

# **Special Meeting of the Crystal Lake Township Board**

1651 Frankfort Highway, Frankfort MI 49635

July 13, 2021

**Meeting was called to order** by Supervisor Amy Ferris at 7:00 PM via Zoom.

**Pledge of Allegiance** was recited.

**Roll Call:** Ferris, Nielsen, Northway, Popp and Sullivan were present, constituting a quorum.

## **Agenda:**

Popp asked when the cemetery items were added. Ferris said she made the agenda 2 days after last meeting. Northway recalled it being talked about at the last meeting and it would be approved at this meeting.

- Ferris moved to accept the agenda as amended to say Special Meeting. Sullivan supported. Roll was called: all ayes. Agenda accepted.

**Conflicts of Interest:** There were no conflicts of interest declared.

**Correspondence:** Ferris shared she received correspondence from Pat Dougherty of Joyfield Township. She will share this with the Board at the next regular meeting.

**Public Comment:** There was no public comment.

## **Cemetery Ordinance:**

- Ferris presented the Cemetery Ordinance with the typo corrections made. It was suggested to her that Section 5D was unclear so she also adjusted that section for clarity. Sullivan thought that we had agreed to not go through local circuit court. Ferris explained that according to MTA attorney after the ordinance is passed identifying alternative procedures, we do not go to court.

Ferris moved to accept the Cemetery Ordinance as corrected. Northway supported. Roll was called: all ayes. Cemetery Ordinance was accepted.

## **Updated Grounds Keeper and Sexton Contracts:**

- Ferris presented the updated contracts explaining that the grounds keeper was too busy to do both grounds maintenance and lay foundations. She explained that new contracts were needed. Popp felt that this was already done in April. Ferris explained that that included the foundations in Grounds Keeper contract and it needed to be changed. RJ was not getting foundations done in a timely manner. Ferris said that Bob Wilkinson would be able to do this job. Popp questioned the billing date; she thought we agreed to not have that. Ferris agreed and will change the contract accordingly.

Ferris said the Grounds Keeper will be paid in 6 equal payments reviewed monthly for satisfactory work.

Ferris moved to adopt the revised Grounds Keeper Contract as updated to not include a date for payment. Northway supported. Roll was called: all ayes. Motion accepted.

- Ferris presented the Sexton Contract which will include installing foundations. Popp inquired about the liability insurance requirement on the back page, #1. She feels that Wilkinson is a sole proprietor, and as such, would not carry liability insurance or worker's compensation. Ferris will cross that part off of the contract. Sullivan feels it should be left and add "if needed" or "if applicable." Popp feels we should cross off the entire middle and it would read "contract shall be initiated and sustained, then crossed off until "completed employment papers are on file." Ferris amended the resolution to read, "Contract shall be initiated and sustained when completed employment papers are on file." Sullivan questioned the invoices being delivered by the 2<sup>nd</sup> Tuesday of every month. Ferris asked if we should cross that off. Popp says that it is nice and should be left. Ferris does feel Sullivan has a point. Sullivan stated that a problem in the past has been as it involves 3 sets of invoices; foundation installer, supplier, and the billing. These have to be clarified when the invoices come in.

Ferris moved to accept the Sexton Contract as amended. Sullivan supported. Roll was called: all ayes. Motion accepted.

### **Reimbursement Policies:**

- Ferris shared with the Board suggestions from the Reimbursement Committee for personal expenses to the Board. She did say it was received late but Sullivan thought it was a good idea to present it to the Board. Nielsen said he did not have the document. Ferris said it was sent in an email and is posted on the website if Nielsen had access to it at this time.
  - Popp felt that the Committee's recommendations for only 3 officers and 3 staff members to be reimbursed should be adjusted to include all officers and staff members. According to the IRS we are either an employee or an independent contractor. Our elected officials are not employees and personal costs are built into the salaries. Elected officials are more like independent contractors and costs are built into the contract. We are not told when or where to work. Popp does not feel this is legal.
  - Sullivan questioned if, based on that, we would have to supply our own equipment and pay rent for using the hall.
  - Popp said we are required to withhold taxes, which is like an employee. She further explained that taxes can be withheld from independent contractors also.
  - Popp understands that Jill has experience with this but only as an employee of the State.
  - Popp is going defer to what MTA and our attorneys said. She doesn't believe stipends should be given and, if they are, they should be available to all employees.
  - Ferris said this is two different issues; how many get this benefit/stipend and where it is taxable.

- Popp – Is a stipend taxable? Ferris said this all needs to be worked out. For instance, when she gets reimbursed for ink.
- Popp said reimbursement, according to MTA, requires this a vouchered expense invoice and requires a receipt. This would get “sticky” when considering reimbursement for cell phone usage.
- Sullivan didn’t think the attorney said no stipend; just a decision from the Board if they so choose. We could use a percentage amount of the cell phone bill. Ferris said the attorney agrees with that. MTA says that stipends can get “sticky” when reimbursing. Sullivan suggested that we have tangible equipment that can be returned to the township for people to use. We could purchase laptops or cell phones for people to use. Also, different position requires different equipment. She also feels we need an “third party” person or company to do IT work. She took the liberty and asked Brian Halliday, a career IT person, if he would like to do this. He may be the person we could agree to use.
- Ferris feels an IT person would be helpful. She explained that it took Chris from Eclipse multiple months to respond and just offered questions, nothing helpful. He didn’t seem too interested in it. We, as a board, need to decide if this is something that should be reimbursed and should check with MTA and the attorney.
- Nielsen feels that elected officials should not be given a stipend. It is part of the job we are already paid for. He further explained that in his 30 years, there were never any reimbursements. Why are we changing this now and having to hire someone to do this? Ferris and Sullivan said we did not always have cell phones and computers.
- Popp says we do have remote access to equipment and software at the Township Hall. She does print from home to the office and picks up the documents. Northway says this seems more of a major projects vs printing a single document day by day. Popp says she waits to print until she has multiple documents. Sullivan said not everyone does this monthly. Ferris agreed. If someone cannot do that, they should go into the office. Ferris questioned that Popp uses personal equipment for printing. Popp said no, she prints to the Township Hall and then picks it up. She feels we need to be frugal.
- Popp would like this put into job descriptions; i.e., the Zoning Administrator, Assessor and Enforcement officer. Popp only found job descriptions for Assessor and Enforcement Officer.
- Ferris will get the Zoning Administrator job description to Treasurer.
- Sullivan said we should double check on the Assessor job description and doesn’t believe cell phone usage is in that.
- Ferris said that people can decline this if they so choose.
- Popp came across a policy on business vs personal use of phones and she will send that to everyone. Sullivan said perhaps a business only cell phone could be looked at. Ferris said nobody on the committee would be interested in carrying 2 phones.
- Kucera said he agrees with Nielsen that we should not be paid extra when we choose to work from home. His concern with personal equipment is that it would be subject to discoverability and FOIA requests per Brian Graham. He said he only uses the township e-mail when doing business from home and, if someone sends him something to his personal account, he forwards that to his work e-mail.
- Ferris would like another option on that. She was told by Figuera that anything on her personal equipment would be subject to FOIA, whether the e-mails were forwarded or not.

- Popp will share links that she sent to Sullivan in regard to FOIA requests.
- Northway asked if FOIA would still have access to deleted content.
- Nielsen said a lawyer may request access to personal cell phones also. Ferris said this happened at the county.
- Ferris asked how the group was feeling about the reimbursement policies. Nielsen feels it should be scrapped for elected officials. He feels there should be no further reimbursements. Popp also feels there should be no reimbursement.
- Popp said that it was planned to increase salaries 3% after the last 1.5% and that didn't happen. She feels this could be done during the next fiscal year. This would cover the cost of cell phones.
- Ferris would like to be reimbursed for her cell phone usage. She receives a lot of texts and calls and explained if she goes over her usage, her bill is doubled. Popp said she does not need to use her cell phone but to use the office phone.
- Sullivan asked Ferris if she did incur extra costs. Ferris explained that she did not have an unlimited plan. Popp said we can discuss this next year when looking at salaries. Sullivan suggested paying Ferris to update her coverage to an unlimited plan. Popp would like to see quantitative data and asked Ferris to bring that for the next discussion.
- Ferris again asked if the Board was agreeing to further this discussion; noting that Popp and Nielsen do not agree with reimbursements.
- Northway feels that Popp and Ferris look at the subject with 2 different perspectives because of their positions.
- Sullivan asked if we did an upgrade, how would we manage reimbursement. Popp does not know at this point and has been going through the IRS fringe benefit guides. Popp feels we need to go through the MTA compensation package. We need to see what everyone's wants and needs would be.
- Sullivan is undecided in pursuing this any further at this time.
- Northway asked how much money are we talking about. Ferris said some committee members suggest \$15 to \$50/month. Popp asked if this was just for the cell phone and Ferris said "yes." It was a group decision to just include the 6.
- Popp does not agree that the Supervisor get a stipend, but tie it to cemetery management only. What if the next Supervisor does not do cemetery work?
- Ferris said we need to work that out and it was noted in the Committee report. We wanted it to be done in a way that is transferable to the next administration.
- Ferris feels that if we have 3 opposed then this all a moot point.
- Sullivan is for reimbursement for personal items and not subsidizing the township. She also said Ferris is the only professional person she knows that does not have an unlimited plan. Ferris feels this is based on principle; we are using personal equipment to do township business.
- Popp asked if someone is using personal equipment supposedly for the goodwill of the township, should they get paid. Popp believes Ferris sees this is a quid pro quo.
- Ferris pointed out the cell phone is just one of the many pieces of equipment. We are getting embroiled in the details. Ferris was surprised when Brian Graham said we cannot dictate where someone works. Popp said, we can dictate an employee, you cannot dictate an elected official. Ferris said she was referring to the officials.
- Ferris explained this all started with her Adobe and Weebly reimbursement. Popp stated that MTA says we cannot put this stuff on a personal computer. She is okay with Weebly reimbursement, but no Adobe. Ferris explained that she could not do

her job without that software. Ferris explained this all started when she was unable to properly work with Sullivan because of the software issues. Popp questioned why Ferris did not ask for a laptop instead of the desktop installed at the office. Ferris felt the tower was better suited due to power, storage, etc.

- Sullivan is not ready to say yay or nay. We need to address each of the particulars: cell phone; Adobe; and Weebly. We should find the most reasonable prices for each. Ferris explained that the Adobe was in the Township's name.
- Kucera says the organization provides the software required for people to perform their jobs. If you need Adobe, come into the office to manipulate it. If you choose to work from home, you pay for it.
- Ferris said that the Adobe belongs to the township and it could be used on any computer.
- Kucera said we can purchase seat licenses for the software and apply it to specific computers. You can no longer buy the software; it is available only via subscription. The Board should make the decision who pays for that.
- Popp asked if it would benefit the Board if the Township had a debit/credit card, with co-signers, to pay for items like Weebly and other business-related expenses. The Board would approve the fees first. Kucera said these fees could be added to the monthly warrant report. Popp would like to see the Board approve this before having this expense added to credit cards.
- Ferris asked if this could be used for subscriptions. Popp said yes, any recurring expenses.
- Popp said we should vote in a resolution on this.
- Ferris asked Popp if she was personally paying for Quick Books. Popp said, no, not for 2 years. It is paid directly from the bank account. She said occasionally there are unusual fees that she has paid, like upgrades.
- Popp said Ferris should be able to log into Weebly and change the payment information. They may even allow routing information from the bank account.
- If Ferris is not going to be reimbursed for Adobe, she will stop the service. This could cause issues when working on the website. Ferris is going to bring about a resolution to the Board to reimburse her for Adobe and her 365 subscription, which has expired. Popp asked Ferris why she was not accessing those software programs remotely? Sullivan said if you remoted in, you would have access to these programs.
- Northway asked for a written report of how much these items would cost.
- Kucera said Adobe is \$14.95 (\$15.89 with tax) per seat, per month. Six user seat licenses for Microsoft 365 are \$99 per year, plus tax. Ferris said Weebly is \$18 a month.
- Popp said all of this is installed on the computers at the Township Hall. Sullivan said we do not have the full Adobe which allows the conversion to a PDF document.
- Kucera explained that you do need the Windows 10 Professional version to do the remote access. That is around a \$100 upgrade.
- Ferris noted that another computer is needed in the Township Hall for public access to assessment cards. Popp created procedure for this and that her computer is available for anyone to use. Ferris said yes.
- Popp said there are two questions. Just access for BSNA online or internet access.
- Popp also said there is another computer available for use in the basement.
- Ferris said this could also be a base for remote access for the Trustees.
- Popp has a manual that she will send to the board on this.

- Ferris says there has really been no conclusions. Anyone is welcome to prepare resolutions to present at the next Board meeting.

#### **Policies and Procedures Manual, Chapter 4:**

- Ferris said that she received the proposal from Brooke and some of the information was missing. It was also not in PDF form, so it was not publicly available. There was feedback given to Brooke from Jill Marble and also Greg Wright on the Capital improvement Plan. We can distribute this information and take up in committee form or at the next Board meeting. Ferris will forward the feedback to Popp. Northway also had a couple suggestions on sentences that did not read well. Popp would like feedback now and doesn't feel this needs another committee meeting. Sullivan asked why the feedback was not shared with Popp. Popp knew the issues from Greg Wright and explained that she used the wording from the Planning & Zoning Guide book. Ferris would like to meet with Committee. Ferris asked Northway if she should share his comments. He said he could send it directly. Sullivan and Ferris will also get together on this. Ferris said we will probably not vote on Chapter 4 at the next meeting but she will get Chapter 5 out to the Board next week.

**Public Comment:** There were no public comments.

#### **Board Comments:**

- Ferris said fireworks will be on the agenda for the next meeting.
- Ferris inquired about the American Rescue Plan. There is a July 27 deadline. Popp has everything in to them and has to check on the Sigma account on this. She will let the Board know when we receive the funds. The state does not have the complete reports out yet. Sullivan said they are not yet asking for specifics.
- Northway asked Popp if she has spoken with Andy Miller on the broadband plans. She has not yet, but plans to since we have settled down from the holidays.
- Nielsen commented that Sunset and Airport Roads have been paved, but not fully painted. The paint is not available right now and this could be a safety issue. Sunset has no stripes at all.
- Popp asked Nielsen if MDOT was using Palcich as a new detour route as Frankfort will be paving up to Bridge Road. He has not heard anything but Bruce Walton was called about an alternate detour down Lobb, Palcich or Bridge Street. Ferris was contacted by Bruce and was told we do not answer for the Road Commission. Nielsen said that is up to the Road Commission.

#### **Meeting adjourned at 8:27 p.m.**

Sue Sullivan, Clerk, and Sondra Halliday, Clerical Assistant, reporting.