

CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, JANUARY 11TH, 2016

PRESENT:	ROBERT J. CANNON	SUPERVISOR
	KIM MELTZER	CLERK
	WILLIAM SOWERBY	TREASURER
	PAUL GIELEGHEM	TRUSTEE
	KENNETH PEARL	TRUSTEE
	DEAN REYNOLDS	TRUSTEE
	JENIFER WEST	TRUSTEE

ABSENT: NONE

The Regular Meeting of the Board of Trustees was called to order at 6:30 p.m. in the Township Board Chambers, Clinton Township Civic Center. Also in attendance was Mr. Jack Dolan, Township Attorney. The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Ms. Meltzer requested the addition of the following items:

- Item #18: Request Approval for Purchase of Salt Spreader – Water and Sewer Department
- Item #19: Request to Solicit Bids for Water & Sewer Bill Paper and Envelopes
- Item #20: Apparatus Lending Agreement

Motion by Mr. Pearl, supported by Mr. Gieleghem, to approve the agenda as amended, with the addition of Items #18 through #20. Roll Call: Ayes – Pearl, Gieleghem, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

1. REQUEST APPROVAL OF TRANSFER OF 2015 CLASS C LICENSE – AUREL'S ITALIAN GRILL, LLC AT AURELIO'S ITALIAN GRILL, 43080 GARFIELD

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated December 23rd, 2015 from the Township Clerk, and approve the transfer of 2015

Class C License applied for by Majlinda Morina and Aurel Ago, Aurel's Italian Grill, 43080 Garfield, as requested. Roll Call: Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

2. REQUEST APPROVAL OF TRANSFER OF 2014 CLASS C & SDM LIQUOR LICENSE – DIFRAGOLINA AT PENNY LANE, 44905 MORLEY DRIVE

Ms. Meltzer informed that the Building Department approved this based on a pending Certificate of Occupancy.

Mr. Pearl commented that he is glad to see a restaurant going in this location, although he is disappointed to see the other restaurant leave. He felt this is a fabulous location and facility.

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated December 29th, 2015 from the Building Department Superintendent, and approve transfer of 2014 Class C & SDM Liquor License to DiFragolina at Penne Lane, 44905 Morley Drive, as requested. Discussion ensued.

Mr. Robert Hallas, aka "Chef Bob", introduced himself as the owner of Penne Lane. He introduced some of his family members who were also present, stating that this is a family-owned business. He explained that they have had a restaurant in Chesterfield Township on 23 Mile Road, called "Strawberry Fields", and they decided to get into the Italian restaurant business. He noted that for Beatles fans, the flip side of their "Strawberry Fields" single is "Penny Lane", and they have opted to spell it as "Penne Lane" to go with the Italian theme.

Roll Call: Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

3. 11 ACRES OF LANDFRONTING THE WEST LINE OF UTICA ROAD, SOUTH OF METROPOLITAN PARKWAY, ADDRESSED AS 36455 UTICA ROAD, 36505 UTICA ROAD AND 36607 UTICA ROAD (SECTION 30): PROPOSED CONDITIONAL REZONING FROM SP-1 SPECIAL PURPOSE (NURSING HOMES) AND R-3 ONE-FAMILY RESIDENTIAL TO RMH MULTIPLE-FAMILY RESIDENTIAL (HIGH-DENSITY)

Mr. Gielegem noted there was a lot of discussion at the Planning Commission meeting with regard the concerns for traffic in the area, and the petitioner agreed to pay for a traffic study. He inquired as to when this traffic study will take place.

Mr. Cannon understood the reason for the traffic study is to determine whether or not an additional traffic light is needed, and he inquired as to whether that study could be conducted during the winter months.

Mr. Carlo Santia, Director, Department of Planning and Community Development, replied that the intent was for the traffic study to occur as the plans are developed. There is a published manual with traffic rates based on specific uses. It is calculated that single-family residential generates approximately 10 trips per day per unit. The proposed project incorporates 44 units, which would generate between 400 to 440 trips per day. He indicated that would be a less intense use than multiple family, and he added that the current zoning of SP-1 could generate the same or more traffic than what is being proposed, because they have to take into consideration visitors and employees.

Mr. Gieleghem inquired as to when the study takes place, and whether they will still have to come back to the Board with a site development plan.

Mr. Santia replied the petitioner will still be required to come back with an exact site plan, and the completed study will be part of that plan.

Mr. Pearl agreed with Mr. Santia that the use could be a higher-intensity use than what is being proposed. He inquired as to whether they can indicate in the motion the Planning Commission's concern about the units being ranch-style units.

Mr. Santia replied affirmatively, clarifying that is part of the conditional zoning agreement, and the petitioner has agreed to make these ranch-style units. He commented that across the street, Steeplechase Condominiums are comprised of mainly ranch-style, although Brookstone has some two-story units. Mr. Santia confirmed that the petitioner has agreed to ranch-style condominiums.

Mr. Pearl felt the petitioner's commitment to one-story units will take care of some of the concerns about traffic.

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated December 30th, 2015 from the Secretary of the Clinton Township Planning Commission, regarding the proposed conditional rezoning of 11 acres of land fronting the west line of Utica Road, south of Metropolitan Parkway, addressed as 36455, 36505 and 36607 Utica Road (Section 30) from SP-1 Special Purpose (Nursing Homes) and R-3 One-Family Residential to RMH Multiple-Family Residential (High Density), as requested. Discussion ensued.

Mr. Sowerby inquired as to whether the motion-maker would be willing to include the conditions outlined by the Planning Commission, as follows:

Further, this approval is granted on the condition that these will be ranch-style condominiums only and not a high-rise development; further, the petitioner has also agreed to pay for a traffic study to determine if there needs to be an additional traffic light along Utica Road.

Mr. Pearl **amended his motion**, and Mr. Reynolds **amended his support**, to include the following: Further, this approval is granted on the condition that these will be ranch-style condominiums only and not a high-rise development; further, the petitioner has also agreed to pay for a traffic study to determine if there needs to be an additional traffic light along Utica Road.

Mr. Dolan clarified that these items were discussed at the Planning Commission meeting and recommendation was forwarded to the Board for approval contingent upon these conditions; however, he stressed these were all re-offered by the petitioner. He explained that a Conditional Zoning Agreement has to be voluntarily offered by the petitioner, and he confirmed that these were all offered by the petitioner.

Roll Call (on original motion and amendment): Ayes – Pearl, Reynolds, Gielegem, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

4. INTRODUCTION OF TOWNSHIP ORDINANCE 420: PROPOSED REVISION INTERNATIONAL MAINTENANCE CODE AND ADOPTION

Mr. Dolan explained that this is a revision that was requested by Mr. Barry Miller, Superintendent of the Building Department. The intent is to adopt the more recent version, which is what they have done in the past as new editions become available and the predominant edition is used by the majority of communities. He added that is what has happened and why this is now being proposed for adoption.

Motion by Mr. Sowerby, supported by Mr. Pearl, to introduce and publish with the intent of adopting at the next regular Board meeting Township Ordinance No. 420, which is proposed for adoption as a standard code consistent with MCLA 42.23, and amends Chapter 1496.01 of the Code of Ordinances. Roll Call: Ayes – Sowerby, Pearl, Reynolds, Gielegem, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

5. 2015 MICHIGAN RESIDENTIAL CODE AND REFERENCED STANDARDS ADOPTION

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated December 17th, 2015 from the Building Department Superintendent, and approve the State of Michigan Construction Code Adoption, as outlined in the

correspondence. Roll Call: Ayes – Pearl, Reynolds, Gielegem, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

6. CODIFIED ORDINANCES OF CLINTON TOWNSHIP – PART TWELVE, PLANNING AND ZONING CODE: PROPOSED TEXT AMENDMENT – MEDICAL MARIJUANA CULTIVATION, GROWTH, STORAGE, EXCHANGE AND PROCESSING

Mr. Cannon stated that Mr. Dolan has put a lot of work into this ordinance, and if the Board sees changes that need to be made in the future, they can make those changes.

Mr. Dolan explained that the version of this ordinance that came back from the Planning Commission is in Paragraph 3, which limits the hours of exchange. He noted that marijuana is still outlawed under federal law. It is difficult for a caregiver to take funds for this and deposit them into a federal institution, and robberies have occurred as a result. He felt it takes pressure off of the local police if they only allow the transaction to occur during limited hours, which would be during two of the three daily 8-hour police shifts. He added that these hours tend to coincide more with when most business transactions occur, and the Township can more accurately use the resources of the Police Department.

Mr. Sowerby inquired as to whether this can be modified to any further extent this evening.

Mr. Dolan replied that is up to the Board. He clarified that the Planning Commission is a recommending body, and they made their recommendation following their public hearing. Adopting this ordinance is a legislative act, and the Board is a legislative body, so he advised they can change it and adopt it as they see fit.

Mr. Sowerby noted this has been passed on from the state level as to how much can be grown. This ordinance is saying that the Township will only allow this type of transaction in single-family or multiple-family zoning districts, and not in commercial or industrial districts.

Mr. Dolan confirmed that is correct. He noted that they are only allowing a limited number of plants to be grown as required by state law. Some communities have gone beyond that and had more open ordinances, but he felt the Township is being more conservative. Mr. Dolan informed that moratoriums have been in place, but they are at a point of waiting for the state to act and the governor to sign legislation, but he added that is taking a long time. He felt it is time to act, and advised that they can amend this in the future through the zoning process by going back to the Planning Commission.

Mr. Sowerby inquired as to whether it can be made more conservative or banned altogether.

Mr. Dolan replied that they have to allow what the State allows.

Mr. Sowerby inquired as to whether they can further limit the hours of exchange.

Mr. Dolan recommended leaving it as recommended by the Planning Commission because it is rational.

Mr. Sowerby inquired as to whether they can restrict it to no exchanges between the hours of 9 p.m. and 8 a.m.

Mr. Dolan replied the Board can amend those hours, although he explained that the idea of allowing it to 11 p.m. is to give people who work time to take care of this at night. He felt that if the Board wants to restrict it a couple of hours earlier, he would not feel this would be a legal impediment.

Mr. Sowerby suggested that if this is passed tonight, the hours of exchange should be revised to be prohibited between the hours of 9 p.m. and 8 a.m.

Mr. Cannon stated he would have no problem with Mr. Sowerby's recommended change.

Mr. Pearl agreed as well. He questioned how the federal government can say it is illegal, but the state government can make it legal.

Mr. Dolan cited instances where Michigan Supreme Court has already overturned cases. There are conflicting viewpoints on reversing that federal law, and the executive branch in charge of enforcement has indicated they will not enforce it to the full extent of the law. Some communities have tried to take a very prohibitive position, prohibiting the growing by either patient or caregiver. He informed that was in the City of Wyoming, Michigan, and the Judge came down with the ruling that the type of zoning ordinance they adopted was too restrictive.

Mr. Pearl inquired as to whether landlords have to allow this.

Mr. Dolan replied that it simply states a private individual who owns property does not have a legal obligation to allow that use. A private owner can restrict someone from renting, occupying or using that facility for either growing, using or exchanging marijuana.

Mr. Pearl inquired as to how the Township will enforce this ordinance if it is passed. He inquired as to whether these patients and/or caregivers will have to register with the Township.

Mr. Dolan replied they cannot require a registry because medical marijuana involves a “patient condition”, which comes under the HIPAA laws. The Police Department would like a registry, partly to protect those growing the marijuana, but it is illegal to require that information.

Mr. Pearl assured he is not opposed to people using marijuana for medicinal purposes, but he is against kids getting it.

Mr. Dolan commented that one of the areas very troubling on this is that the number of plants allowed to be grown by an individual patient or caregiver far exceeds the amount that would need to take care of any medical condition. They can continue to grow more and more.

Ms. Meltzer inquired as to how long a marijuana plant takes to grow, noting that if a person is allowed to grow 12 plants at a time, and it takes 3 months, for example, to grow those, could they then grow another 12 plants.

Mr. Dolan replied that he is not a botanist and does not know the answer to that question. He commented that it is a big business for suppliers of materials related to growing these plants. They sell the lamps and chemicals to assist in increasing the rate of growth and output of the plants, resulting in a much higher yield.

Ms. Meltzer felt this Ordinance amendment is not going to provide an effective way for the Township to control this.

Mr. Sowerby felt this all started in 2010 when the Michigan voters adopted the Medical Marijuana Initiative. It has been in court, and this is a result of that vote.

Mr. Dolan agreed that as soon as that was voted in, a flurry of questions arose. He felt the Township has to move forward and adopt something because they cannot have the moratorium indefinitely.

Mr. Sowerby inquired as to whether there is anything they can do to protect the safety of the neighboring homes, possibly by advising the property owners.

Mr. Dolan explained that if marijuana is going to be grown lawfully, there are many other things that must be compliant. Lighting requires being compliant with the State Electrical Codes, and if they are not hooked up properly, they can become an electrical hazard. The growth of marijuana requires a very humid environment, and without the proper ventilation, the humidity can cause mold

growth. He noted that a lot of landlords are concerned about their tenants growing marijuana for these reasons.

Mr. Reynolds inquired that if they cannot license those who will be growing this, how are they supposed to enforce this ordinance. He could not understand how they can regulate something when they do not know where it is.

Mr. Dolan replied that if the Township finds out that they are growing it improperly, they can enforce the ordinance. This information can come by way of a complaint from a neighbor, or possibly through a complaint from the Building Department during their rental inspections. They can issue a criminal complaint or warrant.

Mr. Reynolds complained that this ordinance “does not seem to have any teeth”. He could not see the point of “passing something just to pass it”.

Ms. West noted that if there is a complaint, the person can say they are the caregiver, but they do not have to provide a name of their patient because that would fall under HIPAA. If it is the patient growing it, she inquired as to how that would affect the HIPAA law to divulge that information. She could not see issuing a permit for them to grow without knowing a name of that person to verify its validity.

Mr. Dolan is not aware of any other community that has a registry process, but he is trying to regulate it. If there is a complaint, when the police go to that home, they can make sure that they do not have too many plants and that all other ordinance requirements are being adhered to. This is a permitted lawful use under State law. If there is a question of compliance, they would produce a certificate to show they are a licensed caregiver or patient, and then the Township would take count to see that they are not over the appropriate number.

Ms. West felt if they have to show a certificate that they are an approved patient or caregiver, that is their license to grow, and she inquired as to why that cannot be used.

Mr. Dolan replied that would require them to come to the Township and show they have a license. The State says they have to be a patient or licensed caregiver, and that is where it intersects with HIPAA laws. The physician/patient relationship is what they would be looking at, and that is why they cannot use a licensing approach because it violates HIPAA.

Ms. West pointed out that the caregiver is getting a certificate.

Ms. Meltzer pointed out that a caregiver cannot divulge his/her patient. The patient growing it for themselves can divulge that information. She felt it would be better if it would come in the form of a prescription, and not a “certification”.

Ms. West felt “it is a little on the muddy side”.

Mr. Cannon felt they are all aware that this is a difficult ordinance to enforce, and in order to do so, someone will have to bring information forward to call attention to the fact that there is a violation. He added that the Township attorney is advising the Board to approve this because they need to have an ordinance addressing this issue.

Mr. Sowerby commented that it is tough to grapple with because all of the Board members are concerned about young people and their safety, and do not want to see any ordinance that would jeopardize that.

Mr. Cannon stated that it is his recommendation to proceed ahead and approve this ordinance at the attorney’s request, even though it is not perfect.

Motion by Mr. Cannon, supported by Mr. Sowerby, to receive and file the letter dated December 30th, 2015 from the Secretary of the Clinton Township Planning Commission, and approve Ordinance No. 260-A-453, which is a text amendment to the Codified Ordinances of Clinton Township, Part Twelve, Planning and Zoning Code, adding Chapter 1299, Section 1299(P) Medical Marijuana Cultivation, Growth, Storage, Exchange and Processing, as outlined in the correspondence, but with the last sentence in Section 2, Item #3 being changed to read “Exchanges between 9:00 p.m. and 8:00 a.m. are prohibited”. Discussion ensued.

Mr. Miller stated that if the police are notified that there is a violation of this ordinance, the Building Department will also need to be notified so they can make sure proper electrical and mechanical permits have been issued that would relate to their growth operation. He explained a growth operation will require special lighting and ventilation. They can measure the area to make sure it is within the ordinance requirements. Mr. Miller acknowledged that they cannot stop what goes on in the house when they leave, but that is no different from any other inspection.

Mr. Reynolds inquired as to whether the grower can be made to pull the proper permits.

Mr. Dolan replied that regulation already exists so they do not have to cover it through this ordinance. He reiterated that they cannot create a list of growers because this is disclosing information that would be covered under HIPAA. If a patient or caregiver have a plant and a special light, it may not require an

upgraded electrical system, but many times growers will have giant high-wattage lightbulbs and humidifiers, and these alterations would require electrical/mechanical permits from the Building Department.

Mr. Pearl inquired as to the rental inspections done by the Building Department on a regular basis, and whether they will record this information if they come upon a growth operation.

Mr. Dolan replied that if they are conducting those inspections in rental units and make observation of a non-compliant issue, such as an improper electrical load due to growing medical marijuana, that is a code violation that has nothing to do with the fact that they are growing marijuana. He added that could occur if they were growing any indoor plants, such as parsley. It can also be discovered if a police officer goes to the door for any reason and observes something going on inside. He commented that a person can rent a place with the intention of “stuffing it full of grow lights and plants”, and that is clearly a violation.

Roll Call (on motion to approve with the one change noted): Ayes – Cannon, Sowerby, Gielegem, West, Meltzer. Nays – Reynolds, Pearl. Absent – None. Motion carried.

7. CODIFIED ORDINANCES OF CLINTON TOWNSHIP – PART TWELVE, PLANNING AND ZONING CODE: PROPOSED TEXT AMENDMENT – REGULATING ACCESSORY AND ANCILLARY USES – OIL AND GAS

Motion by Mr. Reynolds, supported by Mr. Sowerby, to receive and file the letter dated December 30th, 2015 from the Secretary of the Clinton Township Planning Commission, and approve Ordinance No. 260-A-454, which is a text amendment to the Codified Ordinances of Clinton Township, Part Twelve, Planning and Zoning Code, regarding the regulation of accessory and ancillary uses – oil and gas, as outlined in the correspondence. Roll Call: Ayes – Reynolds, Sowerby, Gielegem, Pearl, Cannon, Meltzer. Nays – None. Absent – West. Motion carried.

8. INTRODUCTION OF ORDINANCE 421: AMENDMENT TO 1042.02 PROVIDE FOR WATER AND SEWER DEPOSIT RATES TO BE SET FORTH IN THE FEE SCHEDULE ORDINANCE

Mr. Dolan explained this is for the establishment of deposit rates to be placed in the fee structure ordinance. He noted there is a change coming forth at the next meeting to change the rate.

Ms. Mary Bednar, Director of the Department of Public Services, clarified that these deposits are related to any properties that the Board has deemed that need to have a deposit for paying their water bills.

Mr. Sowerby inquired as to whether it is for renters of residential, commercial or industrial properties that have water bills attached to the properties they are renting.

Ms. Bednar replied these deposits are on properties the Township determines need to have a deposit. They may be requesting a change of the fee schedule at the next meeting, and tonight's request is to introduce the Ordinance that will come back to the next meeting for approval, along with a fee schedule. She noted it is at the discretion of the Board as far as security deposit.

Motion by Mr. Reynolds, supported by Mr. Gielegem, to receive and file the letter dated January 6th, 2016, from the Acting Chairperson of the Budget/Ways & Means Committee, and introduce and publish proposed Ordinance 1042.02, Amendment to Provide for Water and Sewer Deposit Rates to be Set Forth in the Fee Schedule Ordinance, with the intent of adoption of this ordinance at the next meeting. Roll Call: Ayes – Reynolds, Gielegem, Pearl, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

9. APPROVAL OF APPOINTMENT TO ASSISTANT CABLE DIRECTOR POSITION

Mr. Cannon stated that Mr. Peruzzi will be taking Mr. Perpich around to the various departments tomorrow to introduce him. He added that Mr. Peruzzi, current Assistant Cable Director, will be retiring at the end of this month, and felt he will be greatly missed.

Ms. Meltzer commented that Mr. Peruzzi has been a wonderful asset to this community and agreed that he will definitely be missed.

Motion by Mr. Reynolds, supported by Ms. West, to receive and file the letter dated December 23rd, 2015 from the Human Resources Director, and appoint Mr. James Perpich to the Assistant Cable Director position, at an annual starting salary of \$66,459, as specified in the AFSCME Local 1917.29 Supervisory Employees collective bargaining agreement, with a start date of January 12th, 2016; further, this appointment is contingent upon successful completion of a background investigation and a pre-employment medical examination, including drug screen. Roll Call: Ayes – Reynolds, West, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

10. RECOMMENDATION OF PERSONNEL VACANCY REVIEW COMMITTEE

Mr. Cannon thanked Mr. Sowerby and Mr. Gielegem for being the driving force behind getting the foreclosed homes back on the tax rolls, and he thanked the

Board for their continued support as well. He felt the Board has taken neighborhood stabilization very seriously.

Mr. Sowerby commented that he and Mr. Gielegem have gone to Mr. Cannon for guidance in the past, and thanked him for his leadership as well. He felt having seasonal ordinance enforcement will help with some of the problems, and he was confident that the residents will be happy to see this as well.

Motion by Mr. Sowerby, supported by Mr. Pearl, to receive and file the letter dated December 17th, 2015 from the Human Resources Director, and concur with the Personnel Vacancy Review Committee's recommendation to authorize the creation of seasonal ordinance enforcement officer position(s) not to exceed forty (40) total cumulative hours in any given week, between April 1st and October 31st of each year, at a starting hourly wage of \$20. Roll Call: Ayes – Sowerby, Pearl, Reynolds, Gielegem, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

11. APPOINTMENTS TO THE CONSERVATION COMMITTEE

Motion by Mr. Gielegem, supported by Mr. Reynolds, to receive and file the letter dated December 29th, 2015 from the Administrative Aide, and appoint Mr. Scott Chabot and Mr. Jason Davidson to fill two of the three vacated terms on the Conservation Committee, each with terms expiring on November 30th, 2018; further, that the remaining open term will be advertised for an additional 60 days. Roll Call: Ayes – Gielegem, Reynolds, Pearl, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

12. CONSTRUCTION BOARD OF APPEALS APPOINTMENTS – 2016 TO 2018

Mr. Cannon commented that he cannot recall the last time this Board met, but the law requires the Township to have it in place.

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated December 29th, 2015 from the Building Department Superintendent, and reappoint Mr. Ronald A. Chiesa, AIA, Mr. Allen R. Decker, P.E., and Mr. William S. Quinlan, AIA, to the Construction Board of Appeals, each for two-year terms expiring January 30th, 2018. Roll Call: Ayes – Pearl, Reynolds, Gielegem, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

13. APPROVAL OF 2016 HARDSHIP EXEMPTION GUIDELINES AND APPLICATION

Motion by Mr. Reynolds, supported by Ms. West, to receive and file the letter dated December 29th, 2015 from the Assessor, and approve the 2016 Poverty Exemption Policy & Guidelines, and the Hardship Exemption Application for Tax Year 2016, as submitted. Discussion ensued.

Mr. Sowerby explained that this is a chance for persons of low-income/poverty level to come in to the Assessing Department and see if they qualify for a lowering of their property tax burden. He mentioned that this document modifies some of the guidelines. He stressed the Township welcomes all persons of low income who meet these guidelines to come in and discuss their options with the Assessing Department. Mr. Sowerby assured it is all done privately and all information is kept confidential, but if a resident qualifies, it is a significant savings.

Mr. Gielegem emphasized that it is important for people to come in and participate in this program, stressing that once someone falls into the cycle of delinquent taxes, it is difficult to get out because of fees, etc. He noted this is a way for these people to be proactive.

Roll Call (to approve): Ayes – Reynolds, West, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

14. REQUEST FOR FIRE BUDGET AMENDMENT - OVERTIME

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated December 28th, 2015 from the Fire Chief, and approve the request to transfer an additional \$100,000 into the Fire Department overtime line item. Discussion ensued.

Mr. Gielegem clarified that these are Fire Department funds being adjusted from one line item to another, and it is not General Fund money being transferred over to the Fire Department.

Roll Call: Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

15. REQUEST TO HIRE EIGHT (8) NEW BUDGETED POLICE OFFICERS

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated January 11th, 2016 from the Police Chief and approve the request to hire eight (8) new budgeted police officers. Roll Call: Ayes – Pearl, Reynolds,

Gielegghem, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None.
Motion carried.

16. APPROVAL OF EMPLOYEE DISMISSAL

Mr. Cannon indicated that the employee has requested a Closed Session. Mr. Cannon recommended going into Closed Session to discuss this item, coming out of Closed Session with a decision and then going back into Closed Session for Item #17, noting that the Board will not be coming back from the Closed Session for that item.

Motion by Ms. Meltzer, supported by Mr. Reynolds, to schedule a Closed Session immediately following tonight's meeting for the purpose of discussion an employee dismissal. Roll Call: Ayes – Meltzer, Reynolds, Gielegghem, Pearl, Cannon, West, Sowerby. Nays – None. Absent – None. Motion carried.

17. REQUEST CLOSED SESSION TO DISCUSS CONTRACT NEGOTIATIONS

Mr. Cannon advised that the Board will not be coming out of Closed Session for this item.

Motion by Mr. Pearl, supported by Mr. Sowerby, to schedule a Closed Session following tonight's meeting for the purpose of discussing contract negotiations. Roll Call: Ayes – Pearl, Sowerby, Reynolds, Gielegghem, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

18. REQUEST APPROVAL FOR PURCHASE OF SALT SPREADER – WATER & SEWER DEPARTMENT

Motion by Mr. Reynolds, supported by Mr. Sowerby, to receive and file the letter dated January 4th, 2016 from the Public Services Director, and approve the purchase of a new salt spreader to the lowest-priced unit from Richmond New Holland in the amount of \$6,551.50. Discussion ensued.

Mr. Sowerby inquired as to whether Ms. Bednar found out whether this equipment is made in the United States.

Ms. Bednar replied that it is actually made in Michigan.

Roll Call (to approve): Ayes – Reynolds, Sowerby, Gielegghem, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

19. REQUEST TO SOLICIT BIDS FOR WATER & SEWER BILL PAPER AND ENVELOPES

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter dated January 4th, 2016 from the Public Services Director, and waive the Township bidding policy to allow the Water and Sewer Division to go out for quotes to each company on the “Bidder’s List – Bills and Envelopes” outlined in the correspondence for a supply of printed bill paper and envelopes. Roll Call: Ayes – Sowerby, Reynolds, Gielegem, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

20. APPARATUS LENDING AGREEMENT

Fire Chief Phy explained that this is a lending agreement between the City of Sterling Heights and the Charter Township of Clinton to use fire apparatus on a given day or days. He added it is not the intent to cover the lending of fire apparatus if something is out just for a few hours. Chief Phy explained he met with Sterling Heights’s Fire Chief Martin, Mr. Dolan and the attorney representing Sterling Heights to discuss this agreement, which they have been working on for a long time.

Mr. Dolan informed that there has been some delay because of the terms of the agreement. He admitted it is an awkward agreement that they are not completely happy with, but he felt it needs to be in place. The Township has been able to procure the insurance. The City of Sterling Heights is insisting that each time the apparatus is lent, the requesting company is to bear all insurance, including casualty and no-fault. Each time something is borrowed, the borrower will have to contact their insurance carrier to make sure it is done. Mr. Dolan advised that Mr. Saph has been consulted and assured he can do this. Mr. Dolan reiterated that it is an awkward agreement but it is the best they can get, noting if they want a long-term agreement with Sterling Heights, this is what they “have to live with”.

Mr. Pearl inquired as to what the Township has available to lend to the City of Sterling Heights.

Chief Phy replied that this agreement started out in response to the Township asking a favor of Sterling Heights because when the new trucks were ordered for the Township, it was going to be eight to ten months before they would be delivered. The Township is “trying to make do” and Sterling Heights was agreeable to helping the Township out; however, they have been working on this agreement for so long, and their first ordered apparatus will be arriving in March. He stressed they still need this in place. It is a mutual agreement, but there are provisions in place that allow them to say “no” for any reason, simply by saying

they do not have anything available. Chief Phy added that the agreement can be canceled, but they have asked for a year.

Mr. Pearl stated he has no problem with the agreement, but wanted to be sure that the Township can offer something to the City of Sterling Heights if they call.

Chief Phy responded that, once the Township gets their fire trucks in, they will have spares that can be loaned out. He admitted that Sterling Heights has more equipment and it is a little newer than the Township's equipment.

Ms. Meltzer inquired as to whether this is the same as the Mutual Aid Agreement, or whether this is just for equipment.

Chief Phy clarified that the Mutual Aid Agreement has been in place since 1947, but this proposed agreement is strictly for equipment.

Motion by Mr. Pearl, supported by Mr. Gielegghem, to approve the Interlocal Agreement for Reciprocal Lending of Municipal Fire Apparatus, as submitted. Roll Call: Ayes – Pearl, Gielegghem, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

APPROVAL OF MINUTES OF DECEMBER 14TH, 2015 REGULAR TOWNSHIP BOARD MEETING

Motion by Mr. Sowerby, supported by Ms. West, to approve the minutes of the December 14th, 2015 Regular Township Board Meeting as submitted. Roll Call: Ayes – Sowerby, West, Reynolds, Gielegghem, Cannon, Meltzer. Nays – None. Absent – Pearl. Motion carried.

Motion by Mr. Reynolds, supported by Mr. Gielegghem, to approve the minute of the December 21st, 2015 Special Township Board Meeting as submitted. Roll Call: Ayes – Reynolds, Gielegghem, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

APPROVAL OF BILLS

Motion by Mr. Reynolds, supported by Mr. Gielegghem, to approve the bills as presented. Roll Call: Ayes – Reynolds, Gielegghem, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – Pearl. Motion carried.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT INTO CLOSED SESSION

The meeting adjourned into Closed Session at 7:47 p.m. and reconvened at 9:08 p.m.

16. APPROVAL OF EMPLOYEE DISMISSAL

Motion by Mr. Cannon, supported by Mr. Sowerby, to terminate the employment of this employee with the Charter Township of Clinton. Roll Call: Ayes – Cannon, Sowerby, Reynolds, Gielegem, Pearl, West, Meltzer. Nays – None. Absent – None. Motion carried.

ADJOURNMENT

Motion by Mr. Sowerby, supported by Mr. Reynolds, to adjourn the meeting. Roll Call: Ayes – Sowerby, Reynolds, Gielegem, Pearl, Cannon, West, Meltzer. Nays - None. Absent – None. Motion carried. The meeting adjourned at 9:08 p.m. and went back into Closed Session.

Respectfully submitted,

KIM MELTZER, CLERK
CHARTER TOWNSHIP OF CLINTON