

## TOWNSHIP BOARD

ERIE TOWNSHIP  
Erie, Michigan

Regular Meeting  
And Public Hearing  
June 9, 2009

Supervisor William Frey at the Township Office, 2065 Erie Road, Erie, MI, called the Regular Meeting and Public Hearing June 9, 2009, of the Erie Township Board to order at 7:00 PM. The roll was called and Pledge of Allegiance said.

**CALL TO ORDER-  
ROLL CALL-PLEDGE  
OF ALLEGIANCE**

Bill Frey, Supervisor	Present
Cindy Baum, Treasurer	Present
Jolene Upchurch, Clerk	Present
David Cousino, Trustee	Present
Michael Grodi, Trustee	Present

Also in attendance was Township Attorney Phil Goldsmith.

Baum moved, supported by Grodi to accept and place on file items #1-6 of the consent agenda. Motion carried, all in favor.

**CONSENT AGENDA**

Upchurch moved, supported by Baum to approve and place on file correspondence items #1-9. Motion carried, all in favor.

**CORRESPONDENCE**

Upchurch moved supported by Baum to close the regular meeting and open the public hearing at 7:13 p.m. Motion carried, all in favor.

**REGULAR MEETING  
CLOSED**

Roll was called for the Public Hearing.

**PUBLIC HEARING  
ON BUDGET**

Bill Frey, Supervisor	Present
Cindy Baum, Treasurer	Present
Jolene Upchurch, Clerk	Present
David Cousino, Trustee	Present
Michael Grodi, Trustee	Present

**ROLL CALL PUBLIC  
HEARING**

Also present was Township Attorney Phil Goldsmith.

Several corrections had to be made to the budget that was submitted by Supervisor Frey.

A letter was read, written by Gary Wilmoth responding to a flyer that was sent to Erie Township residents from the Fraternal Order of Police.

**PUBLIC COMMENTS  
FOR BUDGET  
HEARING**

Gayle Burlen also responded to the flyer that was sent to the Erie Township residents from the Fraternal Order of Police.

Randy Mason union representative from the Fraternal Order of Police stated that he travels from Kalamazoo.

Erie Township Board-Regular Meeting June 9, 2009

**PUBLIC COMMENTS  
FOR BUDGET  
HEARING**

- Supervisor Frey addressed the ballot language for the law enforcement millage. Trustee Cousino stated that Supervisor Frey read the wrong proposal and was corrected at the March 24, 2009 Township Board Meeting.
- Cheryl Vascik asked why the cops were forced to give up their pension.
- Chief Hines stated that they were not forced to give up their pensions; they proposed to give up their pension to cut \$27,000 from their budget.
- Cheryl Vascik asked if the part time Police secretary is laid off would she be eligible for unemployment. Supervisor Frey answered yes.
- Supervisor Frey believes there is money in the budget to keep the Police secretary.
- Trustee Cousino stated that if we keep spending at the rate we have been spending, we will be unable to pay the water and road bonds that we are committed to.
- Trustee Grodi stated I don't want to be bankrupt by 2013.
- Supervisor Frey stated that revenue from BFI will be about ½ what it was last year. **Correction-Supervisor Frey stated that revenue from BFI will be \$45,000.00 and Cindy Baum thought more like \$35,000.00.**
- Chief Hines stated to make the budget cuts even across the board. He suggested surveying the Township people to see if they want a full time Police Department or a full time office staff.
- Trustee Cousino said that a mailing is not the way to go about it. If you want that done you need to circulate a petition and get it on the ballot to have the residents vote for it.
- Paul Mikels stated that when you cut the Police Department, the more you have to cut the Police Department. "When I was on the board they took in \$108,000 in fines and fees."
- Clerk Upchurch stated that fines and fees so far this fiscal year are \$45,000 with the same amount of Police Officers.
- Trustee Cousino asked for input from the Compensation Committee regarding the fore mentioned 4 % pay raise.

Erie Township Board-Regular Meeting June 9, 2009

**PUBLIC COMMENTS  
FOR PUBLIC  
HEARING**

- Joe Ciravolo, who serves on the Compensation Committee stated that 2 years ago when the economy was good the Compensation Committee recommended cost of living raises. This year they recommended no raises due to the state of the economy. Every Board member interviewed by the Compensation Committee, said, no raises should be given at this time. At the March 24, 2009 Township Board meeting the Board followed the Compensation Committees recommendation that there will be no raises for the next 2 years.
- Miss Helminiak stated that this budget has to pass and we need to make the budget work.
- Clerk Upchurch stated that Sarah Kennedy resigned from the position of Township Secretary, and was then hired as secretary to the Police Department.
- Lynn Mikels made a suggestion to have the 3 secretary's work out of a pool.
- Cindy Wisbon questioned why you are cutting the Police Department budget.
- Trustee Grodi stated that the Police Department is 40% of the Township Budget. It is the largest % of the budget.
- Supervisor Frey stated that the Police Department took a sub-standard amount of hits to their budget.
- Chief Hines stated that the \$5,000.00 that the Police Department needs to keep Sarah as their secretary, he will donate \$2,500.00 and so will Brian Menge.
- Danny Taylor stated that tonight people are working more on emotion than rationale. He also asked what law enforcement means, what is the mind set "Erie vs. law enforcement" in reference to the ballot language.
- Trustee Grodi stated that sheriff contracts would not necessarily be cheaper. Small communities have trouble supporting their own Police Department.
- Trustee Cousino stated that the last ½ hour was spent talking about the Police Secretary maybe we need to put the Secretary's salary back in the Police Budget.
- Trustee Grodi stated that giving up overtime to take comp time may

Erie Township Board-Regular Meeting June 9, 2009

not be the answer, 8 hours of overtime=12 hours of comp time, we will have less Police protection on the road.

- Supervisor Frey stated that there is money in unallocated contingencies.
- Trustee Grodi read a letter from McGuire and McDole, our Township Auditor, regarding NOT taking money out of unallocated contingencies.
- Vi Labardee stated that years ago she was in a very serious accident at Erie Rd and Summit Street and that if it wasn't for the Police and Fire Departments "I would not be here".
- Kathy Collins stated that she had an incident in her home where Officer Menge put himself up to the intruders, "I owe my life to this man".
- Trustee Cousino made a motion to put the Secretary's position back in the Police budget using donations from the public to make up the \$5,000.00 difference, as well as eliminate overtime. Motion died for lack of support.

**POLICE  
SECRETARY**

Supervisor Frey called for a 5 minute recess.

**RECESS**

Recess 8:40p.m.-8:45p.m.

Reconvened at 8:45p.m.

**RECONVENED  
MEETING**

Trustee Cousino moved, supported by Upchurch to put the Police secretary Back in the Police Budget with the \$ 11, 000.00 overtime until union negotiations are complete. The police budget will be out of balance and Chief Hines will need to make the necessary adjustments to balance the budget. Motion carried, all in favor.

**POLICE  
SECRETARY**

- DanWisbon stated that we need to cut spending during the next 2 years and everyone needs to simmer down.
- Roy Ruetz stated that if they cut the Police secretary down to 4 hours a day it would help cut costs.
- Randy Mason asked are we now status quo with the Police Budget-no cut hours.
- Cindy Baum asked what is status quo.
- Trustee Cousino stated the Police Department budget stays at \$348,350.00.

**PUBLIC COMMENT**

Erie Township Board-Regular Meeting June 9, 2009

- Cheryl Vascik stated we don't need a Deputy Treasurer, cut Sue Smith's hours.
- Cindy Baum stated that we are required by law to have a Deputy Treasurer. There is no compensation for the Deputy Treasurer.
- Trustee Cousino stated to take out of Attorney fees from the general fund in the amount of \$10,000.00 transfers it into Law Enforcement. Also put in another \$20,000.00 for the shortfall. Phil Nantz sent a letter stating the next fiscal years union negating may cost \$30,000.00. Cousino stated the bottom line is that LEF budget is still \$348,350.00
- Attorney Goldsmith stated that we have to have a balanced budget.
- Supervisor Frey stated that there is money in unallocated contingencies and you can make adjustments to the budget at any time.

Cousino moved, supported by Grodi to move \$40,000.00 from 246-Public and Private to 212-Law Enforcement. Motion carried, all in favor.

**BUDGET TRASFER**

Supervisor Frey closed the public hearing and re opened the regular Meeting at 9:15 p.m.

**CLOSE THE PUBLIC HEARING-RE-OPEN REGULAR MEETING**

Baum moved, supported by Cousino to adopt the 2009-2010 budget that was presented to the board with the suggested amendments. Motion carried on a roll call vote. All in favor

**ADOPT BUDGET**

Assessor's Contract-has been signed by Dan Smith.

**EMPLOYMENT AGREEMENTS**

Building/Zoning Inspector's Contract-has been signed by Mike Demski.

Police Chief Contract-Supervisor Frey stated that, at will employees can be terminated at any time, also the employer can flip flop back and forth from at will to just cause.

**CHIEF OF POLICE AGREEMENT**

Attorney Goldsmith explained just cause vs. at will employees.

Clerk Upchurch stated Attorney Nantz questioned why department heads contracts were not in place before this, and suggested we do so immediately.

Nancy Adkins asked why this contract is an issue.

Clerk Upchurch stated that evaluations have not been done in the past and these contracts will insure that evaluations for the dept heads will be completed.

Erie Township Board-Regular Meeting June 9, 2009

Supervisor Frey stated that with cause is synonymous with just cause, it creates labor diversion.

Attorney Goldsmith stated that Department heads are held to a higher standard. You are at will employees in the State of Michigan unless stated otherwise.

Randy Mason asked if there is a severance clause in the contract and Supervisor Frey replied, no.

Trustee Cousino asked Chief Hines to sign the agreement.  
Chief Hines said NO

Attorney Goldsmith made the suggestion to convene the Personnel Committee to handle this matter. He said to choose 2 committee members, however Chief Hines has the right to be heard by the full Board if he so chooses.

Bill Baker stated do not name the personnel committee for this matter in front of all these people.

Grodi moved, supported by Cousino to turn this matter over to the Personnel Committee. The committee will hear the reasons for refusing to sign this contract. A roll call vote was taken. Frey, no, Baum, yes, Upchurch, yes, Cousino, yes, Grodi, yes. Motion carried.

**POLICE  
AGREEMENT TO  
PERSONNEL  
COMMITTEE**

Nancy Adkins asked if changes were made to the other contracts as requested.

Clerk Upchurch stated that we are not planning to fire anyone and the other two (2) contracts have the same changes.

Cousino moved to suspend Chief Hines without pay until he comes before the personnel committee. He then rescinded his motion. **Correction- motion died for lack of support.**

**CHIEF OF POLICE**

Cousino moved, supported by Grodi to sign the contract tonight, or by 8 a.m. on Wednesday June 10, 2009. A roll call vote was taken Frey, no Baum, yes, Upchurch, yes, Cousino, yes, Grodi, yes. Motion carried.

**CHIEF OF POLICE -  
DIRECTED TO SIGN  
AGREEMENT**

Cousino moved, supported by Baum to approve the building department's recommendation for the St. Joseph Labor Day Festival with all the conditions being met. Motion carried, all in favor.

**ST. JOSEPH LABOR  
DAY FESTIVAL**

Cousino moved supported by Baum to retain Lennard, Graham and Goldsmith as the prosecuting attorney. It was discussed that there was not a cap on their quote. Attorney Goldsmith stated that he would need to consult

**PROSECUTING  
ATTORNEY  
AGREEMENT**

Erie Township Board-Regular Meeting June 9, 2009

with his partners for a cap amount. Trustee Cousino rescinded his motion.

Grodi moved, supported by Cousino to table the decision on the Prosecuting Attorney to get a response from Lennard, Graham, and Goldsmith for a cap on their quote. Motion carried, all in favor.

A questionnaire was provided to the Township for road projects within our community. The Supervisor will fill out the questionnaire before the meeting with the Road Commission on July 13,2009

**MONROE COUNTY  
ROAD  
COMMISSION-  
BUDGET PLANNING  
WORKSHOP**

Baum moved, supported by Grodi to table the 2009 Firefighters agreement and have the Township Attorney look over the agreement. Attorney Goldsmith wrote a letter a few years ago concerning this and it still applies. Attorney Goldsmith stated that he needs to see the Firefighters articles of Corporation and their annual reports. Motion carried, all in favor.

**2009 FIREFIGHTERS  
AGREEMENT**

- Jack Cousino stated that he thought he was on the agenda for his fireworks application. Clerk Upchurch told him he needs to call Building Inspector Mike Demski for an inspection and once the inspection is completed Demski will give all the information to the Clerk to be on the agenda. He can then request a special meeting of the Board to get this reviewed for approval.

**PUBLIC COMMENTS**

Baum moved, supported by Upchurch to approve checks #21960-21971 and #21987-22046 in the amount of \$92,767.89. Additions of #22062-22069 in the amount of \$2,017.70 for a total of \$94,785.59. No Trust and Agency checks. Motion carried on a roll call vote. All in favor.

**BILLS APPROVAL**

Grodi moved, supported by Cousino to adjourn the meeting @ 10:10p.m. Motion carried all in favor.

**ADJOURNMENT**

Respectfully Submitted

Jolene Upchurch  
Erie Township Clerk

Diane LaPlante  
Recording Secretary

Erie Township Board-Regular Meeting June 9, 2009