



**Board Meeting  
ROSS TOWNSHIP  
KALAMAZOO COUNTY, MICHIGAN  
May 16th, 2023 @ 6:00pm**

<b>Attendee Name</b>	<b>Title</b>	<b>Roll Call Status</b>
Christina Hutchings	Supervisor	Present
Alexander Harris	Clerk	Present
Syndee Genung	Treasurer	Present
Diana Langshaw	Trustee	Present
Michael Bekes	Trustee	Present
Lynn Harmon	Trustee	Present
Mike Sulka	Trustee	Present
Rob Thall	Attorney	Present

Attendance were about 20 interested people.

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

The Pledge of Allegiance was recited.

**Agenda**

Motion: Amend the Agenda to include under old business a Closed Session to review minutes from April 25<sup>th</sup>.

Moved By: Trustee Michael Bekes    Seconded by: Trustee Diana Langshaw

Vote: Unanimous all Ayes

Result: Carried

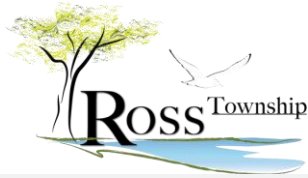
**Consent Agenda**

Motion: To pull out; Draft Minutes from April 25th Board Meeting, the Police Report, the Treasurer Report and the Clerk Report.

Moved By: Trustee Lynn Harmon    Seconded by: Trustee Michael Bekes

Vote: Unanimous all Ayes

Result: Carried



## Consent Agenda

- Treasurer Report: The discussion with the Treasurer was to ask for the dates to line up with reports generated in between monthly board meetings.
- Clerk Report: The discussion with the Clerk was regarding KLC Cleaning with a request for more information be emailed to Trustee Harmon for the 4/4, 4/18 and 5/9 invoices paid. Attorney Thall also discussed how post audits apply to warrant payments.
- Draft Minutes of the April 25<sup>th</sup> Board Meeting: A motion from Trustee Michael Bekes was seconded by Trustee Diana Langshaw to accept the updated April 25<sup>th</sup> draft meeting minutes sent to all Board Members on May 12<sup>th</sup> as the final meeting minutes. All Ayes.
- Police Report: Richland Police Statistics – Trustee Sulka questioned the bills for alarms Richland Police responded to instead of the County Sherriff. The Richland Police responses cost more than \$3,000 for those calls. The contract with the Richland Police Department is for high priority calls only.

Motion: After discussion of the documents requested to be pulled was completed, a motion was made to accept the Consent agenda.

Moved by: Trustee Michael Bekes Seconded: Treasurer Syndee Genung

Vote: All Ayes

Result: Carried

## Public Comment

Stephanie Walbridge – Happy to see Port-a-Pottys on the agenda. Please use ARPA for Police & Fire first. She was also happy to see the waterfront overlay and had a question regarding text amendment 2.2 asking for an explanation on not restricting site lines more than 10%.

Steve Heids – Zoning Ordinance Amendments, unable to find this online and to have these available to the public before coming to the meeting would be very helpful. In section D could you please explain whether we could put up a small hedge row, tomato plants, or a tree?

Judy Brown – Complaints regarding “Bluffs” construction trash littering neighboring properties. Also, regarding the assumed “pathway” please convey to the public there is not a path to the lake there. She had a man trespassing going through their lot to access the apartments. She asked for a guarantee the public is going to learn there is no access.

John Brown – Suggested a fence between existing neighboring homes and the “Bluffs” apartment complex be installed with an eight-foot minimum height.



Larry Stehouwer – From Kalamazoo County Road Commission – Reported the concerns brought up at the last board meeting were turned into service requests. He urged residents to please call in or use the website to request road service. There is an email update people can sign up for on the Road Commission’s website.

Connie Lavender – Zoning Ordinance Amendments – does not want a high-rise buildings or apartments next door to her.

Fire Chief Doug Bogema – A car fire, car accidents, new hire Brandon and a barn fire caused by a lithium battery charger were brought to the attention of the Board. The 130<sup>th</sup> year anniversary for the Augusta Fire Department is approaching and a car wash fundraiser went well. ARPA fund approval was requested for fire equipment.

Planning Commission Trustee Michael Bekes – Have not had a PC meeting since the last Board meeting so there was no update.

Park Supervisor Christina Hutchings updated the Board that many trees were cut down and the Rotary Club has been involved with working side by side with the park staff to make improvements to the park area. Christina asked the Board for approval to purchase a Weeping Cherry tree and plant it at the park with a placard to honor Donna Tellam for her many contributions to the park.

Motion: Purchase a Weeping Cherry tree and placard to honor Donna Tellam with ARPA Funds for her many contributions to the park.

Further discussion: Per Attorney Thall, ARPA funds can be used for this purpose.

Moved By: Christina Hutchings

Seconded by: Mike Sulka

Vote: Unanimous all Ayes

Result: Carried

- After the vote, Trustee Bekes requested the expenditure be capped at \$1,000 and the Board agreed to this provision.

Supervisor Hutchings reported the resignation of Police Chief Melody Rugg with her last day being May 19<sup>th</sup> and on the recruiting work for her replacement by Trustee Michael Sulka, Trustee Lynn Harmon and herself.

Five people applied for the job posting that was posted for one week with two candidates being very qualified. Finalist Martin Brown with a master’s in public administration and who brings over 30 years of Police work experience including time with the Battle Creek Police Department, college level teaching experience and seven years served as military police in the Army is the leading candidate. Mr. Martin Brown supporters wrote he is an impressive candidate for Police Chief with words used to describe him as fair, honest, well respected, disciplined, with high integrity, dedication, leads by example,



comfortable dealing with people all walks of life, easy going, friendly and approachable. An attorney wrote he truly has the heart of a public servant and would make an excellent police chief.

Trustee Michael Bekes asked if there had been any thought about change to the program to either make things more efficient or more cost effective. How do we tell the public that with the Police Department we are winning and, in a way, where the public will recognize it will be a program worth funding after ARPA money expires.

Supervisor Hutchings has done all the communicating for the previous Chief and would like to see the new Police Chief participate in sharing the success with our citizens. Trustee Harmon and Supervisor Hutchings talked about an option called Coffee and Donut Mondays.

Trustee Michael Bekes asked Martin Brown where he lived to which he responded his intent is to live in Ross Township or as close to it as he has never lived more than 15 miles away from where he worked in the past.

Trustee Lynn Harmon stated one of the discussions was regarding his expectations with Thursday Night Bike Night or Mardi Gras on the lake day. Trustee Mike Sulka stated it would be great if Martin Brown shows value to the board, but that might not keep him employed. We need him to show value to the community.

Martin Brown responded, "The Opportunity to be Police Chief in Ross Township, I would say what is s happening this week in Ross Township? I am going to adjust my schedule accordingly. If there is a festival on the lake for example that's where I am going to be. If there is a Tuesday night board meeting, that's where I am going to be. Bike night, I am already a member on their Facebook page, so I know what's coming." Mr. Brown's goal would be to go down and meet all those businesses along the water and introduce himself and basically say how I can help you be successful, so the community enjoys Gull Lake. Mr. Brown says he understands it is not a 9-5 week. Brown stated: "I have been on call for Battle Creek Police Department 24/7 365 days a year for 12 years, that's a normal life for me. My job is going to be where I can help this township, regardless of the time. If there is a time where I need to work night shift because that's where the problem is, that's where I am going to be. It is not a Monday – Friday 9-5 job, it never has been in law enforcement. How do we address the mission at hand. And don't you worry the boat will be out."

Clerk Alexander Harris said "that he spoke with Mr. Martin Brown for a half hour before this meeting and concluded he is a good fit for Ross Township." Clerk Harris' concern was with the structure or lack thereof that the Township board had allowed with the previous Police Chief. "There have been several events where the previous Police Chief was used inappropriately within the office and these happenings have been presented to the board members with no corrective action. The job posting is very vague stating the Police Chief reports to the Supervisor every day. There are no job duties or job description to describe what the Police Chief's responsibilities are, nor are the department's policies stating what is or is not allowed. There should be autonomy for the Police Chief just like the Fire Chief."



*Supervisor Hutchings “MCOLES requires processes and procedures for all Police Departments, which we meet those requirements. The job duties and responsibilities are the job posting itself.”*

Trustee Sulka thought the new Police Chief could ~~prepare~~ *review* a job description, as there are no board members that have this knowledge or experience. Mr. Sulka also noted that part of the Police Chief job is to document what he or she does and would expect that be done.

Supervisor Christina Hutchings stated she should be responsible for oversight of the Township Police Chief, as it is natural for her to take complaints from residents and direct the Police Chief accordingly.

Clerk Harris’s concerns were summarized as the current policies are old and weak. Policies were defended by Supervisor Hutchings, so Trustee Bekes asked Clerk Harris to review the current policies and prepare a white paper to specify the parts of the policy he refers to as old and weak, along with ideas on how to make them stronger. The request was for this paper/report to be presented to the Board for review.

#### **Martin Brown as Ross Townships future Police Chief**

Motion: To support Committee recommendation for Martin Brown to be hired as the Police Chief of Ross Township.

Moved By: Trustee Mike Sulka

Seconded by: Trustee Michael Bekes

Vote: Unanimous all Ayes

Result: Carried

#### **Resignation of Rebecca Harvey, consultant for Planning Commission**

After 23 years of serving Ross Township, Rebecca Harvey chose not to apply regarding a request for proposal (RFP) to be considered for the position of planning consultant for the Township. Rebecca’s letter of resignation and 30-day notice was given to the Board prior to the meeting.

The RFP was sent to Williams and Works, and McKenna. Trustee Bekes offered to reach out to Rebecca Harvey to ask her to continue working for the Township if neither company works out in the decision process in regard to cost, quality or any other attribute.

#### **May 2<sup>nd</sup> 2023 Election**

The Ross Township Clerk hired 9 new election inspectors for a total of 20 workers.

The Chairman/Chairwoman did an outstanding job. Precinct 2 at Yorkville Community Church had Ashley Satterlee (as her first election) and Precinct 1 at The Augusta Village Hall had Tom Shannon returning. The Absentee Voter counting board at the Ross Township Hall had Paul Hensley with his first election. I am grateful to those who stepped up to work the polls and count the ballots.



We had 799 AV ballots returned.

80 people voted in person at the Village of Augusta

109 people voted in person at Yorkville Community Church

According to our receiving board member Ginny Russell, this is the first time since she began in the 80's, that all the precincts turned down both School Renewals.

KRESA passed County wide.

Gull Lake Community Schools submitted their Millage renewal be put back on for an August 8<sup>th</sup>, 2023 Special Election. This will be the only item on the ballot.

Kalamazoo County has set an election to be held November 7<sup>th</sup>, 2023. This is to support Veterans Services within Kalamazoo County.

The Clerk's office is working hard to organize the new prop2, 2022. The first of many tasks will be to update voters who requested to be changed from the Absentee Application list to the new **Absentee Ballot list**.

Mike Sulka: So the Deputy Clerk is part time, but during elections he scales up. Just curious to know what he scaled up to over this election?

Alex Harris: The Township board capped it at the 30 hour mark, per week because we didn't want to pay him insurance. So the Deputy watched that very close and maybe hit 30.5 one week.

Diana Langshaw: How many hours is he working after the election?

Alex Harris: Up to 16 hours per week, using this time to update the permanent ballots.

Mike Sulka: How many hours did he work extra specifically because of the election?

Syndee Genung: The Deputy Clerk was back dated a whole month in April almost 41 hours.

Christina Hutchings: Why are we back paying?

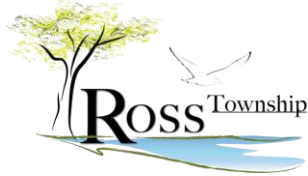
Alex Harris: The rough onboarding, first two weeks.

Lynn Harmon: What do you mean rough onboarding?

Christina Hutchings: You mean didn't submit a time card?

Alex Harris: [The Deputy was approved to be hired in December but was attempted to be blocked by the Supervisor. Not allowing the Deputy to work in the office or use a township computer, forcing home training for an upcoming election. Due to background check policy that didn't exist.

Lynn Harmon: So he worked so many hours, did he submit a time card for those hours that he worked them?



Alex Harris: I talked to Jeff Rood, about when to submit hours? We have followed his advice and everything is as it should be.

Lynn Harmon: What caused the need to have to back pay 40 some hours? So what caused this

Alex Harris: Here is Bruce's explanation – "When Bruce began working for the township, the state just so happened to be evaluating his income to qualify for his insurance program. The evaluation was based on income, where in a snap shot of income for one month is reviewed. As he came aboard for absentee ballot distribution and the demand for his time was high and so a full paycheck would not represent the normal 16 hours or less work week that he would average over the year.

Also due to the delay in background check vetting for the position as Deputy Clerk, his hours worked had accrued 67 hours. And so a first paycheck would have been quite substantial. This elevated pay combined with his final checks from the Sherman Lake YMCA would have raised concerns with the state and possibly disqualifying him from an upcoming surgery. So in an effort to have his pay more closely represent his anticipated weekly average pay from the Township, time worked over 16 hours was banked to be distributed evenly in the months post election season. When the demand on Bruce's time will be substantially less."

Lynn Harmon: We can't do that. I understand the challenge and we could have written letters to explain that this is not. But you can't say you worked 40 hours and I am only going to pay you 20 and I am going to bank 20, I am just throwing those numbers out. We legally have to pay the hours within the period.

Alex Harris: That's what we did. Retroactive those hours

Lynn Harmon: Now if a mistake gets made. You have to pay them in the period in which they accrue. You can't say that I am going to BANK them. And that I am going to pay you in two weeks. Because I want to wait another month.

Alex Harris: this is per the CPA recommendation to date it for when it was worked.

Mike Sulka: Why don't we direct Rob to investigate.

Lynn Harmon: Let's get an answer to exactly what happened?

Mike Sulka: Who approved this?

Alex Harris: What approval are we speaking of?

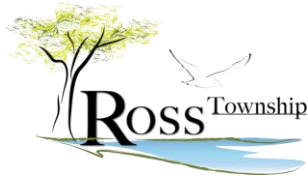
Mike Sulka: The back dating of the pay check.

Lynn Harmon: And not paying in the pay period in which the work happened?

Alex Harris: There are many factors at play here.

Mike Sulka: No No No, that's not the question I am asking. It sounds like you approved it. I want to hear a yes or a no.. did you approve the way this was paid?

Alex Harris: The current pay structure of what we retroactive gave to him?



Mike Sulka: Is this a yes or a no?

Lynn Harmon: Is this statement from Bruce? Do you mind if I give this to Rob?

Mike Sulka: One more time, you approved it? Nobody else on the board approved this.

Alex Harris: This is similar to how the Maintenance person has accumulated all winter hours and does a paycheck months later.

Mike Sulka: I am not evaluating the merit of what happened. I just want to know who approved it and then Rob will take the opportunity to evaluate the merit of what happened. So you don't need to convince me. I just want to know who wrote the paycheck?

Alex Harris: I warranted the check.

Christina Hutchings: I don't understand why you send an email to the office that we have to give you our time cards. That Mary Carol has to give you staff time cards. Thursday before a Monday pay date. Your very strict on when you receive time cards because you have a payroll deadline but you're not strict with your own Deputy.

Alex Harris: I am strict with the Deputy. That is not true.

Diana Langshaw: I didn't see Bruce's name on some of the Pay sheets we had in March. He wasn't paid for the two weeks that he had worked. It must have been some of the ones you were back holding.

Alex Harris: The first two weeks when he first started?

Diana Langshaw: I did come in and ask, because I didn't see it on the check register like the rest of us. When we're paid it's on the check ledger.

Mike Sulka: I appreciate the feedback, share it with Rob please.

Alex Harris: The onboarding process was the cause.

Mike Bekes: That's interesting Rob, if this were done incorrectly who would we report this to at the State of Michigan? I am not saying that now but I am saying what if? How are those corrections made?

Mike Sulka: I am concerned about liability

Rob Thall: I am going to look into it.

Alex Harris: I understand you guys are saying that shouldn't have been done.

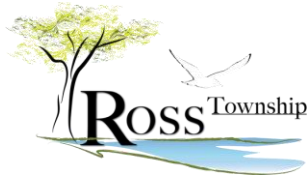
Mike Bekes: We don't know.

Alex Harris: How about all the other examples that were referenced where it has been done historically. And it is not a problem apparently.

Mike Bekes: We may find out that is a problem too.

Alex Harris: So what do you mean?





Mike Bekes: So where I am, first time Syndee mentioned the banked pay. Had 41 hours of back pay in April. Diana Said she looked at the Check register and everybody else was paid but not him and he has been on board. Put the two together and it sounds like something might be a miss. Now if other people are doing that, not getting paid in the time frame they are doing that. Then the results of this investigation is that we are going to fix that too. And if we are looking at anybody who is doing that, we have to put a stop to that.

Christina Hutchings: I approve Michael's (maintenance person) time cards and that is not happening.

Alex Harris: It did happen over the course of the winter.

Christina Hutchings: Over the course of the winter because he went on fire runs?

Alex Harris: This is time where the maintenance person had accumulated and banked time for months past to be paid at a later date.

Lynn Harmon: Let's just make sure Rob has that example also.

Christina Hutchings: I want to address that, because when there is a Thursday Cut off, when you want time cards. But goes on a fire run that Friday or Saturday or Sunday. He doesn't get paid until the next pay period.

Alex Harris: I agree, this system is what I have been given. To receive time cards on a Monday and also issue a payment on a Monday that is due by 1pm is not practical. I would suggest we have a pay date on a Wednesday.

Christina Hutchings: (Lynn Harmon whispers in her ear) I arbitrarily disagree with you making decisions about payroll without asking this board. Because we have a history here of you arbitrarily making decisions with payroll.

Alex Harris: No, that's not true.

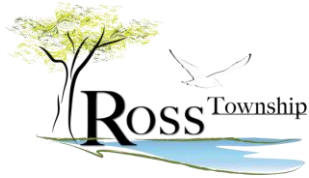
Christina Hutchings: Now we're right back here at that same intersection.

Diana Langshaw: Oh yes, it is.

Alex Harris: No, that's not true.

Christina Hutchings: It definitely is.

Mike Bekes: Let's move on.



### **ARPA Police Department Supplies**

Needs for the Police Department from Keisler Police Supply & CMP Distributors included a vest, handguns, a patrol rifle, and holster.

Motion: \$8,009.00 from ARPA to be used to cover the three invoices for said equipment for the Police Department.

Moved By: Trustee Michael Bekes

Seconded by: Trustee Lynn Harmon

Roll Call – Bekes Aye, Langshaw Aye, Genung Aye, Hutchings Aye, Harmon Aye, Harris Aye, Sulka Aye.

Result: Carried

### **ARPA Fire Department Supplies**

In 2022 the fire department spent \$11,602 on thermal imaging cameras resulting in an \$8,398 carry over to 2023. Year 2023 to date the Fire Department spent \$9,450 for fans. As their target is \$20,000 per year for ARPA funds, the balance available through 2023 equates to \$18,948.

Motion: Approve \$15,632.66 from ARPA funds to buy 10 AED's and two electric chainsaws for the Fire Department.

Moved By: Trustee Michael Bekes

Seconded by: Trustee Lynn Harmon

Roll Call – Sulka Aye, Harris Aye, Harmon Aye, Hutchings Aye, Genung Aye, Langshaw Aye, Bekes Aye.

Result: Carried

### **Multi Family Dwelling – R3 district**

Motion: To Accept the Zoning Ordinance Text Amendments related to Multiple Family Dwelling as presented at the April 25, 2023 Board Meeting. The text Amendments are in Sections 8.2 and 8.5.

Moved By: Trustee Michael Bekes

Seconded by: Trustee Diana Langshaw

Vote: Bekes Aye, Langshaw Aye, Genung Aye, Hutchings Aye, Harmon Aye, Harris Aye, Sulka Aye.

Result: Carried

### **Structure and Viewshed Zoning Ordinance Amendment**



The Board did not vote on acceptance of the Zoning Ordinance Amendment as Attorney Thall was assigned to work with Rebecca Harvey and Board Liaison to the Planning Commission Michael Bekes to strengthen the site line intent of not blocking more than 10% of a neighbor's view. The amendment will be addressed at a Special Board meeting May 31<sup>st</sup> at 5:30pm.

**A Special Board Meeting was scheduled for Wednesday May 31<sup>st</sup> at 5:30pm to address the Police Chief contract, the Zoning Ordinance on viewshed and to complete the agenda from this May 16<sup>th</sup> meeting at a minimum.**

### **Closed Session**

Motion: The Township Board moves to closed session to review the draft minutes of the April 25<sup>th</sup>, 2023, closed session.

Moved By: Trustee Lynn Harmon                      Seconded by: Supervisor Hutchings

Vote: Unanimous all Ayes

Result: Carried

After returning from closed session:

Motion: To accept the closed session minutes from April 25<sup>th</sup>, 2023

Moved By: Trustee Michael Bekes                      Seconded by: Trustee Diana Langshaw

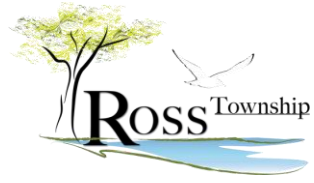
Vote: Unanimous all Ayes

Result: Carried

### **Adjournment**

Upon a motion made by Trustee Mike Sulka and seconded by Trustee Michael Bekes, the Board voted unanimously to adjourn the meeting at 9:30 pm.

Respectfully Submitted,



Alexander D Harris  
Township Clerk