

TOWN OF FAYAL
4375 SHADY LANE, EVELETH, MN 55734

Judy M. Sersha, Clerk/Treasurer

Steven J. Kniefel, Chairman

Supervisors: Tony Tamaro, James Pernu, Lee Branville, Mike Erjavec

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REGULAR MEETING OF THE FAYAL TOWN BOARD

APRIL 5, 2011

The Regular Meeting of the Fayal Board of Supervisors was called to order at 7:00 PM. Present were: Chairman Kniefel, Supervisor Erjavec, Supervisor Branville, Supervisor Pernu, Supervisor Tamaro and Billing Clerk Stewart. Clerk Sersha was absent.

Audience members in attendance were: Dennis Pernu, Charlie Erickson, Pat Donnelly, Jerry Ulman, Jim Johnson, Brad Reifsteck, Chief Harvey Thompson.

We are short of documentation tonight due to Clerk Sersha is on vacation. Chairman Kniefel asks to defer the approval of the minutes from the last meeting and this meeting to the next meeting in April.

SCHEDULED GUESTS

St. Louis County Commissioner Keith Nelson and Brian Boder St. Louis County engineer. Nelson explains they are looking ahead at the scheduled projects. Ely Lake Dr is scheduled for an overlay in two years. He brought Brian with because he wants to hear what the Town Board is wanting. Commissioner Nelson says he keeps hearing talk about a bike trail or pedestrian trail. Currently the project is programmed for 2013 as a reclaim, overlay with local dollars. Chairman Kniefel states prior to 2006 it was on the 5-10 yr plan for a complete reconstruction. In 2006 it was down sized due to budgetary cuts, to a reclaim overlay in 2013. At that time the Town Board made a complaint that was not appropriate for that piece of road. History of that goes back to the 70's it was programmed at that time for a total reconstruction. Engineer Boder states the reclaim consists of grinding up the existing pavement and use it as a base material and pave over. Minimal impact to the surrounding area. Boder says, after driving the road I can see why they made that decision. Going to an urban environment from rural to a curb and gutter just does not fit. Boder says the funding is local budget and the county would have to change the funding sources, if they change the project. Supervisor Branville asks if we can just expand a shoulder without going to the curb and gutter? Chairman Kniefel states he had this conversation a couple of years ago with the county. If we wanted a total reconstruction we would have to look into the state aid funds, instead of local dollars. Chairman Kniefel says, the surface isn't the problem, its not that good of shape but its not the crux of the problem. It's a safety concern, a drainage issue, and a bogus intersection that needs to be addressed. A lot of development, existing on the westerly side. And in cabin row on the other side of sky harbor there has already been re-development I think we are going to see more development out there. They have access to city sewer, and city water half way down the road. Our concern is not the surface and it may create another problem with the speed on the road which is already a problem. The mail boxes are hanging over the fog line and a lot of pedestrian traffic along the road. The width issue needs to be addressed and the other safety issues. Whether it requires a full blown reconstruct or if we do some kind of hybrid that addresses these issues. That is what the town has identified not that the road is rough.

Chairman Kniefel asks why they are stuck on using local funds, it is a collector, and its on the CASAH system and why don't you tap into the CASAH system for it. Boder says it will not likely meet State aide standards for the reclaim overlay. And when we tap into CASAH dollars it has to meet standards to apply. We would have to rebuild it to make the standards. Supervisor Branville asks if there is money available for a bike trail, Boder says not sure where it could go without acquiring easements. Supervisor Tamaro asks if there has to be a separation between the bike path and road. Commissioner Nelson says he has had this discussion before, and you can't call it a bike trail. The biggest issue is the dam. Supervisor Tamaro asks about the longevity of the road after a reclaim overlay compared to a total reconstruct. Boder says none of them last long enough. They are using other products in the base to make it last longer. About 4-5 years for a reclaim overlay. Before you have to crack seal, by 20-25 years it will be about the same as it is now. Boder says, the drainage is a problem because its flat. Nelson says they are sending the St. Louis county crews out ahead of the projects to save some money.

Chairman Kniefel feels the rural design is not going to fix our drainage and width problems. He feels

it needs to be re-evaluated and look at a urban hybrid design. The road doesn't have the embankment to put a decent shoulder on, and putting a road separated trail would not work because there is no right of way to put a trail on. Maybe if we could get the shoulder a little wider its not where they belong but its where they are going to be. Chairman Kniefel states the Town would like the shoulder width of 4'- 6' on one side. Get the mailboxes off of the fog line. Boder says then there is the storm water pond we have to put in. Chairman Kniefel says he was asked what the constituents of the town would want. Do they want a smooth road or wait and get the safety and speed addressed. Supervisor Pernu states he agrees we should do what the townspeople want. He questions the definition of a multi use trail. Boder says you can pick and say what you want on it. Chairman Kniefel says, they are more concerned about safety and they are willing to wait for safer roads. Boder says he will take this back and see where he can go with this information. Boder feels the real answer is to go with a trail off of the road. It's a long process, but there could be funding available. Boder states the current project funding is at 2016. Chairman Kniefel disagrees with Boder's first statement about losing the character of a rural area. Chairman Kniefel feels it is more suburban, and who knows in 15-20 years the farm may not be there. Commissioner Nelson apologizes for taking so much time. Maybe have a community meeting with the county engineers, ahead of time. And see what the engineers can come up with. Chairman Kniefel says he has discussed the Park Dr, Woodlawn, Ely Lake Dr intersection triangle with the county. The Town will be willing to work with the county taking care of that intersection, because it is two township roads. Cedar Island Dr-Chairman Kniefel is wondering where it is on the docket. Not sure, but its out farther than Ely Lake Dr.

Shady Lane and Ely Lake Dr- Erjavec asks Commissioner Nelson how can the town get this drainage problem repaired. Mr. Donnelly states he dumped his motorcycle coming around the corner in the water and sand and broke his foot. Its bad, there is always water on the corner. Nelson says he will talk with the county tomorrow.

REPORTS

Clerk/Treasurer's Report-deferred to the next meeting.

Motion to accept the March 2011 Road & Bridge Report, made by Supervisor Tammaro, support from Supervisor Pernu. Motion carried unanimously.

Motion to accept the March 2011 Police Report, made by Chairman Kniefel, support from Supervisor Branville. Discussion-Branville noticed Harvey has been going out and doing some day shifts, its been effective. Positive comments about it. If he continues I think we'll see some slow down on Ely Lake Dr. Motion carried unanimously.

Motion to accept the January 11, 2011 Regular PUC meeting minutes, made by Supervisor Erjavec, support from Supervisor Tammaro. Motion carried unanimously.

Motion to accept the February 8, 2011 Regular PUC meeting minutes, made by Supervisor Erjavec, support from Supervisor Tammaro. Motion carried unanimously.

CORRESPONDENCE

SEH Engineering- Brad Reifsteck, PE, agreement for professional services for providing engineering and construction services for the Thunderbird Trail, crack sealing and Woodlawn Circle overlay and Woodlawn Blvd. overlay. - referred to old business.

New traffic sign maintenance requirements compliance dates. Chairman Kniefel states this is a big deal and the signs need to be changed. Supervisor Tammaro says the R & B has already been changing signs to make them compliant with the new retro reflective rules.

St. Louis County Association of Townships Annual Banquet. Wed. April 27, 2011. \$20/person, reservations due by April 22, 2011. 6:00 mingle, 6:30 dinner, 7:15 meeting, 8:00 speaker Tony Mancuso. Placed on file.

State Representative Sarah Anderson, redistricting chair is taking public input from local officials and community members re: specific concerns over how local legislative boundaries have impacted your communities. There goal is to produce a fair plan and map for the entire state through the legislative procedure. Placed on file.

Couri, Macarthur & Ruppe, attorneys at law- Advertisement and proposal for legal services. They are offering a free township legal seminar June 16 & Sept 18 Albertville, MN. Placed on file.

MN Rural Water Association- Training session, Engineering for the non-engineers. April 28 St. Cloud MN. \$100. Placed on file.

Mediacom- March 23 adding new High definition channels. Placed on file.

Land Stewardship project- Legislation has been introduced that weakens township rights. Calls are needed today to keep township rights strong. This legislation weakens the powers of townships to enact an interim ordinance. Placed on file.

Thank you from Eveleth-Gilbert bantams hockey. Placed on file.

St Louis County Planning and Development Dept- Re: Proposed text amendments to zoning ordinance # 27 and #46 wetland administration. The proposed changes are being distributed for public comment, after which the commission will hold a public hearing. Refer to Planning Committee.

State of MN- Materials management division, order form for road salt for the 2011-2012 winter season. Deadline April 12, 2011. Refer to Road and Bridge.

St Louis County Planning and Development Dept- Re: Zoning ordinance Revised Memo. Ordinance #27 & #46 Comments will be taken thru June 24, 2011 to Mark Lindhorst. Refer to Planning Committee.

MN Dept of Natural Resources Forestry Division - Township Fire Wardens Appreciation dinner and program will be Friday April 15, 2011 @ Fayal Town Hall 6:30 pm. Placed on file.

Letter from Sellman Law Offices to Bruce Williams dated April 1, 2011. City of Gilbert has been directly contacted by your client. All future communications shall go thru counsel or will be disregarded. Placed on file.

MN Dept of Health- Consumer Confidence report must be distributed to customers before July 1, 2011. A packet has been sent to your water superintendent. Placed on file.

Dick Walsh IRRRB community development division re: Grants and the website for the applications. Placed on file.

Range Quality Pest Control- Preventative maintenance service plan and service agreement. \$375 per year. Review, sign, date and return. Refer to New Business.

Eveleth-Fayal Cable access channel 12 agenda for April 6, 2011 meeting at 4:30 H.S. conference room. Placed on file.

Dick Walsh IRRRB community development division re: website for renewable and efficiency incentives. Grants, loans, rebates, tax credits. Placed on file.

Dick Walsh IRRRB community development division re: New application fund guidelines. Changed the formula and dollar amounts for water and sewer projects, energy projects, and small businesses. Placed on file.

Letter from City of Eveleth- Re: Bulk water purchase agreement rates. Notice of pending adjustments from the current rate of \$75 service charge and volume of \$2.76/1000 gallons. Effective 5-1-2011 \$75 service charge and volume of \$3.10/1000 gallons. 10-1-2011 \$75 service charge and volume of \$3.44/1000 gallons. Refer to new business.

OLD BUSINESS

Supervisor Erjavec-

Gilbert Wastewater Agreement- Nothing other than this latest letter from the attorney saying no direct contact to the City of Gilbert.

WasteWater Rate Study- On hold as long as it is in court. The Town did sign the service agreement with SEH Engineering.

Supervisor Branville-

New Fire Hall- He has talked to John Damberg and they are doing a proposal for the fire hall.

Supervisor Penu-

Town Hall Floor- Joe Ahlin from Floor to Ceiling was asked to come and give his professional opinion. He has been in the tile business for 25 years. He made his inspection of the floor and identified the hollow tiles. He said with normal foot traffic the tiles could last a long time. He recommends that we not place anything heavy on the tiles, or anything on rollers. Penu mentioned his concern of rummage sales. Mr. Ahlin stated that is not designed for those types of events and he couldn't understand why we have them. A new tile floor in the Hall could cost \$20,000 to \$23,000. Supervisor Erjavec was present for most of the inspection then he left and Supervisor Tamarro heard the report from Mr. Ahlin.

Supervisor Penu feels the Town does not need rummage sales.

Supervisor Tamarro-

Street Maintenance Improvements- SEH Engineer Brad Reifsteck reports quotes are going out this week, Tamarro says the quotes will be priced per road. Then we can do what we have money for, there are holes that need to be repaired and they are in the quotes. We have a proposal for engineering for overlaying the roads and they have done work and should be paid. Chairman Kniefel read the document addressed to Steve Verkovich its dated Feb 23, 2011.

Motion to approve by Supervisor Tamarro, the 2011 Street Maintenance Improvements Fayal Township SEH No. Fayal 107184 10 Agreement for professional service between Fayal Township, Owner and Short Elliott Hendrickson Inc (SEH) for providing engineering, and construction services for Thunderbird Trail crack sealing and Woodlawn Circle overlay and Woodlawn Blvd. Overlay in connection with the 2011 Street Maintenance Improvements. The estimated construction cost of the project is \$100,000. The proposed project tasks and estimated fees for each task are as follows: Task 1-Engineering & Construction Administration and Observation \$5,000 (hourly max. const.) Total estimated fee \$5,000. Second by Supervisor Penu. Motion carried unanimously.

Police Department computer- Harvey had some problems with his computer but they have all been repaired, and it is working fine. Tamarro states they had to do some grounding and you will notice we purchased ground wire.

NEW BUSINESS

Supervisor Erjavec- we have received a rate increase from the City of Eveleth. Still considerably less than what Gilbert was charging us. Our contract is in the 4th year of a 5 year contract. Supervisor Tamarro feels we should ask for a longer contract next time. See if we can lock in the price for a longer time. Talk about it at the PUC. Erjavec says the increases are according to the contract. In accordance with our bulk water purchase Notice of pending adjustments from the current rate of \$75 service charge and volume of \$2.76/1000 gallons. Effective 5-1-2011 \$75 service charge and volume of \$3.10/1000 gallons. 10-1-2011 \$75 service charge and volume of \$3.44/1000 gallons. Refer to the PUC

Supervisor Penu-Thank you Charlie Erickson- Thank you was read by Supervisor Penu, " Charlie Erickson is no longer with us, as he turned in his key 3/25/11 ending his employment here. Charlie was a great asset to the Township, with his many talents. He has saved the township hundreds of dollars. He has worked hand in hand with the Building and Grounds and Road and Bridge Departments. He was directly responsible for making our outdoor skating rink number one on the range. A lot of the hours put forth to that project, summer and winter were volunteered on his part. He has worked on the Fayal hall making numerous repairs. He by himself, did all the brick work in front making a great improvement on its appearance. He has been available when needed to make repairs on our tennis court, nets, fencing and also our playground. In the summer months he spent hours making our park area an added attraction to our Fayal grounds. This required removing numerous rocks and stumps, raking and seeding. By doing all these projects in house you can see how it has saved the Township hundreds of dollars. Charlie was also available on Fridays to clean the hall making it available for others up coming events. Charlie took pride in his work and it showed. Charlie's greatest assets are obviously his talents, dependability, and how he always completed projects in a timely fashion. He is well liked by the Fayal employees and Fayal citizens who have

crossed paths with him. I thank you Charlie for all the help you have given me with the Building and grounds. You are going to be a hard one to replace.” The entire board is in agreement.

Supervisor Tamaro

There is money available everywhere to install solar. He would like permission to install solar at the Town Hall we should be able to money in electric and heat. We probably have to match 10%, that shouldn't be a problem.

Motion by Chairman Kniefel for Supervisor Tamaro to pursue grants for solar improvements for the Town Hall, we may have to put on a 10% he would work with SEH. Second by Pernu. Discussion- Erjavec asks where are the grants. Walsh is doing them every day. There seems to be grants everywhere. Motion carried unanimously.

Supervisor Branville sent a email with a complaint from a citizen in Park Dr complaining about the snow plowing. Tore up the yard. He talked to Verkovich they are going to try and meet with the home owner and see if they can work something out.

Chairman Kniefel read the service agreement from Range Quality Pest Control. By analyzing your property, I believe we have come up with a preventative maintenance plan that will provide you with the maximum protection for your property. I have enclosed the service agreement. After reviewing your plan, please sign, date and return to my office. Total cost of \$375. Branville asks what they do outside. Chairman Kniefel states it keeps the ants and the fly's from coming in. We used to have a terrible problem with the fly's, but the spraying has kept them to a minimum.

Motion by Pernu to extend the Service agreement as read, support by Supervisor Branville. Motion carried unanimously.

Clerks absence-Chairman Kniefel states Diane has been filling in for Judy and doing the clerks chores and she should be compensated at Judy's rate of pay for those hours.

Motion by Chairman Kniefel for those hours that Diane is filling in for Judy, she should be compensated at Judy's rate of pay. Second by Supervisor Tamaro. Motion carried unanimously.

CITIZEN CONCERNS AND COMMENTS

Jerry Ulman yard waste he would like to post on the sign the upcoming dates starting the weekend of April 22 for 3 weekends. Pernu states we may have to extend it another weekend if needed.

Dennis Pernu would like to thank Steve and Al for doing a good job this winter. Also, like to Thank Chief Harvey Thompson for keeping the roads safe.

Pat Donnelly would like to Thank the board members, Charlie, all in public service at any level. Difficult job whether you agree with me or I agree with you I still appreciate the service you give at this level of government. I'm here because I voiced some topics related to the police issue at the Annual meeting. And it is well attended. I have had the opportunity to review previous minutes of the regular meetings and it seems the topics of the annual meetings are disgusted they are not really addressed. At the last annual meeting I raised questions, so my main reason being here is to use this format to bring up some of these things. Because I am talking about the police Department I don't want to be talking about him behind my back. He would like to extend the courtesy of coming forward and we can be face to face because it involves your department. Tamaro says I don't think he will shoot you. If you have input I would like that as well. Officer Thompson says, I'm just attending the meeting you can say whatever you want. Donnelly says, what I have to say are opinions, if they are false, I ask you to correct me. This issue has come up at annual meetings and regular meetings it has been mentioned but you never did anything about this that's why it keeps coming up at annual meeting. Working just from some thoughts I put down It seems to me that the past meetings the whole issue of the Police Department come down to two things one is budgetary and other desirability. From what I'm able to discern from the minutes I have read from the budgetary stand point it seems the Board has made the decision whether the department is directly funded as a department or not the funds will come from surplus or from someplace else or run at a deficit. I accept that as a decision that the Board has been made. Is that a correct assumption or not. I don't want to belabor them. That's my interpretation. Chairman Kniefel says, the short answer to that is,

and I tried to explain that at the annual meeting, in the view of the town board right now there are funds available to continue the position and we will continue that until there is another reason to readdress that staffing level is what your talking about or and at this point we didn't see a reason to change the staffing level or the budgetary position. There are funds available. Supervisor Tamaro says, one thing the board did at the last meeting is we made a motion that at the next election there is a vote by the people. It will be on the ballot. Chairman Kniefel states there is a statutory provision that provides for that. You can put this question on the ballot, and the phrasing of the question is in the statute and that says shall the Town of Fayal provide for police protection, yes or no. So the board did a resolution to put this on the ballot to try and resolve this question of whether we continue with the concept of having a local police department or by default going under the umbrella of the Sheriffs Department. Donnelly says, my presence here is not to belabor that issue that was discussed at considerable length whether we have it or not. Frankly, my personal feelings on it somewhat mixed, if I look at it from a budgetary standpoint I can see that we could be well served by the alternatives that were offered and save \$36,000 or \$32,000 if I take a step back from it as I have. And I look at it from the desirability and I think there is an element of desirability to having law enforcement present within our township. I think the ways it has been addressed has been to try and avoid it making it sound or perceive personal if we lay it on the table. And the easiest way to do it is to approach it from a budgetary standpoint. And I don't know if at the annual meetings that part of it really got addressed. I think it takes on a personal venue. I'm just reading from notes I made, Its incumbent upon us as residents not just to show up at an annual meeting. I'm not guaranteeing I'll be at the next one but I wish more of us would do this because we need to get a better appreciation for the issues you guys are confronted with. And it's a form for us to say what's on our minds. I wrote down your purpose, law enforcement to protect and serve. I look at it to me as a resident of Fayal township earlier the conversation said we are a suburb coming up. One of the attributes that's compelling to living in Fayal township is its both advantages of a suburb yet its rural. I moved here from Fayal township where it was rural. We could target practice and nobody cared. We could never do that it wouldn't be appropriate. The point im making is the distinctions of how a city is governed and how law enforcement may operate within the confines of the city may be different a little bit in the kind of environment we live in here. So under purpose to protect and function as a deterrent of crime I think there is a lot of merit to that. The merit I personally see is I'm less worried. This may be counter to what you believe, There is two elements to that one is the deterrent of crime and the other is the enforcement of ordinances, traffic control, speeding, violating of rights. I make the distinction when I think of a deterrent of crime. I'm more concerned about outsiders causing harm to us, than I am my neighbors. That may be misguided but that's where I'm coming from. I don't really worry about my home when I'm not there partially because we live in a rural area and perhaps as a result of the knowledge that police protection exists it functions as a deterrent of crime. I had asked at the meeting about a job description I was told there was one and I don't know the extent of that so I am operating on limited information. The thing that occurs to me is it seems pretty vague, the elements of it seemed to focus more on the contractual issues were with the union or whatever. He is a representative employee is that correct? Yes, As I'm assuming part of the job description made reference to protocols of representatives. The other part seemed to do with hours worked it was like random 20 hours. I guess what I'm getting at is with a job description if it does exist, I ask that it be examined. Two things one is it seems the reporting structure is not well defined I haven't seen. It doesn't seem the reporting structure from Officer Thompson to you the board is very well formalized. And I'm not aware if an annual review takes place. I'm not aware of how direction from the board gets imparted to Officer Thompson. And I'm not aware of the extent of you as a board within the confines of the job description are able to offer oversight to the position. For example, if it just says 20 random hours you would think that it would be to your advantage and to my advantage as a citizen if there 20 random hours or, as directed by the board, because without that I just assume if you guys want him to patrol at a certain time your just going to ask him. But I don't know that's been done and I don't know within the absence of it being specifically stated I'm not sure that your able to do that. The other comment I guess I would have. I think I saw in the minutes is a liaison. I have to ask both the present and past board members that function as liaison, is whether or not and I don't want to put anybody on the spot, but is the liaison the right thing. Does the liaison have the authority under the job description and the contract as its written to give the directions to law enforcement. In short of asking I know Lee was the liaison is it Mike or? Its Steve. I guess I'll just ask the question what does liaison mean? Because really what I'm getting at is liaison is not a strong enough position, perhaps there should be something in the form of a commissioner or commission made up by the board members or someone appointed by the board to function as a commission and the only reason I bring that forward is from what I gathered, and I'd be less than honest if I didn't say some of it is here say that the ability for direction is needed its not a contractual issue its at the self discretion of the officer. I would ask for consideration be given. First off is liaison strong enough in both past and present liaisons can function in a supervisory role. Because it seems now we have Law enforcement that serves at will. Any government or form of government that serves at will without oversight is a little frightening. So that's one of the things I would say that liaison compared to commission to provide

true oversight. The next area has to do with the spirit of enforcement and that is, as I said, the priority is to protect and serve and again some of these things I can't substantiate but when I hear a remark following an annual meeting that, that's why I invited you up here Harvey. To acknowledge or refute it. Chief Thompson says, I don't know what your asking. If your asking about my time I call my time into county dispatch when I start and end my shift. Its all recorded in the CAD computer. Donnelly says, the event I'm going down is an attitudinal one, that has to do with the remark, well I guess they want me to write more tickets. Harvey asks to repeat the statement. Donnelly says, its alleged that a comment was made following one of the annual meetings that you said, I guess they want me to write more tickets. I can't substantiate it. Chief Thompson says, I don't understand what your saying. Are you saying I said that to somebody. Donnelly says, its alleged that you had said that. I will accept your answer for what your answer is. Thompson asks pardon me? Donnelly says Harvey if your not willing to face me I'll face you. Thompson says, I don't know what you want. Donnelly says, I want to know whether or not did you make the comment? I guess they want me to write more tickets. Thompson says, I have no idea, not that I can think of. Donnelly says, I don't want to beat that to death. Thompson asks, if he is upset because I cited you or what? Thompson asks, was I rude in any way? Donnelly says, no you weren't. Officer Thompson asks, did I warn you prior to giving you a ticket? Donnelly says, yes you did, but on the other hand Harvey that's not what this is about but as long as you bring it up. Officer Harvey gave me a warning for plowing snow across the road. Officer Thompson says, by the way it's a pending case and he is not going to discuss it. Donnelly says, Its not a pending case the matter has been resolved and its not going to be prosecuted. Since Harvey brought the matter to the table I just want you to know my presence here has nothing to do with that. But since he brought it up, I plowed snow across the road and Harvey did issue me a warning citing a statute about plowing. At the time I said Harvey I have been doing it for years and I push it back with a Skidster so its well off the shoulder of the road. I asked Harvey if I do that would that be ok? His response was, I cant' answer that. So, in the context of the warning and me asking the question if I did it that way would that matter and the response being I can't answer that. The next heavy snowfall we had I did the same thing I'd been doing for years in the same manner. Harvey gave me a ticket. I took pictures of it. They had gone to Santi Kohler the district road supervisor, I've talked to the plow guy. Asked if there has ever been an issue with it. They said they have no problem with it. As for it being a pending matter I spoke to Gordy Coldagelli and he said it was not being prosecuted. So you either know more than I do, or you have not been informed. Because I went to the pre trial thing and I'm not aware that I'm a fugitive of justice at this time. I had a court date scheduled for the 26th I talked to the county attorney. On the 25th he had talked to the road foreman and supervisor and seen the pictures and told me I didn't have to go to court. Any way we are getting off track but Harvey brought it up. Harvey you were not rude. You were not rude but you did not give me a definitive answer when I asked you. I'm not here to litigate that ticket in front of the board. Thompson says I'm going to ask you again what do you want? Donnelly says, I want the board to evaluate the job description. Thompson says if you want my job description give him a copy. Donnelly says, I don't want the job description I want them to evaluate. Rather than answering you Harvey I want the board to evaluate. Supervisor Tammaro says, what do you want us to evaluate, what do you want us to do? Donnelly says, what is the situation what is the oversight? Supervisor Tammaro says, I just wrote this out. Each year we do a re organizational meeting, every other year we all get different departments. The past few years I've been in charge of road and bridge. This next two years Chairman Steve Kniefel is in charge of police and fire. Mike Erjavec is in charge of PUC. Jim Pernu is in charge of building and rec. Lee Branville has planning commission. Each one of us is deemed as part oversight of the department. So, right now if your going to talk to anybody it should be Chairman Kniefel. He is the oversight of Police and fire. Tammaro says, for me, for you to come and ask me, I'm not going to overstep. If there is an issue you bring it to him. There is also, if there is a problem with Harvey there is a post board that can be complained to if someone has a legitimate complaint. If he's done anything wrong, but what I just stated is the way we deem our responsibilities as a board. We all talk. I'm the second on the public utilities with Mike. Or am I going in the wrong direction. Supervisor Branville says, a little bit off. He's looking more for do we have more direct super, is a liaison able to tell just like your not technically supposed to tell an employee what to do. The board is in charge of everybody, it's a board decision all the time. And we don't have a direct supervision whether we go of Harvey or anybody to be honest. Supervisor Tammaro says, like with my department of road and bridge its pretty tough for me to go back there and tell those guys how to plow road when I've never been in a grader or dump truck with a plow. Donnelly says, that's the equivalent of saying a doctor that's never had a disease is cant cure it. You're a supervisor. Supervisor Tammaro says, that's exactly right and I know our function is to make sure things are done right. We take care of complaints, we take care of the needs of the employees. And do things just like were doing right now. If your lodging a complaint, which your not, your just trying to understand were going to try and figure out the answer for you. For us I don't think anyone of us can sit here and tell Harvey Thompson how to be a cop I didn't go to school for it. Donnelly says, I'm not saying anyone of you tell him how to be a cop but, if his job description and his contract says that 20 random hours as determined by him and him alone that means that, is it Steve? That Steve if you

happen to notice through a complaint or yourself that maybe you would like greater enforcement in a particular area. That by virtue of what Tony just said that you don't have any authority or right to tell him what to do. Supervisor Tamaro says, no, we have asked Harvey to do that to patrol this area a little more. Donnelly asks, if compliance is guaranteed?. Supervisor Tamaro says, Lee brought up at the last meeting. We don't have the minutes yet. He asked if we could have more morning patrols. Harvey is obliging and doing more morning patrols. Now the people are starting to slow down on Ely Lake Dr because they are getting tagged a little bit. Supervisor Branville says, in defense of what Pat is after however though he's been asked throughout the years obviously he's under intense scrutinization through the public everyone is kind of watching yet. Supervisor Tamaro asks, who's under scrutiny. Supervisor Branville says, the police officer. So, and he is responding to some of that pressure I believe I could be wrong that he is doing some more daytime patrol. Because he has been asked throughout the years and because there has been numerous complaints especially I forget her name. She would always pigeon hole me at the Short Stop why isn't he out in the morning because the cars from 6:30 in the morning from 97 to 132 they use it for a raceway. There's been complaints on Cedar Island Dr especially in the summer months they put there boats in and they race back. These are all daytime occurrences and its only been fairly now that he's been doing the daytime and I think its going to be effective. What Pat I think is saying is hey if this was a.. if somebody in the township level has a little more teeth a little more ability or maybe gets along with him better maybe he'll listen. Chairman Kniefel says, let me address a few things Pat, and I do understand what your saying and I've been around here longer than anybody, I've been around for almost 20 years. I can address some of the things your concerned about. Now I'll be honest with you I haven't looked at Harvey's job description, but I'm assuming its probably fairly generic typical job description you would have for a licensed police officer. I'm sure that's probably what you have. Now the issue with the random hours that goes back a long time and it's a problematic thing when you have a one person department that your not willing to fund at full time or have more than full time equivalency. So, the random hours thing came about as actually to the benefit of the township to have random hours so that there's not a pattern developed of when the officer is going to work. Is he working from 2-4 everyday, is he working from 6-10 everyday. So, from that perspective the random hours thing is a benefit when your only having someone here 20 hours a week. Donnelly says, I'm not being a proponent of having scheduled hours. Chairman Kniefel says, that's some of the history of why the random hours came to be. And Harvey is correct that he does schedule his hours with some limits and he does log in his time. So, its not a matter of him abusing his hours. Donnelly says, he's not suggesting that. Chairman Kniefel says, let me finish, I'm trying to address some of your concerns here. Yes, there is oversight there. He turns in a timecard with his hours on it. We watch that we see that, on top of that as Harvey said, there is a record at 911 dispatch when he logs in and out so its very easy to track when he's here, when he has been here, and when he's not been here. So, personally, I don't see that as a problem. Historically, I've never had a problem. I've had my turn at being police and fire liaison before. It's not like this is the first time go around with this. And, if I've asked Harvey to do something other than what he is doing normally he's fine, he'll do that. Its never been a problem if I ask him to work a certain day, he'll do that. Up until a couple of years ago there was a conflict because Harvey worked someplace else. I don't know if your aware of that. He worked 40 hours in Biwabik Township and 20 hours over here. So, he juggled a lot of hours he was patrolling 60 hours a week. When he retired that freed up some of that time so he does have more hours that he can be here a little more varied hours than before when he worked full time, before he retired. When we hired Harvey back we got a bargain there. Your not going to find that level of service any cheaper. It's a bargain because we don't pay into PERA now because he is a retired cop. All those types of things. I think there have been some personality conflicts with certain supervisors over the years not just recently but over the years there has been personality conflicts between the supervisors. I can't address that. I don't see a problem, if we ask Harvey to do something he does it. Now, the concept of liaison, Tony is right that we are appointed some duties but the ultimate responsibility lies with us as a board, not as individuals. So, if I have a problem with Harvey he's not taking direction from me or not doing what I want I can't slap him with something. I say bring it back to the board, the board will decide if some action is necessary. It's a little more difficult with a law enforcement officer than it is with a public works employee or a clerical person or not. Because of this issue, we may have a conflict because of action he's taken. He's got to make professional judgement of how he deals with people. He's got to decide do I issue a citation or don't I. We can't second guess that, we can't be in the position of second guessing that. So, its still more difficult to say I want you to go and give him a ticket, he has to make that decision. And, we get in the business of second guessing those decisions. There is legal process. Donnelly says, I'm not suggesting you second him. Chairman Kniefel says and the other thing along with that and I think Tony mentioned it. If it's a situation of professional malfeasance of not doing his duty as he is supposed to be doing it. We don't really sit and judgement of that either. He's responsible to the post board, Police officers standards and training, and there is a mechanism to file complaints there. So, we struggle with ok some people are upset because of some action Harvey took. Is it right for us to make political decisions on that, no. If there is a problem that's were those complaints should go. So, its very difficult to sort out the

personal from the professional. Donnelly says, that's an excellent point, I appreciate your remarks and I'm not suggesting that his hours be modified or anything like that. What I am suggesting is to the board it would seem to me it would be to your advantage to say beyond just random 20 hours or as directed by the board. That would give much greater flexibility should an issue arise to address something that has nothing to do with making police judgmental calls. Chief Thompson says, it is in the job description Pat. Donnelly says, pardon me. Chief Thompson says, it is in my job description and it coincides with my contract. And if you read my job description and the contract, which you can certainly get copies of, you'll see on the hours issue they coincide. If the board has a problem with my hours it says the liaison of the police department can sit down and discuss what hours they want its not an issue. Donnelly says, I have not seen that. Chief Thompson says, that's what I'm saying you can see that for yourself. Chairman Kniefel says, it is always been my understanding its part of the job description. Donnelly says, my element of concern with that. Chief Thompson says, if they want me to work a holiday or something all they have to do is say so, nobody says so. Supervisor Tammaro says, in fairness to one of your questions about monitoring Harvey. For years I'm going to agree with you nobody ever said anything to Harvey he just did his job. For years if Harvey needed something he came to who ever the liaison was, nobody bothered Harvey. From what I could tell from the board, so yeah for awhile he didn't have any oversight from the board he just did his job. I don't know if that answered your question. Supervisor Erjavec says, Road and bridge is the same way. Donnelly says, lets face it your function here isn't much different than running a business right? The demands are the same. Supervisor Erjavec says, we get paid 10% of what the employees get paid. Donnelly says, what were my opening remarks? I'm sure its thank less. Supervisor Tammaro says we have to trust our employees which, I think Fayal Township has the best employees around. Road and bridge guys give you 8 for 8, the PUC gives you 8 for 8, everybody is giving 8 for 8, Harvey gives us whatever hours for whatever hours he's working. Donnelly says, you've given me time to express my thoughts and I will conclude, it like this and I'm not going to be two faced about it. Harvey I invited you to come up here you declined, were shouting back and forth. If it is not evident to you as a board that his demeanor and behavior is less than desirable, and I'm not just talking about me. It's an unfortunate thing that you take a form of government and turn it into something personal. And I'm submitting to you that it has become personal. Donnelly says, Harvey Its not really personal with me but I'm surprised in the incident that involved me the amount of dissatisfaction that was expressed to me by other people about Harvey that it has to matter to you. And, its not something that qualifies as a complaint under the police commission, I'm registering it with you as the board. And that is, I don't think you need anymore proof than what you have just seen by the behavior that's been exhibited at this meeting just talking about this issue. And what it has to do with is what kind of police force do you want. And that's why I'm here about. We talked about the budgetary, and now I feel we talked about the desirability and now I'm talking about, at some point and time, I don't care if you have a referendum or not. As whether we have it the way its going to be phrased, I don't know how I would vote on it because as I said there is a value to having a measure of security by having law enforcement, but there's also a value. I've gotten tickets before, ok by highway patrol or whatever, and I never came away with the feeling that seems to be rampant among a lot of people towards our constable. And that's something that should be a concern to you folks and that is as a board I'm asking you, I'm not going to tell you, but I'm going to ask that you give some consideration as to what the parameters are that you want. In other words do you want part of the law enforcement to be a public service envoy to this community, as many do. And I don't think by his own actions here that's been represented tonight. So I put that to you is if were going to have a police department, then I don't think I'm making this up by saying, you know I'm certain he has many supporters, but I will also say I think he has many distractors and that ought to be of concern to you and I'm just asking the board to give that element the behavior element, the element of representation of law enforcement as part of Fayal township of which you are the supervisors of. To give that some thought and consideration. Supervisor Erjavec comments, when I heard Harvey had given you a ticket for pushing that snow in there, I thought, good. I drove by there that day and you left a bunch of ridges there and you had put your bobcat away and the ridges were still on the road. I came through there and it almost pulled me off the road. And, besides you know who's ditch your pushing that snow in? Yours, Donnelly says. Supervisor Erjavec asks, if I came and put my snow in your ditch how would you like feel? Donnelly says, if it bothered me I would have told you. Supervisor Erjavec says, I don't put my snow in your yard. Donnelly says, Mike if your saying there were ridges there I will produce to this board photographs of the following day of that snow storm. And I'll tell you what, if you almost went off the road for one reason or another you were not in control of your vehicle. Because I will bring you the photographs. Donnelly says, now if you want to raise hell with my 78 year old neighbor who pushes her snow out into the middle of the street take it up with Mrs. Surla. There is no way, Harvey I will ask you, were there ridges? Chief Thompson says, yes. Donnelly says Mike I will show you the pictures and you point out the ridges to me. Erjavec says I drove by there and I hit them so I know they were there. Supervisor Tammaro asks, what do you want us to do? Donnelly says, I just want you to do what I've asked. To acknowledge there is an issue here regarding the police department, its been bantered about a budgetary issue really its a personnel issue, ok and I would like to ask you

to address it as a personnel issue, ok? There is a reason that people show up at an annual meeting and are divided on the cop ok and we've danced all around it other than what it really is. Tamaro says you are the first one to come forward and say that and thank you. Donnelly says that's all I have. Supervisor Tamaro says, I've been waiting for someone to say that. Donnelly says, Harvey it is nothing personal although if im a fugitive let me know. Harvey says I had no idea of what you wanted.

Brad Reifsteck- nothing
Jim Johnson - nothing

**Motion to pay the bills made by Supervisor Tamaro, support from Supervisor Branville.
Motion carried unanimously.**

Motion to adjourn by Supervisor Tamaro.

Chairman Kniefel adjourned the Regular Meeting at 9:25 PM.

Respectfully submitted,

Diane Stewart
Billing Clerk

Approved: _____
Chair

Date: _____

Attest: _____
Clerk