

CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, FEBRUARY 4TH, 2019

PRESENT:	ROBERT J. CANNON	SUPERVISOR
	KIM MELTZER	CLERK
	PAUL GIELEGHEM	TREASURER
	JOE A. ARAGONA	TRUSTEE
	MIKE KEYS	TRUSTEE
	KENNETH PEARL	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, led by Boy Scout Gabriel Morrow.

APPROVAL OF AGENDA

Ms. Meltzer stated there are two deletions from tonight's agenda:

- Item #1 – Request Approval of New Stockholder FoodFirst Global Holding, Inc. due to Merger with Bravo Brio Restaurant Group, Inc. for Class C and SDM Transfer (will be on the next Township Board meeting)
- Item #21- Request Closed Session – Legal Opinion in Regard to Lipke Street Water Easement Acquisition

Ms. Meltzer stated there are five add-ons to tonight's agenda:

- Item #22- Approval of Appointment to Senior Staff Secretary Position – Clerk's Office
- Item #23- Approval of Appointment to Appraiser I Position – Assessing Department
- Item #24- Discussion Regarding the Deferment of Township Payments for Furloughed or Unpaid Federal Government Employees
- Item #25- Bid Award – Little Millar Pump Station Improvements
- Item #26- Lowe's Outside Permit Request – 35115 Gratiot

Mr. Aragona requested a change on Item #19 to add an item to amend the Non-Represented Employee Pay and Benefits Policy, as well as to hire an Administrative Assistant for the Trustee's Office.

Ms. Meltzer clarified those will be Items #19A and #19B, respectively.

Motion by Mr. Aragona, supported by Mr. Pearl, to approve the agenda with the deletion of Items #1 and #21 and the addition of Items #19A, #19B, #22, #23, #24, #25 and #26. Roll Call: Ayes – Aragona, Pearl, West Cannon, Gielegem, Meltzer. Nays – Keys. Absent – None. Motion carried.

PUBLIC SERVICE ANNOUNCEMENTS

Mr. Gielegem announced that Clinton Township's Annual Blood Drive has consistently been one of the largest and longest-standing blood drives in Southeast Michigan. He stated they have a great partnership with businesses, schools, libraries as well as the Senior Center, and this drive is being held at various locations over the next two days. He advised that information can be obtained by going to www.redcrossblood.org and type in one of the zip codes for Clinton Township in the "sponsor code" box. He stated statistics show that for every pint of blood donated, three lives are saved. He advised that there is a phone app available to allow appointments to be made electronically, and another feature of this app enables the donor to find out where his/her blood goes. He indicated they cannot find out who it is helping, but they can find out where it was sent. He stated there is an incentive because everyone who signs up for the blood drive to donate a pint is registered for a raffle, with numerous prizes available, including three iPads, thirty \$50 Visa cards, four \$50 Partridge Creek gift cards, and \$50 cards and \$25 cards for many local restaurants. He encouraged people to donate blood to help others in the community.

Ms. Meltzer stated she hosts an annual canned food drive at the Mount Clemens Ice Arena, and this year's event will be on February 15th. She noted it is a half-day for school, and children can participate, with the event starting at 1:30 to 3:20, and the only cost is a non-perishable food item. Donations will go to the Macomb Food Program in Clinton Township.

1. REQUEST APPROVAL OF NEW STOCKHOLDER FOODFIRST GLOBAL HOLDING, INC. DUE TO MERGER WITH BRAVO BRIO RESTAURANT GROUP INC. FOR CLASS C AND SDM TRANSFER

This item was deleted from tonight's agenda.

2. SPECIAL LAND USE: A RESALE FACILITY AND COFFEE SHOP IN THE B-2 COMMUNITY BUSINESS DISTRICT (JAVA JUNK) – PART OF LOTS 39-40, INGLESIDE CENTER SUBDIVISION, BEING 0.903 ACRE OF LAND W/GRATIOT, N/WENDELL, ADDRESSED AS 37661 GRATIOT

Mr. Cannon stated the proposal is for a resale shop along with a coffee shop, and it has been recommended for approval by the Planning Commission because it is a similar use to what is in the area.

Mr. Keys requested the petitioner tell the Board a little about her business and experience in this area.

Ms. Mary Christopher, petitioner, replied that she grew up in the restaurant business, but this coffee shop will be a small operation. She indicated it will be a thrift store with a small coffee shop. She replied she is not modeling this after anything she has seen but felt it would be something that will attract customers, especially with five thrift stores in the area.

Mr. Aragona stated they heard about Ms. Christopher's business when it came before the Planning Commission, and he felt it is a cool idea. He explained the concern was raised at that time about the condition of the outside of the building and the property, and although the graffiti in the back is more the responsibility of the landlord, he felt the more Ms. Christopher can do to assure the area behind her business stays clean would be appreciated.

Ms. Christopher admitted there is a lot of graffiti in the back, and the landlord is in the process of getting estimates to get the entire back painted, which he intends to do when the weather warms up. She clarified that is only behind five stores, and she does not know about the other buildings in the center. She stated she is getting a dumpster, and she assured she will not have any junk lying around behind the building.

Mr. Keys inquired as to whether Ms. Christopher intends to have any donation bins in the parking lot.

Ms. Christopher stated she does not intend to have donation bins, adding that people tend to throw garbage in them. She explained the majority of her merchandise will be acquired through the purchase of storage lockers and donations during business hours.

Mr. Aragona recalled that was discussed at the Planning Commission and the recommendation from the Commission was that they were not in favor of the bins. He recalled the plan is to have people come in during business hours to make donations, and he further recalled that she will not be selling clothing.

Ms. Christopher confirmed that the merchandise will consist of household items, and she will have very little clothing, only if it is high-end and in very good condition. She explained she refurbishes furniture.

Mr. Pearl inquired as to the source from which Ms. Christopher anticipates receiving her donations. He pointed out there are a lot of resale shops along Gratiot.

Ms. Christopher explained she has teamed up with a couple of pet rescues in the area. She will be providing donations to them, and in turn, they will send people with donations to her. She anticipated this will work out well.

Mr. Pearl hoped she will keep the exterior of the building clean.

Ms. Christopher assured she will keep it clean. She has noticed her neighbor's business, with bins overflowing because they do not empty them, and she assured she will not be doing that because she wants her place to have a nice appearance.

Motion by Mr. Pearl, supported by Aragona, to receive, file and concur with the letter dated January 17th, 2019 from the Secretary of the Clinton Township Planning Commission, and approve the Special Land Use for a resale shop in the B-2 Community Business District (Java Junk), to be located in an existing retail building on part of Lots 39-40, Ingleside Center Subdivision, being 0.903 acre located west of Gratiot, north of Wendell, addressed as 37661 Gratiot (Section 23), subject to donations only being collected during normal business hours. Roll Call: Ayes – Pearl, Aragona, West, Cannon, Gielegem, Meltzer. Nays – Keys. Absent – None. Motion carried.

Editor's Note: At this point, Ms. Meltzer requested to move Item #26 on the agenda to Item 4A because the petitioner is present and does not need to be here for the entire meeting.

Motion by Mr. Keys, supported by Ms. West, to move Item #26 – Lowe's Outside Permit Request – 35115 Gratiot to Item #4A. Roll Call: Ayes – Keys, West, Pearl, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

3. SPECIAL LAND USE: A MASSAGE THERAPY FACILITY IN THE B-3 GENERAL BUSINESS DISTRICT (SIMPLE MOVEMENTS @ ROYAL PLAZA) – 3.54 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF 14 MILE ROAD AND HARPER AVENUE, ADDRESSED AS 33431 HARPER (SECTION 35)

Mr. Cannon stated the principal business will still be yoga, but the petitioner would like to incorporate the addition of massage.

Ms. Lynn Fischer replied to inquiry she has been operating the yoga studio at this location for two months. She stated she intends to offer both yoga and massage therapy.

Mr. Aragona recalled that Ms. Fischer had some good qualifications that she had mentioned to the Planning Commission.

Ms. Fischer replied that she received her doctorate in physical therapy in 2016, she has been a massage therapist for twenty years, and she has taught yoga for eighteen years.

Motion by Mr. Pearl, supported by Mr. Aragona, to receive, file and concur with the letter dated January 18th, 2019 from the Secretary of the Clinton Township Planning Commission, and approve the Special Land Use for a massage therapy facility in the B-3 General Business District (Simple Movements @ Royal Plaza), to be located in an existing retail center on Lot 13, Supervisor's Plat #2, being a part of 3.54 acres of land located at the northwest corner of 14 Mile and Harper, addressed as 33431 Harper (Section 35), as requested. Roll Call: Ayes – Pearl, Aragona, West, Keys, Cannon, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

4. REQUEST APPROVAL TO RESERVE THE PRINCE DREWRY PARK FOR THE 13TH ANNUAL COMMUNITY KITE DAY

Mr. Cannon stated that Ms. Gerrie Brown does a fabulous job, not only with this event but with helping children throughout the community. There is already a reservation for both shelters. One has been paid for, but the other will need to be paid. If there is a need for additional restrooms, they are to contact the Department of Public Works, and they will be advised as to whom they should contact.

Motion by Mr. Keys, supported by Mr. Pearl, to receive and file the letter dated January 16th, 2019 from Ms. Gerrie Brown, Kite Day Coordinator, and approve the request to reserve the Prince Drewry Park for the 13th Annual Community Kite Day, to be held on May 4th, 2019 from noon to 3 p.m. Roll Call: Ayes –

Keys, Pearl, West, Cannon, Aragona, Gielegem, Meltzer. Nays – None.
Absent – None. Motion carried.

4A. LOWE’S OUTSIDE PERMIT REQUEST – 35115 GRATIOT (formerly Item #26)

Mr. Cannon stated they have had no problem with this in the past, and the Building Department has no objections to the locations and the use.

Mr. Keys thanked Mr. Karpinski for the work they are doing on the parking lot, which is something he felt can get out of control quickly if not kept up. He added that Lowe’s puts their best foot forward to make sure the other businesses in that lot are cleaned up. He assured that he puts in ordinance complaints himself if he notices that customers are leaving couches or other debris by the collection centers. He once again thanked Mr. Karpinski for the good job.

Ms. Meltzer thanked Mr. Karpinski and Lowe’s for the work they have done for the Clintondale Schools Robotics Team. They saw the need for them to rebuild their room and have cabinets and a place for their tools.

Mr. Karpinski stated it is a good cause, and they always try to help local organizations. They had a robotics room and transferred their old workshop into their work area, but they needed a place to store what they built, and the room is not locked at all times. He explained Lowe’s went in there, redid all of the cabinets and countertops, painted the walls in the workshop to make them look updated, and donated about \$1,000 of tools to help the students grow in their Robotics program. He noted that some of their employees were former students so they got to go back and help their own alma mater.

Ms. Meltzer thanked them again, noting the Robotics Team needs all the help they can get, and if anyone else cares to make donations to a good cause, they can do so for the Robotics Team at Clintondale High School, adding they are a wonderful group of talented kids.

Mr. Karpinski added that they re-shingled the pavilion bathroom at Normandy Park as a side project.

Ms. Meltzer thanked Mr. Karpinski.

Mr. Pearl thanked Mr. Karpinski and Lowe’s for all of their donations. He understood they donate the cards for the Goodfellow’s. He stated what makes these donations possible is for residents to shop at Lowe’s. He stated he has purchased many appliances there, the staff is extremely nice, the appliances are good and so are the sales. He hoped everyone will continue to shop there so they can continue to make these types of donations.

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated January 29th, 2019 from Mr. Daniel Karpinski, Store Manager of Lowe's Store #1716, 35115 Gratiot Avenue, Clinton Township, Michigan 48035, and approve their request for outdoor storage for seasonal goods from February 28th, 2019 through October 31st, 2019, as outlined in the correspondence. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

5. REQUEST APPROVAL FOR CLINTON TOWNSHIP POLICE DEPARTMENT TO DISPLAY TWO (2) BANNERS

Mr. Cannon stated that the Honor Guard has made the Township proud on many occasions, and they do this on a voluntary basis.

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated January 25th, 2019 from the Township Supervisor, and approve the request from Officer Kevin Daniels, on behalf of the Clinton Township Police Honor Guard, to hang two (2) banners at the locations indicated in the correspondence, advertising their annual Spaghetti Dinner Fundraiser to be held on Tuesday, March 26th, 2019 at The Mirage Banquet Hall. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

6. APPROVAL OF APPOINTMENT TO NETWORK ANALYST POSITION

Motion by Ms. West, supported by Mr. Aragona, to receive and file the letter dated January 15th, 2019 from the Human Resources Director, and appoint Mr. Vang Chang to the position of Network Analyst, which constitutes a promotion to a higher classification within the Department, with a starting salary of \$64,679, effective January 29th, 2019. Roll Call: Ayes – West, Aragona, Keys, Pearl, Cannon, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

7. APPROVAL OF APPOINTMENT TO INSPECTOR POSITION – FACILITIES & OPERATIONS

Motion by Ms. West, supported by Mr. Keys, to receive and file the letter dated January 15th, 2019 from the Human Resources Director, and appoint Mr. Harold Collins to the position of Inspector in the Facilities & Operations Division of the Public Services Department, which constitutes a lateral transfer within the Department at an unchanged salary, effective January 29th, 2019. Roll Call: Ayes – West, Keys, Pearl, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

8. APPROVAL OF APPOINTMENT TO ASSISTANT PLANNING DIRECTOR POSITION

Mr. Cannon indicated that Mr. Wallace is present this evening, and he comes from the City of Monroe.

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter dated January 15th, 2019 from the Human Resources Director, and appoint Mr. Matthew Wallace to the position of Assistant Planning Director in the Department of Planning and Community Development, with a starting salary of \$74,639, as specified in the AFSCME Local 1919.29 Supervisory Employees collective bargaining agreement, effective January 29th, 2019, subject to successful completion of a complete background investigation and a pre-employment medical examination, including drug screen. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

9. PLANNING COMMISSION ANNUAL REPORT FOR 2018

Mr. Bruce Thompson, Director of the Department of Planning and Community Development, explained that under Michigan Planning Enabling Act 33 of 2008, the Planning Commission is required to provide a report of all of its work and status to the Township Board, including text amendments, work on the Master Plan, etc. He indicated this is required annually and is prepared by the Planning Department, noting it will be a little more in detail next year as he can make comparisons from one year to the next. It is required by statute, so he wants to make sure they get the proper information. He commented that this is a very busy Planning Commission and they had a very busy year, with a total of 48 cases coming before them. They are doing well from a development standpoint and he anticipated this year will be just as busy, with the spring influx of applications for site development plans and rezonings already coming in to their office.

Motion by Ms. West, supported by Mr. Pearl, to receive and file the letter dated January 11th, 2019 from the Planning Director and the 2018 Planning Commission Annual Report, as forwarded to the Board by the Clinton Township Planning Commission. Discussion ensued.

Mr. Keys thanked Mr. Thompson for putting this report together. He recalled seeing a version of this report last year, and after looking at this, he has a better understanding of Conditional Rezonings versus traditional rezonings. He added it is an easy read. He questioned the process for drafting this report.

Mr. Thompson replied to inquiry that the Planning Department compiles the statistics and report, but it is up to the Planning Commission to approve it and forward it to the Township Board, and that is what they did.

Mr. Keys inquired as to an update on the Master Plan for Future Land Use. From conversations he has had with Mr. Thompson, he understands that is on the forefront of what the department needs to accomplish.

Mr. Thompson stated he received a 90%-completed draft document from the Planning consultant. They are waiting on some key components, but they have a very viable document. It involves the public and it has been some time since the Master Plan process was initially started. He spoke to Mr. Cannon and a couple of the Trustees, and before it comes to the Township Board, which is the first formal step in approving the Master Plan, he would like to hold one townhall visioning session. He explained he can bring a copy of the Future Land Use map and hold an hour-long presentation of the Master Plan, what it includes, and hopefully get some feedback from the public, adding that this is the Township's Master Plan. He stated once he receives the fully-completed draft document, he will work with the Township Supervisor to set up a date for the community meeting. Once that meeting is held, the Master Plan will come to the Township Board for their review, and he assured he will get it to them well in advance of their Township Board meeting. They will then have the opportunity to forward it to the Planning Commission, but a sixty-three-day review period is required as part of their motion. He indicated that provides time for all of the taxing jurisdictions that are part of Clinton Township, including utilities, adjacent communities, etc., to have a chance to review that Master Plan and make comments. At that point, it goes to the Planning Commission for a public hearing, and the Planning Commission, after that public hearing and when it sees fit, adopts the Master Plan.

Mr. Keys stated he is thrilled with the way the development of the Master Plan is progressing, he is very excited with the direction this department is going, and he appreciated Mr. Thompson putting this report together and providing the report on the Master Plan.

Mr. Gielegem commented that this list in the report includes the projects that seem to have been approved by the Planning Commission, but he commented it does not necessarily represent the sum total of the work of the Planning Commission. He felt there are many projects they have gone through that are still in the works or did not receive approval, and he questioned whether that is an accurate assessment.

Mr. Thompson clarified this list includes all of the projects that were on Planning Commission agendas from January 1st through December 31st.

Ms. West stated she did not see anything in the report about medical marijuana.

Mr. Thompson explained toward the end of the report, there is a specific category about text amendment, and the medical marijuana discussion was a review for a text amendment for the zoning ordinance. He noted he does not have it identified as a separate case, although it has a “case file number” in the Planning Department. He stated he likes to keep any text amendment as a separate category, and the number of those reviewed per year vary. He added that sometimes there are no text amendments in any given year, while other years they consider three or four text amendments.

Ms. West recalled that a lot of hours were spent on the medical marijuana issue.

Mr. Thompson confirmed there were four particular discussion meetings held at the Planning Commission level: January 11th; January 25th; February 22nd; and March 22nd.

Mr. Keys requested the Planning Director continue to keep up with the description at the end that it includes “approved, subject to”. He felt that helps to take them back and provides the motivations of the Planning Commission.

Roll Call (on motion on the floor): Ayes – West, Pearl, Keys, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

10. REQUEST APPROVAL FOR ELECTRICAL INSPECTOR TO ATTEND TRAINING

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated January 22nd, 2019 from the Building Department Superintendent, and approve the request for Mr. Joe Price, Electrical Inspector, to attend a two-day class in Lansing about the 2017 National Electrical Code, with the anticipated cost to be under \$650, to come out of the Education and Training Budget. Discussion ensued.

Mr. Keys noted they did not receive the typical form they usually receive for this type of request.

Ms. Meltzer replied it does not fall into the category of exceeding \$999, which is when that form is required.

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

11. METRO ACT PERMIT UPDATE: MCI METRO ACCESS TRANSMISSION SERVICES CORP.

Ms. Meltzer explained this is initiated through the Clerk's Office, and there was a lot of updating. She stated this is not a new permit, but rather an addition or clarification of an existing permit.

Motion by Mr. Pearl, supported by Mr. Gieleghem, to receive, file and concur with the letter dated January 24th, 2019 from the Senior Project Engineer, Anderson, Eckstein & Westrick, Inc., and approve the Metro Act Permit Amendment to accept the updated utility route map and its inclusion with the current MCImetro Access Transmission Services Corp. Metro Act Permit. Roll Call: Ayes – Pearl, Gieleghem, West, Keys, Cannon, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

12. DISTRIBUTION OF 2017 GRATIOT AVENUE DDA FUNDS TO TAXING AUTHORITIES

Mr. Cannon requested an update on the status of reestablishing the Downtown Development Authority (DDA).

Mr. Bruce Thompson, Director of the Department of Planning and Community Development, explained they have been working closely with the Township Attorney's office, and they have worked very hard at putting together the language for an updated Tax Increment Financing (TIF) plan, including language that is relevant to the statutes of today. He stated it is in its final draft form, so the DDA is set to approve that plan. They are waiting on the new base share because the baseline has to start over, which will be 2019. It is prudent to wait until after the Assessor holds the March Board of Reviews, so the taxable numbers are set for the rest of the year. At that point, it can be reviewed and approved by the DDA and can be forwarded to the Township Board, who has to make final approval of the TIF plan. He is confident that some of the new developments in 2019 and 2020 should help get them past their baseline this year. He stated he has come up with a new program for the DDA once they start generating funds that will help them to help themselves generate funds. They encourage businesses within the DDA area to invest themselves and create taxable values of properties that will generate more funds for themselves. He assured they will be working closely with the DDA to reinvent and go forward.

Mr. Gieleghem thanked Mr. Thompson for the report. He noted all of the funding they had for the DDA was wiped out, and they did not find out about it until this past year. He questioned how they did not know this expired, noting the former Planning Director was the staff representative for the DDA. He questioned whose responsibility it will be moving forward to make sure that they reapply on

time to avoid this situation again, and whether there are procedural changes that need to be implemented.

Mr. Thompson replied it is the Planning Director's duty to ensure, through working with the DDA, that their TIF plan remains soluble and up-to-date. He indicated they will be working with the DDA to come up with something, but it is ultimately the Planning Department that needs to "monitor that clock" and make sure the process gets started in a timely manner to amend it. There may be time where the DDA starts generating more revenue and comes up with a new project which will require the DDA to amend the plan, which is not uncommon. At that point, the life of the plan can be extended.

Mr. Gieleghem inquired as to whether they will be applying for another fifteen years.

Mr. Thompson replied affirmatively.

Ms. Meltzer stated that with Laserfiche, the electronic content management system, they can create a business process that will trigger the time frame when that is due.

Mr. Thompson stated that would be good, and he indicated they will be meeting later this week, and his department will be getting training on Laserfiche so they can work with the Clerk's office to make sure that becomes a core part of their department.

Mr. Pearl noted that Miller Canfield set up the DDA originally, and he questioned whether there was a law that limited them to a fifteen-year period.

Mr. Dolan replied it did not specify fifteen years, but there is a law that is part of the old law and new law that has come into existence regarding DDAs and TIFs that establishes there must be an end date to the plan. They can pick a shorter or longer time, but they have to specify the end date.

Mr. Pearl felt they should decide as to what is best, but they could make it longer, adding that it could always be amended.

Mr. Dolan cautioned that amending the plan means they would have to follow most of the steps they did in implementing it, and it is a tedious process.

Mr. Pearl inquired as to whether there is an advantage to extending it to a 25-year plan.

Mr. Thompson replied that it is a double-edged sword, and with the new legislation, there is more accountability from the standpoint of DDAs, and the

plan needs to be grounded and realistic. The plan needs to provide a means to an end, so he felt leaving it open 25 years is not in tune to the Act. There was a lot of discussion at the DDA, and they felt 15 years was a good time frame, noting they had done some projects and were getting in money. He felt that is a good length of time given the DDA's history.

Mr. Gieleghem stated the reason they put this on the agenda is they were capturing the taxes from the new growth and setting it aside for these economic development projects. The debate in setting up a DDA is the fact they are pulling new revenue from other taxing authorities, so they have to be accountable to those taxing authorities by showing them that, although they are pulling revenue from them, it is for a specific purpose that will not benefit just one area but the community at large.

Mr. Pearl inquired as to what "reset" means in regard to dollars.

Mr. Thompson replied that the base assessment is their assessment for 2019. The function of a DDA is a base assessment is set, and from that point on, any additional tax revenue beyond that base assessment is captured, so the DDA is getting the growth.

Mr. Gieleghem noted they refunded \$88,000 for 2017 alone.

Mr. Keys stated this is disappointing, but he is excited they are moving forward. He stated he would not be interested in looking at a 25-year plan but would prefer to mimic the Master Plan. He would like to see the DDA plan brought to this Board.

Mr. Thompson informed there is a public hearing required at the Township Board level and the Board ultimately approves it. The Township Board has to set and hold a public hearing and approve the plan at some point after that.

Mr. Keys appreciated what Ms. Meltzer was offering, and he hoped Mr. Thompson will take her up on that. He felt they can look to the Planning Director to look at the DDA, but ultimately this Board has a responsibility. He stated as a new Trustee, he is upset with himself that he did not question it, but he appreciated the work they are doing. He believed they are moving in a direction that will prevent this from happening again. He felt if fifteen years is what they would like to see, he is acceptable to that, but he would prefer to see a five-year or ten-year plan.

Mr. Aragona questioned whether the timeline can be extended beyond whatever length of time they set.

Mr. Thompson replied affirmatively.

Mr. Aragona felt property taxes should probably be rising faster than they are, and he questioned whether they may not be losing out as much as they could.

Mr. Thompson replied he does not believe the DDA will be harmed by any increases in taxes, noting they were starting to generate revenue. He did not feel the taxable values in the DDA were really depressed at this point, pointing out they went from a very small amount a few years ago to \$88,000 the next year. He credited the diligence of the Assessor in proper assessments, but the development community continues to be moving forward. He did not feel a five-year plan would give them enough time to generate revenue and take on the next big project. Ten years may afford that opportunity, but his experience has shown that fifteen years is a good length of time. He reminded that it depends upon the economy, the amount of investment they give, and the job of the Department of Planning and Community Development is to encourage development and talk to developers and commercial real estate people to make sure things happen in the DDA. He assured they will be working with the DDA over the next year to come up with some ways to do that by updating the website and giving them “more of a face” in the community. He was confident they will be able to start generating revenue and do some positive things.

Mr. Pearl questioned whether they capture 100% of the taxes for new development.

Mr. Thompson clarified they capture 100% of taxes beyond the base assessment of the property. Discussion took place regarding some specific examples.

Mr. Pearl stated he is not happy about having to return \$88,000; however, he questioned whether \$30,000 of that belongs to the Township.

Mr. Gieleghem replied that is correct, noting a portion of it is for the respective millages, which is less than one mil for the general operations of the Township, as well as police and fire.

Mr. Keys stated this is new to him, but he felt they cannot look at this as “a positive” for the Township, but it was a result of the Board “dropping the ball” and they need to move forward. He has confidence they are doing that.

Mr. Cannon opened the floor for public comments, but there were none from the audience.

Motion by Mr. Keys, supported by Mr. Pearl, to receive and file the letter dated January 25th, 2019 from the Township Treasurer with regard to the distribution of 2017 Gratiot Avenue Downtown Development Authority’s (DDA’s) Tax Increment Financing Plan, which expired on May 26th, 2017. Roll Call: Ayes – Keys, Pearl,

West, Cannon, Aragona, Gieleghem, Meltzer. Nays – None. Absent – None.
Motion carried.

**13. RECOMMENDATION OF PAYMENT SYSTEM PROCESSOR CHANGE,
FROM THE COMBINED TREASURER/PUBLIC SERVICES STUDY GROUP**

Mr. Gieleghem provided a presentation on a recommendation of a payment system processor change. The presentation included the current system, the key reasons that precipitated contemplating a change, the process to follow for making the change, who they reviewed, and why they arrived at the recommendation they are making. He credited his office, particularly his Deputy Carolyn Folk, who is here tonight. He also thanked the vendor, Point and Pay, who is here tonight to answer questions.

Mr. Gieleghem explained the recommendation is to switch to Point and Pay as their payment systems vendor and adjust Ordinance 219.05. He stated they currently accept cash or check for payments at their counter but are not set up to accept credit card payments at the Township. They have also been able to mail in their check. They can pay on line, either by e-check, which is a free option, or they can pay by credit card, which incurs a 2.65% service fee, or \$2.45, which is assessed to the customer. He noted that people can also pay over the phone, but they have to use two different vendors. He explained they receive a lot of negative feedback on their current system, admitting it is not as user-friendly as it should be, and it lacks integration with BS&A, which is one of their key points. He stated BS&A is a software program that tracks tax payments, utility payments, transactions and activity in the Building Department, etc., and the lack of integration results in much more manual work, resulting in a number of administrative steps that takes a lot of time and provides many more opportunities for errors to occur. He stated they do not have many “payment fails” or “dishonored checks”, but when they do, it is an unpleasant situation for everyone because by ordinance, the Township charges a \$25 fee. Their current system is not mobile-friendly. He outlined the reasons for “payment fails”, but most are a result of people entering the wrong information when entering their account number or their routing number. They expect the Township to waive the \$25 fee when that occurs, but he stated that, unfortunately, the fee is in place because of an ordinance requiring that fee, and the ordinance cannot be waived.

Mr. Gieleghem explained that technology is rapidly changing, so they wanted to figure out what services they could offer, bring in the departments affected by any change, and bring in vendors. The goals were to provide customers with the best experience possible, while maintaining security, reliability, efficiency, controlling cost, and they needed someone who understands municipal systems to provide the necessary support. He outlined the options they looked at. Chase Bank offered something similar to their current carrier, Comerica. They looked at two that were integrated with BS&A, with Point and Pay being one of those. He

noted Invoice Cloud is integrated with BS&A, but there is a marketing model in switching people to a paperless format and getting people to sign up for auto payment. That includes a marketing plan with a number of emails to the customers, and that may be a little departure from what people expect from the Township. He explained Point and Pay met all of the goals the Township set to go forward, and the Township was able to get RFP pricing from RFPs that went through neighboring communities. He felt they will provide better services for their customers and their departments. Through a PowerPoint presentation, he presented the details on the numbers of payments for 2017, with 53,221 water payments coming in electronically, either on line or over the phone, and 7,300 tax payments came in that way. Based upon that current model, he outlined what the Township would have paid for each of the vendors and systems presented, including the proposed vendor, Point and Pay, where the Township pays \$.40 for every web payment, IVR payment, and credit card fees to the customer will be 2.8% as a convenience fee, or a minimum of \$1.50. Every time someone switches over to paperless billing, the Township will be saving money by not having to mail out that bill, but they will pay \$.10. He explained they only pay for non-sufficient fund payment bills, not those where people make an error in typing their information. He felt this is in the ballpark, they are going to experience some cost savings in some areas, and they are providing the general public with a better experience. The recommendation is to switch to Point and Pay, with a timeline of April for water billing and credit card payments in office, and July for tax.

The representative for Point and Pay was present and offered to answer questions.

Mr. Pearl stated they have to notify all of the residents who currently use the monthly service to pay their water bills.

Mr. Gieleghem confirmed that is correct. People currently signed up for auto-pay, which means the Township's bank is authorized to go to the resident's bank and pull the funds to pay for their water bill whenever it comes due, adding the residents set up the date of their preference. He stated those people will have to make a pro-active move to continue in that program, clarifying they do not want to switch people automatically.

Mr. Pearl stated that cannot be done. He questioned whether a letter will be mailed out.

Mr. Gieleghem stated there will be a series of letters and emails to inform them.

Discussion took place regarding how they sign up for auto-pay.

The representative stated they will have the option to do a quick payment but Point and Pay will help with the marketing to get them to enroll and create a dashboard. From that dashboard, they will be able to take mobile payments, store e-check payments, and store multiple debit and credit cards. They will be encouraged to enroll and create an account, but he stressed even if they choose not to do so, they will always have the option to go in to BS&A online bill hookup, click “pay now”, and they would not have to type in a bill amount or account number because of the integration, they have a place for the BS&A software, and the data will populate for them. He assured the Township is not processing or storing credit cards, because that is the business of Point and Pay.

More discussion took place regarding the specifics of how Point and Pay will work.

Mr. Pearl suggested that, when the Township sends out information on the change in the payment system, some type of alert should be put on the outside of the envelope indicating “urgent” or “change in payment”. He felt a lot of people see the envelope and toss it without opening it, knowing they already paid through auto-pay.

Mr. Gieleghem felt that is a good suggestion and they will look at it.

The representative stated a lot of communities have put inserts into the bills, they place a notice on the website and post a notice in the municipal offices.

Mr. Pearl still felt there should be something “flagged” on the outside of the envelope.

The representative completed his presentation about the process they use with BS&A. Once the payment is made, Point and Pay informs BS&A, and they update the Township’s database in real time. He provided some details on their company and their client base, assuring they provide a very secure system with PCI Level 1 Certification. He provided references, noting they are the preferred partner for BS&A Software, specializing in payment processing for townships, cities, villages, ambulances, courts, and law enforcement in Michigan. He talked about their parent company, North American Bankcard, on 14 Mile and Stevenson.

Mr. Pearl inquired as to whether there is a reduction for debit card payments versus credit card payments.

The representative replied on a convenience-fee pricing, debit cards and credit cards are priced the same. He explained the various types of pricing, and stated they only take debit card payments that are backed by Visa or Mastercard.

Mr. Gieleghem felt the majority of people who come in will end up paying the \$1.50 because it is a water bill. The convenience fee used to be 2.65%, or \$2.25 minimum, but the minimum will be \$1.50 and the convenience fee will be 2.8%. They have not made a distinction between debit and credit. If they are choosing to pay with a card, they are choosing to pay the convenience fee.

The representative stated the convenience fee will be the same for American Express or a debit card for a convenience fee of 2.8%, so on a \$1,000 tax bill, the convenience fee would be \$28. If they choose to use e-check, there is no charge. On the webpage, they will have the option.

Mr. Gieleghem stated one of the goals was to maintain a free option on line and over the phone, but also if they are using a credit card, just like now, there will be a convenience fee.

The representative stated that will be the same convenience fee whether they pay over the Interactive Voice Response System (IVR), which is the phone payment option, a web payment through BS&A, or if they walk in and pay at the counter.

Mr. Pearl stated that sounds like a good system.

The representative explained the implementation process. Point and Pay does all of the technical work with BS&A and it takes four to six weeks.

Mr. Keys questioned why the user is being charged a \$.10 fee on the paperless option.

The representative stated the Township's average cost of printing and mailing a bill ranges from \$1.00 to \$1.50. The \$.10 fee is a fee Point and Pay charges to the Township if there is actual savings, so instead of paying \$1.00 to print and mail the bill, they are paying \$.10, which is a 90% cost savings.

Mr. Gieleghem added there is also savings if someone is not mailing in a check, someone in Clerk's is sorting the mail, and someone in Treasurer's is opening the envelope, entering the payment and going to the bank. Point and Pay is absorbing some cost for administering that system and saving the Township a lot of time.

The representative noted the paperless option is more for utility billing, because tax bills have to be mailed.

Mr. Gieleghem agreed, noting it is a statutory requirement to mail tax bills.

Mr. Keys is excited that they can take care of the three RFP's that were done in 2018, so he is comfortable moving forward. He questioned the benefit of being integrated with BS&A, noting if the Treasurer's office closes at the end of the day and someone pays their bill on line, their balance could be different.

Mr. Gielegem stated they are not currently recording that payment until someone comes into the office, downloads the file from the payment processor and uploads it into the system. What is happening with the Point and Pay system is that it is real time.

The representative explained it is in real time, and the data is provided to the Township in real time. What is owed on that bill is what will show on the screen.

Mr. Keys expressed his appreciation for the representative being present tonight, noting they have purchased technology over the past couple of years where the vendors were not present at the Board meeting. He recalled Human Resources had a company present at the meeting before. He felt when the Township is going to purchase a large amount of technology, there should be a policy that the vendor is required to be present at the meeting to answer not only the Board's questions but questions from the general public.

The representative stated he is happy to be here and he thanked the Board for allowing him the opportunity.

Ms. Meltzer thanked Mr. Gielegem for the work and due diligence he has put into this. She pointed out that the representatives from Laserfiche were present and spoke at length on more than one occasion to make sure the Board was fully understanding the process and product. She felt it makes a big difference in the Board's decision to approve. She felt it is very important to have integration with BS&A, and the same held true for Laserfiche. She pointed out it is not just the final cost, because even though it may be a little more, they will be saving in the end in terms of employee and real costs. She stated she is excited because they have had many customers over the last few years who have wanted to pay their passport fees by credit or debit cards and have not been able to do so. This will result in a great convenience for them.

Mr. Pearl questioned how the security works when Point and Pay has access to the Township's system. He questioned what prevents something from accidentally being changed.

The representative assured they have extensive security, but they are not accessing the Township's system but rather through BS&A. They are updating BS&A and communicating with them.

Mr. Gieleghem clarified that not only would Point and Pay have to be doing something wrong, but they would have to have collusion with someone at BS&A.

Considerable discussion took place regarding security issues, and the representative explained it in detail, assuring they go above and beyond Payment Card Standards, and stressed they have no direct link to the Township but they report to BS&A, who then updates the Township's records.

Ms. Bednar compared it to an Outlook Calendar, where someone can look at another person's calendar but they cannot make any changes. She noted they have a read-only type technology. She explained they want all of their documents on Laserfiche, which allows them to use technology and get up to speed. They are better able to view accounts and offer better customer service as a result. She felt it will free up their staff to be able to get their documents in Laserfiche and add better notes when the technicians go out. She indicated they are looking forward to this implementation.

Mr. Keys inquired as to whether the residents will have the option to enter into autopay directly from the website or whether they will have to come into the offices.

The representative replied they will be able to enroll in autopay using the dashboard they would create when enrolling with Point and Pay. They will be able to process an e-check, or a debit or credit card, and they can stop it at any time. He replied to further inquiry that PayPal is a competitor of theirs so that will not be an option.

Mr. Bob Hogan, 36755 Barr Street, Clinton Township, Michigan 48035, questioned how many people are on autopay.

M. Bednar replied she does not have that number.

Mr. Gieleghem estimated it is about 2,000, adding the only way to get on it prior to this was to come in to the office or contact the Water Department.

Mr. Hogan felt it would be more than 2,000, and many of those residents will not have that option because they do not have online capabilities.

The representative replied they do not have to go on line, but they can enroll from a mobile device, such as a phone or a tablet.

Ms. Bednar clarified that residents can still come in and pay by cash or check at no additional cost. A credit or debit card payment will incur a charge to the resident who wishes to pay using that method.

Mr. Hogan recalled they used to go into the Treasurer's office, sign something to authorize autopay and it was processed at that point. He questioned whether that is still an option.

Mr. Gieleghem replied he believes that will be an option because his staff will be able to go online and sign up the individual.

The representative replied those are all office management features, and they can walk in or call in to the Treasurer's office, and they can be enrolled that way.

Mr. Hogan understood them to say this will be a huge reduction in staff hours. He questioned whether there will be any staffing changes as a result of the reduction.

Mr. Gieleghem replied this mainly affects the Water Department, and in that department, there were significant staff reductions during the economic crisis. They have been doing more with less, but they will be able to do more for the customers rather than all of the administrative items that take up more time.

Ms. Meltzer explained there is a lot the Township is doing regarding the integration of documents, including scanning them and putting them into the system, so this will free up some staff time to be able to do that. She stated this does not apply only to the Treasurer's office, but the Clerk's office as well. They are eliminating the things that create duplication and effort, and when two people in two different departments are doing the same thing, that is not efficient. Documents will be entered in one time and everyone will have access to that information, including the public, which makes it transparent and efficient. She felt this is a great move in the right direction.

Mr. Hogan understood but felt the transition should be as painless as possible for those who utilize autopay. He inquired as to whether they have any plans to go on the local government channel to explain the new process.

Mr. Gieleghem stated they are still putting the plan together and exploring all options to get the word out. He stated he would be happy to do a cable show to talk about the changes they are doing and why they are doing them.

Ms. Bednar stated their church has a similar payment option and she received a letter yesterday to inform them. She cautioned that letter cannot be sent out before the department is ready to implement the change, but as the date gets closer, they can put it on cable, mail the letters and inform people.

Mr. Hogan questioned whether the residents currently on autopay can go into the Treasurer's office on a certain date and sign a document authorizing the autopay.

Mr. Gielegghem clarified they would go to the Water Department because residents can sign up for autopay and eliminate the mailed bills. He explained residents cannot sign up for autopay for their taxes, because that would be a violation of State law.

Ms. Bednar pointed out there is a Water Department staff person in the Treasurer's, so when someone comes to the counter to sign up, they may be able to work it out.

Mr. Gielegghem explained that one of his staff's time is split between Treasurer's and Water, so it is something they can work out as to which office they will need to go to sign up.

Ms. Jennifer Morrow, 19351 Edward Court, Clinton Township, Michigan 48038, suggested using the Township's text alert system to advise everyone of the change. She inquired as to whether the money would be drafted from their account in real time.

Mr. Gielegghem replied there is always a lag between the processor "talking" to the resident's bank, then BS&A, then the Township Offices.

The representative replied that an e-check does not fund for a day or two. Even though the bill is reflected as paid in real time, the money is not pulled out in real time.

Mr. Gielegghem stated they get credit for having that payment made.

Motion by Ms. Meltzer, supported by Ms. West, to receive the recommendation from the Township Treasurer regarding the Request for Proposal (RFP) for a payment system processor change and authorize the Treasurer's Office to enter into an agreement to bring Point and Pay in as the Township's payment processor, based upon the pricing presented. Roll Call: Ayes – Meltzer, West, Keys, Pearl, Cannon, Aragona, Gielegghem. Nays – None. Absent – None. Motion carried.

14. DISCUSSION ON PROPOSED REVISIONS TO ORDINANCE NO. 219.05, DISHONORED CHECKS

Mr. Gielegghem stated the biggest discomfort for the public and for his office is when someone typed in the wrong information or transposed a number, there are a lot of administrative steps, and by Township Ordinance 209.05, there is a \$25

fee for NSF. He stated people have been calling and asking to have that fee waived. He apologized that fee is per ordinance and he does not have the authority to waive it. The recommendation was to ask someone to send a letter to the Treasurer's Office and a committee meeting will be scheduled with the Supervisor, the Clerk and the Treasurer, and they would determine whether to waive it based upon a false pretense that somehow it happened with it being the processor's fault. He pointed out it is not the processor's fault but was based upon the information that was entered, so it was user error. He does not feel this is a possibility because there is too much lag time between the time the fee was imposed and the time the committee can meet to make the determination. They have had to communicate the text data to the County Treasurer's office, and it is a 52-day process for the creation of a waiver policy. He felt they can keep the \$25 fee in place and see how it goes with the new vendor or give the Treasurer and Water Department the authority to waive it if it is paid within seven days by certified funds or cash at the counter. He claimed that is still an administrative headache, and he would advocate for no change to this and see if they can reduce payment fails with the new system. Mr. Gielegem replied to inquiry that if they do not want to change the policy, a motion is not necessary.

Mr. Cannon stated a motion to receive and file would be in order.

Motion by Mr. Gielegem, supported by Mr. Pearl, to receive and file the discussion on the proposed revisions to Ordinance No. 209.05, Dishonored Checks. Roll Call: Ayes – Gielegem, Pearl, West, Keys, Cannon, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

15. ADOPTION OF TOWNSHIP ORDINANCE #448 – ENHANCED PENALTY PROVISIONS FOR SUPER DRUNK DRIVING

Ms. Meltzer explained this was introduced at the last Township Board meeting, with the intent to adopt at this meeting.

Motion by Mr. Pearl, supported by Ms. West, to adopt Township Ordinance #448 revising Chapter 202.99(a) providing for enhanced penalties as permitted under State law for super drunk driving, as presented; further, this is to become effective upon adoption and publication. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

16. ADOPTION OF TOWNSHIP ORDINANCE #449 – AMENDMENT TO ALCOHOLIC BEVERAGE SALES

Ms. Meltzer explained that this was introduced at the last meeting, and it lists all types of alcohol sales at the level of the State. She cited the example of "brew

pubs”, which were non-existent years ago but have become a category now. When there is a State change, this will adopt a mirror of that.

Mr. Dolan explained they originally dealt almost exclusively with Class C licenses, but there are so many changes happening so fast, they want to have a broader contextual reference for the ordinance.

Motion by Mr. Keys, supported by Mr. Pearl, to adopt Township Ordinance #449 revising Ordinance 804, Alcoholic Beverage Sales, as presented; further, this is to become effective upon adoption and publication. Roll Call: Ayes – Keys, Pearl, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

17. INTRODUCTION OF TOWNSHIP ORDINANCE #450 – CODIFICATION OF ORDINANCES

Ms. Meltzer stated these are ordinances that have been codified throughout the year, and these are included in their entirety in this annual codification.

Motion by Mr. Pearl, supported by Mr. Keys, to introduce and publish Township Ordinance #450, which approves the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances, with the intent to adopt at the next Regular Meeting of the Township Board, to be held on Monday, February 25th, 2019 at 6:30 p.m. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

18. CLINTON TOWNSHIP ETHICS POLICY

Ms. Meltzer explained at a Special Budget/Ways & Means Committee Meeting on Friday, it was voted to obtain a copy of the Ethics Ordinance for the City of Birmingham for further consideration by Board members for implementation of an Ethics Policy, which has been distributed to the Board members. They met and discussed the proposed Ethics Policies that were submitted by members of the Board, and Mr. Dolan and Mr. Smith went through those and delineated the comments in terms of what they liked and did not like about the integrated version. At that meeting, Mr. Gielegghem introduced another Ethics Policy adopted by the City of Birmingham. They are looking at that and will bring it back to Budget/Ways & Means on March 12th, which will be the second review of this analysis. She indicated they may or may not have a decision, but they will have a report.

Mr. Pearl read the minutes of the Budget/Ways & Means meeting and thanked everyone who met. He would like to recommend that, based on comments made by everyone, this policy be effective for only elected and appointed officials, and

that Mr. Smith is directed to negotiate an Ethics Policy with the unions at the appropriate times. To speed things up, he felt it is appropriate this Ethics Ordinance be adopted for only elected and appointed officials.

Motion by Mr. Pearl, supported by Mr. Aragona, that the Ethics Policy is for those in Elected and Appointed positions only, and Mr. Smith be directed to negotiate an Ethics Policy with the unions at the appropriate times. Discussion ensued.

Mr. Keys stated he is confused because it seems they are being asked to vote on a policy that does not yet exist.

Mr. Pearl explained that to include the employees that are unionized is not possible at this time. He asked the County how they did it, and they responded that their Charter allowed them to do it combined for everyone. He felt that, to speed this up, he would like to focus on redefining who this applies to.

Mr. Cannon explained it was recommended by their staff that they need to decide which way to go because that is the direction in which the ordinance will lead. He agreed, noting that most of the contracts in place already have an Ethics portion built into them.

Ms. West noted the minutes reflected her comments that she felt this is very much for elected and appointed positions. She believed that something that needs to be included that extends to the rest of the employees, such as the ethics training. She felt they should all sign off on it but admitted that a lot of the ethics rules are covered in their policies and procedures and/or their negotiating contracts. She felt there are parts of it that need to be inclusive of all employees.

Ms. Meltzer questioned whether Ms. West is referring to only the training.

Ms. West replied they need to look at the parts that may not be in the union bargaining contracts or in the current policies and procedures for employees, and those items need to be added.

Mr. Dolan stated when they sat down at the Special Budget/Ways & Means meeting, both Mr. Smith and he reiterated that there is a Public Employment Relations Act in Michigan, which obligates, when dealing with bargaining unit employees, they negotiate on wages and conditions of employment to impasse before they can every unilaterally implement something. He stressed the Township has tremendous employees who he felt are almost universally ethical and willing to cooperate, but there are quite a number of unions in the Township, and each union has to be approached, and agreement has to be reached with them on the policy. He does not believe the intent is to eliminate applying ethics to the unions and employees, but to sever off at this point the appointed and elected officials so they can get a policy in place at an earlier date. With the

number of unions and the steps required to get their consent and approval, a considerable period of time could go by before they have a policy in place.

Mr. Pearl pointed out the motion also included direction for Mr. Smith to start negotiations once the policy is in place.

Mr. Gieleghem stated they came forward with a set of criteria they felt comprised the elements of an ethics policy. He referred to the Michigan Township's Association generic Ethics Policy/Ordinance which was brought forward, and the motion at the Board meeting was to combine the two, and wherever there is a point of difference, it should be noted, and the Board can vote on it. He noted it came back to the Board, and the Board directed Human Resources to "go back to the drawing board". They came up with another policy, but there was discussion that policy should go to a work group specifically designed for doing it, but it was decided to send it to Budget/Ways & Means. He indicated Budget/Ways & Means is a busy group, but when it got there, they had some deliberations. Three voting members, being the Clerk, Supervisor and himself, could not come to an agreement, and he is not sure they will be able to reach an agreement. He noted it is brought back to the Board, and now the suggestion is to remove the workforce from being subject to the policy, which could "move it along". He did not feel that will "move it along". He felt the Birmingham policy is nice and "clean", and those who drafted it did a good job, but he felt modifications are necessary. He stated he will be voting no on eliminating the employees from the policy in order to move it along.

Mr. Keys stated he will also be voting no. He agreed Mr. Gieleghem provided a good explanation, adding this process started in July of last year. He stated he is ready to vote and let the people know what type of policy he wants, adding the eight points were laid out in their letter. He felt the Board needs to step up and work together in a public meeting, going through the points submitted. If they feel there are other important points that need to be included, they can vote on those as well. He pointed out they worked hard on the document they submitted, noting it was not a generic document. He worked with Mr. Dolan, reviewed the Budget/Ways & Means minutes, and felt it is time to stop stalling.

Mr. Pearl maintained that, in reading the minutes and also being told by the Township Attorney and the HR Director this evening, they cannot apply this to the unionized employees unless it is negotiated. He reiterated after they put the policy together, they have directed Mr. Smith to negotiate with the unions so that they are not delaying it.

Ms. Meltzer disagreed with Mr. Keys' frustration on the timetable. She noted it was not the entire Board who drafted the original document, but it was drafted by Mr. Keys and a couple of other Board members. She felt it is important that everyone has an opportunity to discuss a policy that will impact the Township for

years to come. She does not feel it needs to be rushed, although she is confident that, with what has been going on in the Township, everyone wants to see a policy in place. This is a negotiated option for the bargaining unit employees, and they may run into grievances if the Board tells them “this is how it has to be”. She felt they need to rely on their Department Heads that have the knowledge and expertise and listen to them. She stated she will be supporting this motion, feeling it is a good step forward.

Mr. Gielegghem questioned whether they are voting on a motion that says it covers only elected officials, or whether they are voting on a motion that covers everyone but they will not apply it until it is negotiated, which is in State law.

Mr. Pearl stated the motion made specified that whatever policy adopted by the Board applies to elected and appointed officials, and that policy is then part of negotiations by Mr. Smith with the unions. He clarified the policy would apply to elected and appointed officials immediately upon adoption, and then they will try to implement it with the unions through negotiations, noting it will be the same policy.

Mr. Gielegghem noted the same policy is part of the negotiation process, which it already is. He questioned why they need a motion.

Discussion took place regarding the fact that a policy cannot be imposed on bargaining unit employees when it has not been negotiated with their unions.

Mr. Dolan clarified they are not talking about passing two policies, but one policy that will have an effect immediately with the appointed and elected officials who are not subject to the Public Employment Relations Act, and the employees in the Township affected by that Act will be approached with that same document in an attempt to execute the implementation of that same policy with each of those different bargaining units. He stated it is a process, but the policy is in effect, applying toward the elected and appointed officials immediately. Until they complete the process of dealing with the unions, they will not know the result, although they are hopeful they will have one uniform policy.

Mr. Gielegghem appreciated the clarification of what they are voting on, but he felt they are “spinning in a circle”. He felt they can include a line in the policy that says the policy is effective on the bargaining groups upon the date it is negotiated and implemented. He felt they do not need to take any action on it tonight.

Mr. Dolan cited the example of one of the bargaining units objecting to a provision, indicating they will not approve it with that one provision.

Discussion took place regarding the process.

Mr. Gielegghem believes they need a strong ethics policy that applies to everyone fairly, and that needs to be the goal of this Board.

Ms. West stressed they do not yet have an ethics policy in place. They have a draft they will be discussing on March 12th, but she felt this is a moot point until they have a proposed draft in front of them.

Mr. Keys felt the Board is not making the tough decision that they are being asked to make by the public. He appreciated what Ms. Meltzer said about the work that has been put into this, but he stated the four Trustees cannot get together in a closed setting and discuss business of the Township, and that is why they are requesting the policy be discussed at an open Board meeting. He stressed they are equally elected and need to be able to express their opinions when this is being discussed. He felt the public and all of the Board members should be able to be present when this is on the table.

Roll Call (on motion on the floor): Ayes – Pearl, Aragona, Cannon, Meltzer. Nays – West, Keys, Gielegghem. Absent – None. Motion carried.

Ms. West commented that the motion made is on a policy they do not yet have.

Mr. Cannon stated that Mr. Pearl read the minutes and specified why he was voting the way he did.

Mr. Gielegghem stated the motion was listed as a “receive and file” for the report, but they did not do that. They amended it, so it is still on the floor and they are still discussing it, even if they may have adopted a minor motion that is subservient to the overall issue.

Mr. Cannon disagreed that it was a “minor motion” and reminded that the Board was asked by Mr. Gielegghem at the last meeting to take a look at another community’s policy because it was a good one, so that is what they are going to do. He recalled there were several Budget/Ways & Means meetings where this was on the agenda, but people had to leave early so they were not able to discuss it.

Mr. Gielegghem was confident that the policy they were going to review from another community involves unions in that community as well, and he felt that policy affects everyone in that community.

Ms. Meltzer stated they have addressed this, and she explained in the beginning it is a summary of what they discussed at Budget/Ways & Means Special Committee meeting, which consisted of Mr. Cannon, Mr. Gielegghem and herself. She stressed everything on this agenda item has been accomplished. She

advised it will be going back to Budget/Ways & Means on March 12th, where they will discuss the Birmingham policy as well as the other policies they are looking at, and they can then bring a report back to the full Board to discuss the pros and cons for everyone to hear.

Mr. Cannon felt it will be easier now that they have direction from the Township Board about who is going to be immediately affected by the policy.

Mr. Dolan stated if they want to expand the discussion on this issue, which he felt they can do and entertain another motion if it is topical to the Ethics policy. If they feel that alone is not sufficient, they can bring forth a motion to expand the agenda item to include that. He did not feel they want to keep this discussion too narrow and move it along quite yet, adding that as the topic is named in the agenda, it is sufficiently brought enough forward for discussion. He indicated that, from speaking with every Board member and every staff member, the Township is interested in coming forth with a thorough and well-put-together ethics policy expeditiously.

Mr. Cannon noted, as expressed by one of the Board members, that they are not all going to agree.

Mr. Keys thanked Mr. Dolan for giving them that information. He stressed he is upset by this Board's unwillingness to keep the conversation going.

Motion by Mr. Keys, supported by Mr. Gielegem, to post, according to the Open Meetings Act, the Special Budget/Ways and Means meeting and make it a public meeting so the public and the Trustees and can attend. Roll Call: Ayes – Keys, Gielegem, West. Nays – Pearl, Cannon, Aragona, Meltzer. Absent – None. Motion failed for lack of votes.

19. DISCUSSION REGARDING ADMINISTRATIVE AIDE POSITION

This item was divided into Items #19A and #19B.

19A. AMEND THE NON-REPRESENTED EMPLOYEE PAY AND BENEFITS POLICY

Mr. Aragona explained they have been without the Administrative Aide position in their office for about two months. They had seventy-nine applicants last year, narrowed it down to eight who were interviewed, and then narrowed that down to four. They offered the position to one of the four, who unfortunately turned it down. A second applicant of the top four advised them that she accepted another position, so it was down to two. He stated he personally did not feel comfortable with either of those two, so he went back to the remainder of the eight who were interviewed, and he felt there was an outstanding applicant they

discussed in their previous meeting at 6:00. He talked with her last week, and announced he has good news that may save the Township some money. He reminded that he had voted no on the salary when this position was posted, indicating he felt it was too high. He talked with this applicant and she is willing to accept the position at about \$10,000 less per year. At their meeting, the Trustees were divided on this choice, so he stated he is willing to bring it to the Board for their decision.

Mr. Cannon stated they will need to know who it is, as well as the salary.

Mr. Aragona assured they have that information.

Motion by Mr. Aragona, supported by Mr. Pearl, to amend the Non-Represented Employee Pay and Benefits Policy to incorporate the position of Administrative Assistant to the Trustees, with an April 1st, 2018 starting salary of \$53,000, and a three-year salary of \$61,000. Discussion ensued.

Mr. Aragona clarified this is for an Administrative Assistant rather than an Administrative Aide, suggesting the other position remain open for now, and possibly in three years, there can be a promotion to that position.

Mr. Gielegem inquired as to whether they are hiring someone for the position that has been in the budget.

Mr. Keys stated the proposal is that this is a new position.

Ms. West noted there is no job description.

Ms. Meltzer questioned whether the job description will be the same as that of the former Administrative Aide, or whether there will be less duties associated with this new position.

Mr. Keys claimed that was not discussed at their meeting.

Ms. Meltzer inquired as to whether this appointment was discussed at their meeting.

Mr. Keys replied affirmatively. He stated they could not come to an agreement, and that is why Mr. Aragona is submitting his own recommendation.

Mr. Pearl stated it would be pretty much the same position.

Ms. Meltzer emphasized her concern is that the Administrative Aide duties being temporarily handled by her office and Supervisor's office are very taxing, and she felt things may not be getting done as efficiently as what they could be if the

position was filled. She stated she felt the former Administrative Aide, Ms. Debbie Staller, did a phenomenal job and her work product was great, so they are feeling that void even more now. Ms. Meltzer appreciated that Mr. Aragona wants to get a person in place for their office.

Mr. Aragona felt the job description will be very much the same. He claimed it is not something they have to submit to HR, and he is not sure Mr. Smith has the previous job description.

Discussion took place regarding whether or not there is a job description in Human Resources for the Administrative Aide.

Mr. Aragona felt that whether or not they have the job description is somewhat immaterial.

Ms. Meltzer replied to inquiry that she has the former job description and assumed it will be somewhat similar.

Mr. Cannon compared this to something he did in his office years ago when they were reducing staff. His deputy retired and, rather than replacing him, hired an Administrative Assistant, Ms. Mary Neuman.

Ms. West stated that Mr. Smith may not be aware of the job description, but claimed Ms. Lisa Murray, Civil Service Director, had it along with what was posted. She stressed she was very meticulous to make sure everyone had what they needed to get this job filled. She has no problem with this applicant but questioned why she did not make one of the original four the Trustees interviewed. She felt they are “putting the cart before the horse” and there does not seem to be a process with the way this is proceeding. She understood the burden this has placed on the Supervisor’s and Clerk’s offices, and that is why she wanted to get a temporary employee to fill in so their offices would not be so taxed.

Mr. Gielegghem noted that the Trustees could not agree on one person for the position in the budget, so they are creating a new position, Administrative Assistant to the Administrative Aide, and he recalled they used to have an Administrative Assistant who was part-time in Administrative Aide’s Office and part-time in another office. He inquired as to whether that position is still there.

Ms. West replied affirmatively, noting it is still an open part-time Office Clerk II position.

Mr. Gielegghem questioned whether that position was part of the bargaining unit.

Mr. Pearl replied affirmatively.

Ms. West confirmed it was an Office Clerk II position, it was part-time in their office, and the position is still there. She explained the problem was that person had to work out-of-class because taking the minutes of meetings does not fall within the job description of an Office Clerk II. She noted that the position has to be a Senior Staff Secretary or higher to take minutes.

Mr. Pearl questioned whether part of this motion is to eliminate the Administrative Aide position.

Mr. Aragona replied that is something they can leave open at this point. He stated he has no plan on filling it but they can leave it for the future and eliminate it later if they so desire.

Mr. Gieleghem understood that they are not shrinking the salary but deciding to fill the other vacant position. He questioned whether the Administrative Assistant to the Trustees will make the same salary as the Office Clerk II.

Mr. Cannon replied Mr. Aragona is not proposing an Office Clerk II. He is proposing a new person at a different salary than the Administrative Aide.

Mr. Aragona admitted he does not know the exact pay scale for an Office Clerk II, but he is proposing \$10,000 less than the Administrative Aide position.

Mr. Pearl stated that is why he is proposing a non-represented position similar to the Administrative Aide who can do the job but at \$10,000 less than the current scale that was set up.

Mr. Gieleghem questioned whether they can expect any grievances with this proposal.

Mr. Smith replied no, because they are redefining the Administrative Aide position.

Mr. Gieleghem disagreed that it is defined because he pointed out they do not have a job description.

Mr. Smith heard someone mention it is basically the same job description as the Administrative Aide. He indicated it is not the same as the Office Clerk II because that is a very well-defined position in the UAW bargaining group. He stated the top salary for an Office Clerk II position is about \$42,000.

Mr. Gieleghem questioned whether expanding the non-represented bargaining group by one position and leaving one position vacant could be a subject of grievance.

Mr. Smith replied no. He replied to further inquiry they can hire non-represented employees as long as they do not do bargaining unit work.

Mr. Gieleghem stated without a job description, they do not know whether or not they will be doing Office Clerk II bargaining unit work.

Mr. Cannon stated they are using the same description as the Administrative Aide description.

Mr. Gieleghem stated he would like something in writing before he votes on it.

Considerable discussion took place regarding whether or not there is a job description for this newly-titled position.

Mr. Keys stated he will be voting no on this motion, claiming it is very uncomfortable. He pointed out they have spent a month trying to get through this process. He indicated he, along with Ms. West, were urging them to schedule meetings quickly, and even requested a temp in the meantime, but he claimed the other two Trustees were proposing to wait until after the holidays. He explained when they went to the public meeting of the Trustees, they discovered that Mr. Aragona had contacted one of the applicants and negotiated a lower pay for them to accept the position. He felt that is a decision they should have made together, and it is very uncomfortable. He found it hard to believe that Mr. Smith had not seen the job description, recalling that Mr. Smith was at the public meeting when he (Mr. Keys) made the motion to update the description. He stressed the Trustees need to be involved with amending job descriptions. He acknowledged that the discussion tonight indicates the job description will probably be the same, but they lowered it by \$10,000 “to get a quick applicant”. He reiterated it is uncomfortable so he will be voting no.

Mr. Smith stated the question was whether there is a job description on file in Human Resources, and he indicated there is not. He explained this Board worked with Civil Service and everything in that process is on file in the Civil Service Department.

Mr. Keys questioned whether Mr. Smith reviewed the job description and was provided a copy at that meeting.

Mr. Smith replied he did not review it, noting the Board was working with Civil Service, which is a separate department.

Roll Call (on motion on the floor for establishing a new position and salary range): Ayes – Aragona, Pearl, Cannon, Meltzer. Nays – West, Keys, Gieleghem. Absent – None. Motion carried.

Mr. Pearl stated he talked with Ms. Mary Hein, Assistant Finance Director, and \$85,000 was budgeted, which is the same as last year, so there is no extra money. If they decide to fill the vacant position, they will have to come back to the Board. He added he has no indication at this point that he would want to do that.

19B. APPOINTMENT OF ADMINISTRATIVE ASSISTANT IN THE TRUSTEE'S OFFICE

Motion by Mr. Aragona, supported by Mr. Pearl, to appoint Ms. Stephanie Mittelstedt to the position of Administrative Assistant to the Trustees, effective February 25th, 2019, pending successful completion of a complete background investigation and pre-employment medical examination, including drug screen. Discussion ensued.

Mr. Gielegghem questioned who this person is and her list of qualifications. He stated there is no resume, and it is "just a name" at this point. He pointed out there is still not a job description for this position.

Mr. Cannon informed that Ms. Mittelstedt has been active in the community in a number of ways, and her husband is an employee of the Township. He added that, with the salary of \$53,000, they will realize a \$30,000 annual savings.

Mr. Gielegghem recalled that it was stated the position of Administrative Aide was not being eliminated. If money is being pulled from the Trustee budget, it is being eliminated. He felt that part of the motion that they approved is not correct.

Mr. Cannon noted that he did something similar in his office, explaining he had three employees in his office when he started, and he has only two now, even though the third position in his office is still there, but not filled, simply because of financial restraints. He stated the position is there, and if they come into money again, that position could be filled if they so choose. He indicated it will be the same for the Trustees, with one position being filled.

Mr. Gielegghem complained that there is no backup information provided on the person this Board is being asked to hire tonight.

Mr. Cannon claimed all the Trustees know of her because they have her application. He added some of them see her socially at events, noting she worked at the Chamber for a while. He noted that all four Trustees interviewed her.

Ms. West clarified she was interviewed by all four Trustees, but only by two at a time. She noted that two of the Trustees are in favor of her, and she clarified

that, although she could be in favor of her, the point is she did not make it to the second round of interviews for what they are doing. She noted when they sent out letters to the other seventy-one applicants who were not selected for final consideration, she was handling all of that as lead Trustee. She stated she started receiving phone calls from these applicants, questioning why they were not selected when met all of the qualifications. One of the preferences indicated on the job description was a bachelor's degree, and she noted Ms. Mittelstedt does not have that degree. She pointed out they are now lowering the requirements and pay scale of the job, so she felt this is not right to do it this way. She assured she will do everything in her power to make sure this individual feels very comfortable and wanted in this position, but it is not the right way to do it.

Mr. Keys agreed with Ms. West, claiming they are setting this employee up at a disadvantage. He noted there is no job description that the Board or Trustees have approved, and because she did not meet the requirements, they feel \$10,000 less is a random amount they feel is appropriate to lower the salary. He does not feel this is giving the employee the tools necessary to have a successful career here. He emphasized he has no issues with the applicant, and Ms. West and he both asked to hold a second interview with the two applicants that were left because they felt it is important these people go through public interviews. He noted this candidate has not gone through that process like the other four candidates they chose. He felt they need to take the time to do that, and if they want to hire a temp in the meantime to take the burden off of Supervisor's and Clerk's offices, that is something that can be done. He wanted them to work together on it and not set this employee up to fail.

Roll Call (on motion on floor): Ayes – Aragona, Pearl, Cannon, Meltzer. Nays – West, Keys, Gielegem. Absent – None. Motion carried.

20. DISCUSSION REGARDING THE FINDINGS OF THE GENERAL INVESTIGATION REPORT FROM REHMANN

Mr. Dolan stated the Board has received a copy of the report from Mr. William Kowalski, of Rehmann. This Board, after testimony of Mr. Modi and Mr. Santia, started a process that culminated in retaining a highly-skilled professional outside investigator to determine whether, after the investigation, there was evidence that there may have been financial harm to the Township based on the actions of either Mr. Modi or Mr. Santia. The firm of Rehmann Robson was obtained, and the individual who headed the investigation was Mr. William Kowalski, who has a law degree and had a lengthy career as a Federal Bureau of Investigation (FBI) agent in a senior position within the FBI. He commenced an investigation and contacted the FBI to make sure the investigation would not be in conflict with any continuing investigations they had, and he received assurances from them he could complete his investigation. He interviewed some employees within the Township, and also reviewed records within the Township and interviewed

persons outside of the Township. He looked at mechanisms in the Township with regard to how funds are received, processed, and the extent to which any department head, such as Mr. Santia, would have any ability to get control or redirect funds in the Township. The investigation showed the Township has an extremely strong process with the way requisitions for payment are made and transactions involving the disbursement of funds occur. He found there was no evidence of any type of loss to the Township based on any mishandling or misappropriation of funds on an internal basis. Mr. Dolan explained he was furnished copies of all of the previous actions undertaken by the Planning Commission and Zoning Board of Appeals, with respect to Special Land Use, Site Plan Approvals, and Zoning Board of Appeals activities, so he could make some selective investigations to try to determine whether there had been any contact between Mr. Santia and those persons coming before the Board where he may have tried to market himself through his company, Traffic Engineering Consultants (TEC). Mr. Dolan stated it was determined, based on Mr. Kowalski's selective investigation, that there was no evidence that sort of activity had occurred. Mr. Dolan read Mr. Kowalski's conclusion into the record. He added it is likely it is the Board's desire that this entire document will be made public and available by the Board, but the Board will have to act on it. He summarized, based on the investigation Mr. Kowalski conducted and the contacts he made, there is no evidence of any financial harm the Township sustained.

Mr. Dolan noted that, when this occurred, the Township had made inquiry with Giffels Webster, interested in gaining information as to the nature and scope of the activities of Mr. Modi and TEC, through Giffels Webster. At that time, they did not receive specifics as to the estimated dollar amount of transactions they were involved in. Recently, on January 18th, 2019, in litigation filed by Giffels Webster, they filed a motion and attached to it various exhibits that provided additional information. It is a matter of public record because it is filed in Oakland County Circuit Court, and it is posted on the record the Court maintains where court files can be searched. The transactions, as claimed by Giffels in their lawsuit, were, in total \$482,180 that TEC had billed through Giffels Webster. They claimed they had written off \$204,432 of that amount, meaning that Giffels, in turn, rebilled that amount and collected from a client of theirs, which leaves approximately \$278,000 that a client paid for. The body of the affidavit and exhibits, and the deposition of Mr. Modi, which was attached, did not reflect that any of those charges involved activity with the Township, but it was other entities. Based on this filing, they have some idea of the scope of the charges that were passed along by TEC, Mr. Modi and Mr. Santia. Mr. Dolan offered to answer questions.

Mr. Cannon recommended that this be put on the webpage immediately.

Motion by Mr. Cannon, supported by Mr. Keys, to receive and file the General Investigation Report from Rehmann and post the report on the Township's website this week. Discussion ensued.

Ms. Meltzer clarified that Mr. Dolan had referred to "Transportation Engineering Services", and she went on line to verify it is "Traffic Engineering Consultants".

Mr. Dolan confirmed that Traffic Engineering Consultants (TEC) is the correct name.

Mr. Gielegem reviewed that this issue came to the Board because they did not feel any Township money is missing, but they felt the responsibility to hire an outside investigator to look at it. They asked Mr. Dolan for three recommendations, which he did, and they made the decision to hire this company, with the investigation headed up by a former FBI agent. He read the report and felt what it revealed is the weaknesses they have from the beginning of these processes, and that is the ability to only look at one side. He felt that no money missing and the controls in place are a testament to the Accounting Department, Mr. Gielegem's predecessor and his staff and now the Treasurer's staff. He felt there was a larger issue, and while there does not appear to be a misappropriation of funds or specific wrongdoing, the Township needs an ethics ordinance. It was voted on an earlier issue to apply it to elected and appointed individuals. He reiterated this report shows one side, but they need to know who TEC was billing. He pointed out that the Township Board makes decisions based on the recommendation of the Planning Commission, who is staffed by the Planning Director. Anyone who wants to do any type of development starts their process "upstairs" in the Planning Department. They talk to the Planning Director, and the issue they do not yet know, because they do not have copies of invoices, is whether the recommendations brought to the Board were based upon any "side deals" they were not aware of.

Mr. Dolan assured the investigator selectively looked into that, based on a list he had which is attached to the report. It was all identified transactions he received, which was a large number. He did not go through every single one but did a random selection of different selections, speaking to people. He interviewed those people who came before the Planning Commission, and he asked them whether they knew Mr. Santia and/or his company, whether there had been any discussion about his company being available for service, etc. Of the people he interviewed, he did not find any evidence of that within the context of the review he conducted.

Mr. Gielegem questioned whether they know who he interviewed.

Mr. Dolan replied affirmatively. He replied to inquiry that the people he interviewed did not want to reveal who they were.

Mr. Gielegghem questioned whether Mr. Paul Modi, from Giffels Webster, was sending false invoices or inflated invoices to TEC.

Mr. Dolan clarified what was happening is TEC was submitting invoices that may have been totally fraudulent or, at least in part, inflated, and that money was flowing through TEC back to Mr. Modi. He replied the attachment to the Affidavit of Mr. Klein, one of the principals of Giffels Webster, reflects the \$482,000 figure.

Mr. Gielegghem questioned what Mr. Dolan has on this that can be provided to the Board.

Mr. Dolan replied he has a copy of the deposition of Mr. Modi. He explained Giffels Webster filed a lawsuit and they have the orders and powers of the court in the legal process to gain information. Because they are in a litigation setting, they can subpoena Mr. Modi and bring him in for deposition, which he appeared and that deposition was taken. He stated he has a copy, although he indicated that throughout substantial portions of the deposition, Mr. Modi invoked the Fifth Amendment. He cautioned the Township has to be mindful of their limitations on whatever course of action they choose to take or not take. He reminded they do not have the benefit of subpoena power in the context of litigation, so all they can do is to utilize their more limited powers to seek assistance from the Court if they are able. Mr. Dolan pointed out that now they know it is a larger amount of money involved.

Mr. Gielegghem stated that, while the Township may not have subpoena power, they have the ability to file Freedom of Information (FOIA) requests because a lot of it is public information. He felt a lot of the work done by TEC was done for public entities. He questioned whether the Township could FOIA other communities for any records they have on TEC.

Mr. Dolan replied to inquiry some of this involves the County Public Works Office, and he is confident their attorney, as well as the Public Works Commissioner, would cooperate with the Township. If they need copies of invoices submitted by Giffels, he felt they could get copies of those because they are public records and subject to FOIA.

Considerable discussion took place regarding FOIAs that could be filed.

Motion by Mr. Gielegghem, supported by Mr. Keys, to direct the Township Attorney to submit Freedom of Information (FOIA) requests to Macomb County, Chesterfield Township, Macomb Township, Shelby Township and Washington Township for any documents that may be on file reflecting the work product of Traffic Engineering Consultants, Inc. ("TEC"), likely to be in relation to site plan

development or other development projects in the form of traffic studies. Discussion ensued.

Mr. Dolan noted they do not have any time frame included in the motion.

Mr. Cannon added they did not specify a cost. He recommended voting on the current motion on the floor before they entertain another motion.

Mr. Gielegem stated he will withdraw his motion as long as he has the floor to make his motion after the vote on the first motion.

Mr. Cannon stated he can have the floor after the vote on the first motion.

Mr. Pearl stated he read the entire report and he indicated a lot of firms he talked to, and his study indicated he did not find anything that was consistent with Mr. Santia doing any work in Clinton Township. Mr. Pearl stated he had no idea Mr. Santia had a firm, and he had associations with him for years, serving on both the Planning Commission and the Zoning Board of Appeals. He never witnessed any instances where Mr. Santia advised the Commission or Board of Appeals, they should approve a certain development or proposal. He recalled the majority of recommendations for planning and zoning came from the Assistant Planning Director. He clarified he is not condoning what Mr. Santia did, and he has no problem with the second motion, but he indicated the recommendation from the report indicated the need for an ethics policy. He pointed out the second line said, “such a policy would be in addition to those agreed upon in the collective bargaining documents”. He agreed with the report but is not happy with what happened. He has no objection to continue to investigate.

Ms. Melzer questioned why these FOIAs were not part of what the private investigator did. She questioned why they have to do this now when they are paying for this investigation.

Discussion took place regarding why this was not included in the investigation.

Mr. Bob Hogan, 36755 Barr Street, Clinton Township, Michigan 48035, questioned whether the Planning Director is covered by a union contract.

Mr. Cannon replied affirmatively. He stated Mr. Santia was president of the union that signed the contract, and he read part of their contract, which stated that “In recognition when a conflict of interest may arise, it is mutually agreed that an employee under this contract shall not engage directly or indirectly in any work as an employee, independent contractor for himself or any other person when such work is related to any matter pertaining to the Charter Township of Clinton, which is inspected by the Charter Township of Clinton.” Mr. Cannon

noted he signed the contract, and that ethics policy was part of it, and obviously violated.

Mr. Hogan questioned whether the director would be excluded from the new ethics policy that will be forthcoming.

Mr. Cannon replied affirmatively, unless his union agrees to the new policy they are trying to develop. He pointed out it is already included in their contract so it does affect them.

Mr. Keys felt a sentence in a contract that he felt the employees do not read should not be considered an “ethics policy”. He pointed out they are also talking about training in an ethics policy, so it is more than “a sentence in a contract”. They are going to engage with the employees and give them the tools to make as employees to make the right decisions.

Mr. Gielegghem referred to the language regarding work “in any manner pertaining to the Township of Clinton”. He felt that is the part of the contract violated because if he was doing work for the same developer in another community also asking for approval in the Township. He felt it is covered but it is not clear.

Mr. Pearl stated a lot of that has to do with inspectors, and if they are doing work as a contractor, they cannot do it in this community.

Mr. Gielegghem felt it does not address doing work with the same people he is doing business with in the Township.

Roll Call (on motion on the floor): Ayes – Cannon, Keys, West, Pearl, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

Motion by Mr. Gielegghem, supported by Mr. Keys, to direct the Township Attorney to submit Freedom of Information (FOIA) requests to Macomb County, Chesterfield Township, Macomb Township, Shelby Township and Washington Township for any documents that may be on file reflecting the work product of Traffic Engineering Consultants, Inc. (“TEC”), likely to be in relation to site plan development or other development projects in the form of traffic studies. Discussion ensued.

Mr. Pearl inquired as to whether Mr. Gielegghem would amend the motion to also include Giffels Webster.

Mr. Gielegghem stated he has no problem with that. He questioned a fair amount of time to go back to on these requests and suggested from 2010 through 2018.

Ms. Meltzer questioned when TEC was established.

Mr. Gielegghem replied TEC was established in 2002.

Mr. Dolan expressed concern that there are a number of communities and at an eight-year level. He stated that for the Township to go back and summon the documents they did as part of this process was quite time-consuming. If they are talking about that many communities at an eight-year level is potentially going to be expensive. He suggested starting out with a couple of communities and establishing a time frame, then see what information they get and how much it costs rather than going to all of the communities immediately without knowing that cost. He replied he does not know the best community to start with.

Mr. Gielegghem stated they just paid over \$9,000 for a report that did not tell them much more than they already knew. He felt this is money they have to spend for not having been aware that all of this was going on all of these years as part of a fraud conspiracy that some people are in prison for. He added they have found out their engineering firm of record has risen to a level of \$482,000. He felt spending money here is the right thing to do.

Mr. Cannon questioned whether they are going to put a cap on it.

Mr. Gielegghem suggested exploring how much it will cost, noting they can submit the FOIA's and get an estimate as to the cost.

Ms. Meltzer stated they could evaluate that cost once they receive the estimates, and then determine whether or not to go through with it.

Mr. Dolan noted Ms. Bednar mentioned to him that Giffels Webster is the engineering consultant who is the primary engineer on behalf of Washington Township, so if they ask for copies of their invoices, they will get every invoice Giffels submits on a monthly basis for eight years.

Mr. Pearl questioned if they only want copies of invoices from Giffels that relate to TEC.

Mr. Gielegghem emphasized he is not referring only to invoices, but also to documents that may have been submitted for traffic studies as part of a development project.

Mr. Dolan clarified Mr. Gielegghem's reference to "work product" refers to any documents that speak of or are directed to or from Traffic Engineering Consultants (TEC).

Mr. Keys questioned whether Mr. Gielegghem's motion is to go back to 2010 or 2002.

Mr. Gielegghem replied he would like to go back to 2010, noting 2002 is too far back, and he reiterated the communities he cited in his original motion.

Ms. West felt they should be looking at Oakland County and St. Clair County. She felt he may have been doing work in those counties as well.

Discussion took place regarding whether to include the other counties, but the thought was to check with Macomb County first.

Mr. Gielegghem stated it does not hurt to submit the FOIAs and bring the bills back for approval of payment, which would make the FOIAs move forward.

Mr. Gielegghem amended his motion, and Mr. Keys amended his support, to include that these FOIA requests are for information from 2010 to the present.

Roll Call (on amended motion): Ayes – Gielegghem, Keys, West, Pearl, Cannon, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

21. REQUEST CLOSED SESSION – LEGAL OPINION IN REGARD TO LIPKE STREET WATER EASEMENT ACQUISITION

This item was deleted from tonight's agenda.

22. APPROVAL OF APPOINTMENT TO SENIOR STAFF SECRETARY POSITION – CLERK'S OFFICE

Motion by Mr. Keys, supported by Ms. West, to receive and file the letter dated January 25th, 2019 from the Human Resources Director, and appoint Mr. Colin Handzinski to the budgeted position of Senior Staff Secretary, which constitutes a promotion to a higher classification within the Department, at an annual starting salary of \$39,216, with appointment date effective January 29th, 2019. Roll Call: Ayes – Keys, West, Pearl, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

23. APPROVAL OF APPOINTMENT TO APPRAISER I POSITION – ASSESSING DEPARTMENT

Motion by Ms. West, supported by Mr. Pearl, to receive and file the letter dated January 25th, 2019 from the Human Resources Director, and appoint Ms. Jessica Deaton-Holden to the position of Appraiser I in the Department of Assessing, which constitutes a promotion to a higher classification within the Department, at a starting salary of \$51,273, and an appointment date effective January 29th,

2019. Roll Call: Ayes – West, Pearl, Keys, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

24. DISCUSSION REGARDING THE DEFERMENT OF TOWNSHIP PAYMENTS FOR FURLOUGHED OR UNPAID EMPLOYEES

Mr. Cannon stated Ms. Bednar approached him last week about a telephone call they had, and he put a policy in place for the Board to either accept or reject, but from the time Ms. Bednar talked to him originally until now, there has only been one request for a deferment. He added that they could still get more requests because it is for a sixty-day period after.

Ms. West felt they should continue with it.

Motion by Ms. West, supported by Mr. Keys, to approve the deferment of Township payments for furloughed or unpaid employees, as presented. Discussion ensued.

Ms. Meltzer questioned whether this will need to be extended if the government closes down once again on February 15th.

Mr. Cannon replied it would have to start over again, and this extends for sixty days after they start receiving their paychecks.

Mr. Keys thanked Ms. Bednar for reaching out to him. He had two residents who reached out to him, and although they were not affected, they were concerned for the community. He also thanked the businesses in Macomb County that went out of their way to help those struggling. He cited Free Star Financial, a credit union on Gratiot that offered discounted loans, and a yoga studio in Mount Clemens that offered free yoga to anyone affected by the shutdown. He added there were numerous restaurants in the community offering free food for those affected by the shutdown, and he thanked Ms. Bednar for working on this.

Roll Call (on motion on floor): Ayes – West, Keys, Pearl, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

25. BID AWARD – LITTLE MILLAR PUMP STATION IMPROVEMENTS

Motion by Mr. Aragona, supported by Mr. Keys, to receive and file the letter dated February 1st, 2019 from Mr. Scott J. Chabot, PE, Senior Project Engineer, Anderson, Eckstein & Westrick, Inc., and award the bid for the Little Millar Pump Station Improvements to Lawrence M. Clarke, Inc., located at 50850 Bemis Road, Belleville, Michigan 48111 in the amount of \$200,995.00, which includes an additional security light in the amount of \$4,000.00, as outlined in the correspondence. Discussion ensued.

Mr. Keys questioned if Mr. Chabot or Ms. Bednar would like to talk about the bid process and how they came to this decision so quickly.

Ms. Bednar explained that one of the bidders did not submit a pre-qualification. They do not have to open the bid in that case because they did not meet the qualification requirements. She noted this is the result of the August 2014 flood, and when the Township was declared a natural disaster, it enabled mitigation money which is just now becoming available.

Mr. Cannon stated Mr. Paul Brouwer, Emergency Management Coordinator, was instrumental in getting this money.

Roll Call (on motion on the floor): Ayes – Aragona, Keys, West, Pearl, Cannon, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

26. LOWE'S OUTSIDE PERMIT REQUEST – 35115 GRATIOT

This item was moved up to Item #4A on tonight's agenda.

APPROVAL OF MINUTES OF JANUARY 14TH, 2019 REGULAR TOWNSHIP BOARD MEETING

Ms. Meltzer requested the following correction:

Page 5, Paragraph 5:

Change from: “Ms. Meltzer agreed with Mr. Gielegem that sidewalks can be waived on the interior of gated area, but they should not be waived along Millar.”

Change to: “Ms. Meltzer agreed with Mr. Gielegem that sidewalks can be waived on the interior of gated area but felt they should also be waived along Millar.”

Motion by Ms. Meltzer, supported by Mr. Keys, to approve the minutes of the January 14th, 2019 Regular Township Board Meeting as amended. Roll Call: Ayes – Meltzer, Keys, West, Pearl, Cannon, Aragona, Gielegem. Nays – None. Absent – None. Motion carried.

APPROVAL OF BILLS

Motion by Ms. Meltzer, supported by Mr. Keys, to approve the bills as presented. Roll Call: Ayes – Meltzer, Keys, West, Pearl, Cannon, Aragona, Gielegem. Nays – None. Absent – None. Motion carried.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion by Mr. Pearl, supported by Mr. Keys, to adjourn the meeting. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegem, Meltzer. Nays - None. Absent – None. Motion carried. The meeting adjourned at 9:50 p.m.

Respectfully submitted,

KIM MELTZER, CLERK
CHARTER TOWNSHIP OF CLINTON