

Fredonia Township Board-Regular Meeting
April 15, 2019 6:30 PM
Fredonia Township Hall
8803 17 Mile Rd, Marshall, MI 49068

MINUTES

BOARD MEMBERS present: Doug Damon, Supervisor Karen Diver, Clerk
 Paul Baranowski, Treasurer Jerry Diver, Trustee JC Skowron, Trustee

STAFF present: Phil Damon, Fire Chief Dianna Baker, Deputy Clerk/Cemetery Sexton
 Roger Smith, Assessor Pamela Jo Eastman, IT Clyde Lampkin, Code Enforcement/Zoning
 Dan Livingston Sr., Calhoun County Planning Commission Dan Livingston, Jr., Road Committee,
 Jacob Washburn, FD Training Officer

PLEDGE OF ALLIGENCE

PRAYER by Doug Damon

AGENDA – Additions/Deletions: None

MINUTES FROM PREVIOUS MONTH:

NO CORRECTIONS REQUESTED

Motion made by Jerry Diver and supported by Paul Baranowski to approve the minutes of the Township Board meeting of 3/18/2019 as read. **APPROVED AS READ**

FINANCIAL REPORT read by Paul Baranowski

NO CORRECTIONS REQUESTED

PLACED ON FILE FOR AUDIT

READING OF THE BILLS by Karen Diver

NO CORRECTIONS REQUESTED

Motion made by Jerry Diver and supported by JC Skowron to accept the *Reading of the Bills* as read. **APPROVED AS READ**

CORRESPONDENCE: None

GUESTS: Angela: Director of the Library reported on services that the library provides and that the millage is up for renewal, she also introduced our township representative: Kara Boughton. Tommy Miller: Calhoun Co Commissioner, at the last meeting the equalization report was given and Agricultural went up and so did City of Albion. He will check on our estimate that includes tree trimming of \$17,500.00 for our Road Project. Calhoun Co Treasurer and Deputy Treasurer: Discussed foreclosures, pooling of money, Land Bank, Open House at a house on Fremont St, Dog Licenses sold on line and at some veterinarian offices, Step Forward of Michigan program for those in a foreclosure situation.

PUBLIC COMMENTS FOR ITEMS ON THE AGENDA: Dan Livingston Sr commented on the Zoning/Code Report-would like an actual report instead of a screen shot off phone. Jacob Washburn inquired about when the agenda is available. He was advised that the Clerk tries to have them ready by the Thursday before the next meeting. She emails them out then to all board members. Cindy Thomas asked if they could be put on the website for the public. Doug Damon said he saw no reason why not.

OLD BUSINESS:

Lawn Mowing Bids: One bid per Cemetery was received. They are as follows:

Donald P. Damon submitted a bid for mowing and trimming Houston Cemetery:

#1 Mowing and trimming \$150.00 each time.

#2 Leaf, brush and limb removal \$16.00 per hour.

Charlie Fisher submitted a bid for mowing and trimming Lutheran Cemetery & #2 Fredonia Fire Station:

#1 Mowing and trimming \$150.00 each time.

#2 Leaf, brush and limb removal \$16.00 per hour.

Jerry Diver submitted a bid for mowing and trimming Lyon Lake Cemetery & Fredonia Town Hall:

#1 Mowing and trimming \$300.00 each time at the cemetery and \$25.00 each time at the Town Hall.

#2 Leaf and tree trimming and removal \$16.00 per hour.

Motion made by Jerry Diver and supported by Karen Diver to accept the bids from Charlie Fisher and Donald P Damon for Houston, Lutheran Cemeteries and the #2 Fire Station.

MOTION CARRIED

Motion made by Paul Baranowski and supported by JC Skowron to accept the bid from Jerry Diver for Lyon Lake Cemetery and #1 Fire Station/Town Hall.

MOTION CARRIED

2019 Road Project: We, as a board, need to sign the estimate for the road project for 15 ½ from C Dr S heading south to the Township line and need to either sign it with the \$17,500.00 for tree trimming or without it. Paul Baranowski suggested we hold off until Tommy Miller, Calhoun Co Commissioner checks to see if there other options. George Crandall thought we would be charged also for deberming the road and this also will come out of our money which diminishes how far we can go on that road. George stated that maybe this year we don't do any road work, and instead do deberming and tree trimming on this year's project and then do the road work next year. Also maybe we could ban together with another township or two and do the tree trimming ourselves, it should be cheaper. We will have to have the county sign off on that and approve the work in order to get the better warranty. Doug said they will adjust the amount for the trimming if it takes less to do the work. George felt it will cost the \$17,500.00 if not more. Also, Homer had a different "deal" and thought we should check to see if we can get a different "deal". Doug will send an email with Tommy's findings.

TABLED UNTIL NEXT MONTH

NEW BUSINESS:

Roger Smith, Assessor came to explain how an assessed value is arrived at and also maintenance and construction had a couple of complaints. Doug talked to Roger McEver and he assured that our assessor is doing things correctly. Doug also met with Tom Scott who is taking over for Roger McEver when he retires. Roger Smith will explain the couple of questions on property at Lyon Lake and also the 20% that he is required to go over each year. Roger brought to everyone's attention that "this is the same thing that came up in 2011 by the same person that likes to just keep bringing things up but he has no clue how to do assessing." Roger reported that has been two events around Lyon Lake Road. First one was at 252 Lyon Lake Road. A permit was taken out for an addition. The same person mentioned earlier comes into the office and again complains to Roger that he is not taxing the home owner enough. Roger explained his job is not to tax people – it is to assess the property – wherever the taxes fall is not his problem. But Roger was told he was not taxing them enough so he went back into his books and checked again. The permit was pulled May 3, 2016. In 2017

when Roger added value to the property he assessed the building at 49% complete and added \$35,100. In 2018, the building was assessed to be 100% complete and \$25,700 was added to the value for a total added of \$60,800 taxable assessed dollars - just for that addition. Roger stated that “if \$60,800 is not enough what does this guy want me to do? Go around to everyone’s houses and raise their taxes – because that’s what he wants.” Roger said he is not going to do it because that is not the way his job works.

The second issue at Lyon Lake was at address #291 – the old Camp Kitchi-Kippi. Roger was told there was work performed on the building without permits being pulled. ANY work told to Roger by others does NOT justify a consideration. He said he cannot add taxable value based on hearsay. Roger stated that everything he is supposed to be doing is been done exactly as it is supposed to be done.

Another point to remind people of is there have been 2 audits performed by the state since he has been here and they both passed “with flying colors”. The Assessment Rolls, building permits, and related properties were analyzed and no issues were found. The only two items that were noted in the audits that made them less than perfect was that the Township did not put Board of Review report on letterhead paper. Not Roger’s job to do so. The other item was it was reported that the Clerk could not present Board of Review Meeting minutes. He stated when he asked the Clerk about this she stated she had not been asked to provide them. “Regardless, again this had nothing to do with my job.”

He shared that the job of an Assessor entails a whole lot more work than anybody here realizes. He has to know the Assessing and Tax laws, all the ins and outs of assessing - what he can and cannot do. And he has to keep current on all the rules and regulations. He cannot arbitrarily raise taxable value based on what a person “tells” him. If he did he would lose his certification and he is not going to risk that happening. “I will not do the job wrong.”

The only recent issue was when Summer BOR paperwork was sent out to a property owner the right name was on it but it was sent to the wrong address. Roger stated he does not change the address until he receives a personal residence exemption from a person. He received that paperwork AFTER he had sent out the BOR notifications. It is not the fault of the Treasurer or himself. No big deal, they retrieved the paperwork, made the address change, and sent it out correctly the second time.

Roger stated that he is a Level 3 Assessor with 35 years’ experience and very seriously takes offense when a member of the Township continues to hound him saying he is not doing his job. If anyone has any questions all they have to do is call, day or night – weekends whenever and he will answer them. They may not like the answers but he makes himself available to the public at all times. Just call.

Karen Diver asked Roger if she should be giving him copies of all permits. He stated he does not need to see general maintenance permits – only permits for new construction, additions, and such that affect the square footage of a building. Most of the time changes inside a house do not affect the overall taxable value. Most changes inside only serve to upgrade the life expectancy of that area a home. Doug Damon mentioned another example, if he did \$20,000 worth of changes inside his home it is not assessed until he sells the property. Roger responded “if changes are made inside a building he will assess it if he sees it”. If proper forms and permits are submitted that keys him to reassess and bring the taxable value up to where it should be. Then when home sales studies are reviewed the taxable value will be more in tune with the sale prices.

Cindy Thomas inquired about when a property is sold what is the process/what happens when a property transfer of ownership affidavit comes into the Township. Roger stated when he gets the property transfer affidavit he puts it in the system BUT he holds onto the original name until he sees a deed because a transfer is not a change of ownership. It is only a notification that a property is being sold. Deeds do not always make it

to the right Township but the assessors in neighboring townships all work together and get the deeds to the right place. He also emphasized that once a property is transferred and a deed is received that does not necessarily mean that the taxable value will change on the property either because for example you could have 2 LLCs one selling to the other and the person still owns the other LLC. Roger again state that people do not see the whole picture of what is happening and how things work; and yet they cast judgements against on him and how he is doing his job.

Karen thanked Roger for explaining this because she now understands when a person complains that the name on a property is wrong it is because Roger has not yet seen the deed change. Jerry Diver had a question that “if a property sells in 2016 for \$155,000 but the taxable value is \$72 or 76,000 and then it is again sold in 2017 for \$190,000 but the taxable value is set at \$36,000 – that is a \$44,000 deficit, how do you compute that?” Roger replied that he just told him “the people you have been talking about again right now happen to be LLCs as has already been explained. And just because someone pays \$190,000 Roger is not going to jack up their taxable value based on a sale price. That is illegal and against the law and he would lose his license/certification if he did it. Jerry Diver responded, “But that is less than the previous sale”. Roger said it does not matter if it is less or not. He gave an example of some farmland that has a taxable value of \$30,000 and yet the property itself is worth \$670,000. Is that fair? The property was capped in 1994 and it cannot be uncapped until the property exchanges hands. If it sells but stays within a family it cannot be uncapped. The government has expanded the definition of “family members” and the law has to be followed. Same with LLCs where one LLC sells to another but some members belong to both LLCs. When that happens it is a change of name only – not a change of ownership AND it cannot be uncapped per the law.

REPORTS:

Fire Department: Chief Damon was absent because he is working with the state on getting their license for blood and glucose monitoring. Jacob Washburn gave the Fire Department report. There were 5 fire runs and 9 medical runs for the month. The department did a scrap burn with Marshall Township, the City of Marshall, and Marengo Township. They have one more scrap burn scheduled for later in the week depending on weather. Capt. Damon, Fireman Fisher, Fireman Huestis, and Chief Damon attended the FDIC Convention/Fire Show in Indianapolis. Jacob stated work is in progress preparing for the golf outing to be held on June 29th. They have been distributing notifications and information is also on the website.

Jerry asked about the status of the new Turnout gear. Jacob replied that the equipment should arrive next month. But until the invoice came through he was only guessing that it will be around \$25,000. Doug Damon asked the Treasurer how much money was in the Fire Equipment Fund and he stated there was \$35,000.

Zoning: Mike & Lynn Darling project @424 Lyon Lake Rd, scheduled ZBOA meeting on April 30, 2019. Variance is needed for proposed new garage.

Ordinance Enforcement: Clyde was not present but his written report stated that he has received multiple complaints concerning Trine property @ 9800 14 ½ Mile Rd. Also, he will be posting the property this week with unsafe and condemned structure signs. As well as make contact with responsible parties.

Library: Information above under GUESTS.

Cemetery: Dianna reported that she is working on an estimate for driveway work and to have some trees trimmed up at Lyon Lake Cemetery.

Planning Committee: George Crandall deferred comment to JC Skowron. She gave a brief synopsis that the Commission is reviewing ordinance changes suggested by the attorney. It's a lengthy process and meetings are being scheduled to address this. The next meeting is the April 29th. They also discussed the "opting in/opting out" choices concerning medical and recreational use of Marijuana. At this time they have elected to "opt out" and that is their suggestion to the board because of legality being so fluid at this time - both at state and federal levels. George Crandall stated that the board should have received a note from Jill Setteneri to the board stating this recommendation.

IT Department: Pamela Jo Eastman had nothing significant to report other than she has been assisting with budget work.

Calhoun County Planning Commission: Dan Livingston reported there is a lot going on in the townships to adopt Solar Farms which involves Conditional Use Permits. Plans vary quite widely and the Planning Committee is looking into that. It was brought up at the last Planning Committee meeting that on the east side of our county they are beginning to notice lots of trash being dumped along the roadsides. If you see this caution is advised to NOT touch it; rather call the Police @ 911. Bags may contain hazardous materials discard from the making of drugs. The police will send out crews in hazmat gear to investigate and collect the trash. It has also been noticed that all sorts of trash such as tires, couches, mattresses, chairs and such are being discarded on the roadsides verses paying disposal fees at the landfill. Such roadside dumping is creeping our way. *"If you see something – say something."* It's becoming a real concern.

Road Committee: Information above under OLD BUSINESS – 2019 ROAD PROJECT.

Trustee Comment: None.

Public Comment: George Crandall inquired if the agenda for upcoming meetings could be posted on the website so that if anyone has something to add prior to the meeting they could. This would help everyone not to forget things through the month. Pam Eastman mentioned that having seen in the past month's meeting minutes that Dan Jr question if the Township was on target with the budget for this year and having been asked to help with amending and preparing next year's budget, her question to the board was that when they get bids in like the lawn mowing bids tonight do they just vote and accept such expenditures or do they first consider available budget revenue. She explained the reason she asked is that the newly approved lawn mowing expenditures are more than what was paid in the past hence not only will this year's budget need to be amended but also this will need to be considered in next year's budget proposal. Doug explained the Mr. Upston mowed for years and was paid "less than the cost of gas". In the past the budget was based on his cost. However, since he has retired due to health issues, and any increase like this to replace him puts us in a bad situation. We will need to take a good look at the budget and figure things out. Karen mentioned that last fall Mr. Upston said he'd still do the leaf pickup at Lyon Lake Cemetery but with his current health we will need to pick up where he left off. Jerry Diver said the old section of the cemetery is still full of leaves. Dan Livingston said they did the right things. They published for bids and got zero. You had 3 citizens that live in Fredonia Township that came forward with proposals. If you don't accept them you get stuck with nobody mowing. Doug stated that the guy in Tekonsha gets \$19,000 to maintain their cemeteries. Dan Livingston Sr discussed Michigan State FOIA Law and what the Township FOIA requirements are. He provided a printout from the MTA website that provides guidelines that we need to be aware of and comply to. Three basic requirements are the Township needs a written policy in place that identifies the FOIA guidelines and their process for dealing with FOIA issues; need a written public summary of guidelines and procedures; and need a detailed FOIA Itemization Form is required and needs to be accessible to the public. Meeting adjourned. Then Paul spoke up that he had a comment. Stated the board gets a lot of question and he feels they do not always know who should respond. Also he gets a lot of phone calls that require redirection. So he made up a cheat sheet of MTA

supported statutory duties for each elected officials. And also stated that copies were on the table for the public. And then he wanted to make sure that we get the budget amendment on the agenda for next month concerning Drains at Large bill that hasn't been paid for two years. Karen Diver stated we will be getting another bill in August this year but it will not be required to be paid until taxes are resolved in March of 2020. Paul wanted to clarify that the Drains at Large is a Township bill, that is addressed to the Supervisor and it has to be budgeted for. He went on to state that it is not responsible to blame non-payment on a Treasurer. Karen stated that when she found out about the bill not being paid she requested an email AND in the mail. Doug was made aware of the past due bill by the County Drain Office. Dan Livingston asked if the MTA has a list of duties for non-elected Township department heads. Paul said they do have job descriptions like that. Dan wanted them put on the website with the statutory duties, but Paul suggested it could be a hairy situation if they were to create job descriptions that might be different then what folks were hired under. Dan said "so what? They work for us. They can leave and we would just have to rehire the positions." Cindy Thomas advised that they could not rewrite existing employee job descriptions but they could actually publish responsibilities in general that would help the public know who to contact for specific issues. Jerry Diver stated he had received a list of duties as cemetery maintenance/groundskeeper and Cindy stated that was good as they had just hired the new lawn mowing people. No further comments – meeting was adjourned.

Supervisor Doug Damon adjourned the meeting at 8:11 PM.

_____ **May 18, 2019**
Karen Diver, Township Clerk **Date**

_____ **May 18, 2019**
Doug Damon, Township Supervisor **Date**