

VIENNA TOWNSHIP BOARD MEETING

MONDAY, APRIL 20, 2015

CYNTHIA J. BRYAN, CLERK

Roll Call: Present: Bryan, Cain, Lemieux, Belill, Thomas
Absent: Fuller

Previous Minutes: April 6, 2015. Moved by Cain, seconded by Belill to approve the minutes of April 6, 2015 with any changes and corrections. All in favor

Moved by Cain, seconded by Thomas to appoint Clerk Cynthia J. Bryan to chair the meeting. All in favor

Bills: Bills in the amount of \$ 8,755.94 were presented. Moved by Thomas, seconded by Cain to approve bills in the amount of \$ 8,755.94.
ROLL CALL: Yeas – Bryan, Cain, Lemieux, Thomas, Belill
Nays – None Motion carried

Treasurer's Report: Cain presented the March 2015 Treasurers Report.

Building Report: Canterbury presented the March 2015 Building Report and reported that the vacant parcels in Hidden Oaks were purchased, will be placed back on the tax roll and will hopefully begin construction soon. Cain questioned whether the City of Clio intended to move forward with Vienna performing their rental inspections. Canterbury stated that she would expect them to start in the next couple months.

Library Report: Thomas reported that traffic had been steady and that audio books would be available at the next book sale being held on May 2, 2015 from 9:00 a.m. to 4:00 p.m.

Senior Center Report: Burton reported that a new printer system is in the process of being installed and read the Board a list of upcoming events at the center. Cain asked what the membership numbers looked like. Burton stated that she wasn't able to provide them off the top of her head, but would pull them together and that she felt they were improving.

Fire Authority Report: Cain reported the Fire Authority recently approved lighting replacement at Station 1. Cain stated that the new lights had a projected life expectancy of 21 years and the payback on investment is 17 months. Cain reported that the Fire Authority moved

forward with the purchasing of a tanker for station 1 and the bid deadline is June 2, 2015.

BDA Report: Belill reported that the election of officers had taken place and they are in need of a new appointee in addition to the Supervisors vacancy.

Additions/Changes: 6. Triplett property split, Assessing Department

Correspondence: Genesee County Metropolitan Planning Commission
Valley Area on Aging

Public Comment: None

New Business:

1. John Daly, Genesee County Road Commission. Daly thanked the Board for the opportunity to speak at the meeting and stated that he looked forward with working with interim and newly appointed Supervisor to improve communication and make the transition as smooth as possible. Daly spoke to the Board regarding proposal one.
2. Library Board Appointment. Bryan stated that that the Board person newly appointed to serve on the Library Board had recently contacted Bryan to inform her that because of health issues, she would be unable to serve on the Board. Bryan stated that she has since contacted Mike Zinn to see if he would be willing to serve again on the Library Board. Moved by Bryan, seconded by Thomas to appoint Mike Zinn to the Library Board. All in favor
3. Consumer Energy, Modification Agreement. Bryan stated that this agreement was pertaining to a light fixture on the Wilson and Webster Road Bridge that is scheduled to be repaired this year. Bryan explained that the light needs to be taken out during construction and replaced after and improvements to the replacement are included. Cain stated that this work was included during budgeting and that he had been in contact with the Genesee County Road Commission and they have stated that the work is the responsibility of the Township. Moved by Bryan, seconded by Cain to approve the expenditure of \$3,376.00 and to authorize Cain and Bryan to sign the Consumers Energy modification agreement on behalf of Vienna Township.

ROLL CALL: Yeas – Thomas, Belill, Bryan, Cain, Lemieux

Nays – None

Motion carried

4. Proposed Super Drunk Ordinance, First Reading. Bryan stated that this proposed ordinance was sent over by Attorney Leo Carey who is contracted to prosecute all

cases through the Genesee County Sheriff Department on behalf of Vienna Township. Moved by Bryan, seconded by Cain to suspend from the first reading.
ROLL CALL: Yeas – Belill, Bryan, Cain, Lemieux, Thomas
Nays – None Motion carried

5. 2014 Fiscal Audit Approval. Cain stated an explanation of the audit is included in the packet and the only correction necessary was on the Sports Complex insurance claim and with that cleaned up the auditors issued a “clean” audit, which is the best that can be given. Moved by Cain, seconded by Thomas to approve the 2014 Fiscal Year audit. Cain stated that the auditors suggested that the Township have a more defined plan when it comes to the debt relative to the Senior Center and Fire Hall. He stated that the fund balance is in great shape with a reserve of 23.5% and it is suggested that a 10-15% reserve be maintained.
All in favor
6. Triplett Property Split. Belill asked for a detailed description of issues with the property and would like an explanation on how it came to be changed without coming to the Board. Bryan stated that the two property owners that originally started out as friends constructed a large ski lake and have since had a falling out. Bryan explained that Triplett applied for a variance to split the property and it was denied by the ZBA, the next year Fejedelum applied for a similar variance which was also denied, then again last year, Triplett applied for a variance and was denied on May 1, 2014. Bryan stated that she received a call from Mr. Fejedelum on or around January 20, 2015 who was frustrated and had contacted an attorney regarding the split that had been done on the Triplett property. Fejedelum explained to Bryan that he and his attorney had attempted to contact the assessor and supervisor and his voicemails and emails were unanswered. Bryan stated that she gathered the information from Fejedelum and went to the assessor to question him. She stated that the assessor told her that he wasn’t calling him back. Bryan stated that she explained that he is a citizen with a concern and he deserved a call back. Bryan then explained that she contacted the Township attorney and was advised to look at the Township ordinances and after doing so it was determined to be an illegal split for a number of reasons all detailed in the Board packet. Attorney Doerr stated that he spoke with the assessor on or about December 17, 2014 and advised him to look at the ordinances at that time, but had never heard back from him. Bryan stated that she and Cain spoke with the assessor this afternoon and informed him that the split was illegal and that it needed to be reversed immediately. The assessor responded by first saying that the attorney told him it was ok and then stated that the county had said it was ok. Bryan stated that she explained to him that the County had no authority to split the property and the assessor agreed to complete the split reversal as soon as possible. Cain questioned when the split was complete, Bryan stated it occurred on September 16, 2014. Belill questioned

if this was after the several times it was turned down, Bryan stated it was after. Bryan expressed concerns over the split being done without authorization and the resident not being responded to when he tried to contact the assessor. Bryan stated the Township could have faced litigation over the illegal split and could still be facing litigation brought on by Triplett once the reversal takes place. Bryan stated that she felt that because of the possible litigation, she felt it necessary to make the Board aware of the situation. Cain questioned whether both parties would be notified, Bryan stated that an official letter from the Township would likely need to go out and that she would ensure it happened. Belill questioned why the assessor didn't know of the ordinances. Bryan stated that she felt he should, but then he also had access to the township attorney to assist if needed. Bryan stated that she would equate the assessor disregarding the ZBA denials to an employee disregarding the action of the Township Board. Belill stated that employee would no longer be an employee and questioned how many other splits have been done without approval. Thomas stated that a report could be obtained through BS&A. Belill stated that with the recent problems with the assessor contract and the recent findings, she now has concerns about the performance of the assessor. Bryan stated that those concerns could be valid. Thomas stated that the fact that it had been turned down by the ZBA should have been enough for him to stop, Bryan agreed. Moved by Belill, seconded by Cain to enter closed session in regards to the employment position of the current assessor.

ROLL CALL: Yeas – Thomas, Belill, Bryan, Cain
Nays – Lemieux

Motion carried to enter closed session at 6:36 p.m.

Motion by Bryan, seconded by Cain to return from closed session at 7:07 p.m.

All in favor

Moved by Cain, seconded by Bryan to add discussion regarding the assessor employment to the May 4, 2015 agenda based on the Triplett split in particular.

All in favor

Public Comment:

Falardeau suggested that the Board should take action on reversing the Triplett split through motion as it would be in the best interest of the Township, Bryan agreed. Moved by Bryan, seconded by Thomas that the split performed on Triplett Lane to parcel 18-30-400-031 be reversed by the assessor immediately.

All in favor

Board Comment:

Belill stated that Lemieux needed to keep his personal remarks to himself as the meetings are recorded and his words will come back to bite you later.

Cain stated that he will be attending the Roads and Bridges meetings to attempt to keep lines of communication open until a Supervisor is in place.

Bryan stated that the deadline to apply for the Supervisor position was at 3:00 p.m. today and six individuals had applied. She stated that the resumes and letter of interest have been distributed to all Board members and the interview committee would be setting up interviews with all of the candidates with the intention of bringing back a recommendation to the Board at the May 4, 2015 meeting.

Moved to adjourn at 7:35PM

Cynthia J. Bryan
Clerk

CERTIFICATION:
STATE OF MICHIGAN
COUNTY OF GENESEE

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 20th day of April, 2015.

David Cain
Treasurer

Cynthia J. Bryan
Clerk