that in the past, the Board has approved the cost of continuing education where the employee agrees to stay employed for two years; if they leave employment before that time, a percentage of the cost must be reimbursed.

Trombly commented that this cost is only \$179, which is a small amount of money.

Ottenbacher added that all employees should be held accountable to the same terms.

Ventimiglia reported that that wording was in a previous version of the Policy Manual, she is unsure if it is in the current version.

Ottenbacher explained that this information was brought in late and she was unable to do any research.

Trustee Turchi inquired how she would be paid while she conducts the exercise classes.

Kethe remarked that the previous instructor was being paid a set amount per class.

Turchi reported that last month the Board approved a motion to place an ad in the paper and that did not happen, in order to follow protocol, that directive may need to be rescinded.

Attorney Dovre acknowledged that it would be appropriate to withdraw that action if it was not followed.

Boyd conferred that the total amount for the class certifications total \$179.99.

Ventimiglia added that the Township paid the previous instructor \$25 per class for leading the exercise program.

Trombly remarked that leading the exercise program should be considered a separate position, the exercise time is not included in the 45 hours that she is allotted per month to manage the Senior Center.

Boyd reported that Lenox could pay Kandell an hourly wage until she gets certified; one position is not the same as the other.

Dovre said the action could be voiced by anyone by moving to rescind the action of December 7, 2015 to advertise in the Macomb Daily.

So moved, motion by Boyd seconded by Turchi. All Ayes. Motion carries.

Motion by Boyd seconded by Kethe to approve the training for LuAnne for Expert Rating Meal Planner, Yoga Certification, Healthy Eating for Weight Loss Certification, and Senior Fitness Certification in the amount of \$179.99 and for her to be paid her hourly wage not to come out of her Senior Center time for the exercise classes. All Ayes. Motion passes.

Motion by Boyd seconded by Turchi that LuAnne be paid the same amount, \$25 per class, once she is finished with the certification to teach the classes for the Senior Center. All Ayes. Motion passes.

21. PUBLIC COMMENTS

No Public Comments were heard at this time.

22. CLOSED SESSION

Motion by Boyd seconded by Turchi to go into Closed Session at 8:25 PM to discuss Gala and Pachnik pending litigation.

Roll Call Vote: Boyd . Aye, Turchi . Aye, Ottenbacher . Aye, Kethe . Aye, Trombly . Aye. Motion passes.

Motion by Kethe seconded by Boyd to return to Open Session at 9:06 PM. All Ayes. Motion passes.

23. ADJOURNMENT

Motion by Boyd seconded by Ottenbacher to adjourn at 9:06 PM. All Ayes. Motion passes.

Respectfully submitted,

Respectfully submitted,

Jodi Kethe
Clerk

Carol A. Swantek
Deputy Clerk