

CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, AUGUST 22ND, 2016

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

ABSENT: NONE

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

APPROVAL OF AGENDA

Ms. Meltzer requested the following additions to tonight's agenda:

Item #16 – Proposed Changes to the Clinton Township Freedom of Information Act Policy

Item #17 – Request Approval for 20' x 40' Tent to Sell Produce at 39050 Harper – Stahl's Prime Meats & Deli

Motion by Mr. Pearl, supported by Mr. Reynolds, to approve tonight's agenda with the addition of Items #16 and #17. Roll Call: Ayes – Pearl, Reynolds, Gieleghem, Cannon, West, Sowerby, Meltzer. Nays – None. Absent - None. Motion carried.

PUBLIC SERVICE ANNOUNCEMENT

Ms. Meltzer pointed out that the latest agenda on line is more user-friendly, incorporating great technology that was created by Stephanie, a member of her staff. She explained how it works, noting that a simple click of the mouse when the curser is on one of the agenda items will automatically advance to the screen to show the back-up information for that agenda item. She added that to go back to the agenda, a click of the mouse in the upper left corner on the "Return to

Agenda” will return the viewer to the agenda. She emphasized that one of her staff members took the initiative to come up with this on her own, and Ms. Meltzer noted that her staff is made up of four employees, including herself, and they pride themselves on customer service, which is exemplified in this latest technology.

1. CITIZEN’S AWARDS

Chief Posavetz presented Citizen’s Awards to Mr. Christopher Walker and Ms. Holly Sidonna for their alertness and willingness to get involved and report suspicious activity outside of Lowes this past January, resulting in \$1,794 worth of merchandise from Lowe’s being recovered and the suspects later arrested and charged with retail fraud first degree.

Chief Posavetz presented a Citizen’s Award to Mr. Johnny Escalante, who pulled a woman from a burning car when her vehicle, which left the road and struck a house on Little Road, caught on fire. He commended Mr. Escalante for taking the initiative and risking his safety to remove the woman from the burning car while exposing himself to great danger.

Chief Posavetz presented a Citizen’s Award to Mr. Jacob Busitil who heard a noise outside and after investigating, discovered a 51-year-old male in the Clinton River struggling in the deep water. Mr. Busitil used a stick to pull the person to shore, and it was later found that the person had medical issues that caused his confusion. He commended Mr. Busitil for his alertness and initiative in rescuing this person from the water.

Motion by Mr. Cannon, supported by Ms. West, to receive and file the Citizen’s Awards as presented by the Police Chief. Roll Call: Ayes – Cannon, West, Reynolds, Gielegem, Pearl, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

2. REQUEST APPROVAL OF RENEWAL OF PROPERTY AND LIABILITY INSURANCE

Mr. Cannon explained that Mr. Saph has a medical condition this evening that does not allow him to be present; however, the Township’s Finance Director is present and can answer questions.

Ms. Donna Lauretti, Finance Director, explained this is a renewal of the same coverage the Township had last year. Mr. Saph had indicated that this is a good rate, and they will need this to be approved this evening because their current policy expires on September 1st, 2016. She added that Mr. Saph can answer more questions in detail at the next meeting or the Board members can contact him with any specific questions.

Mr. Gielegem noted that the rate is a 5.16% increase, and he questioned whether there were any areas that increased more than others.

Mr. Dolan explained that, as noted in Mr. Saph's letter, there were additional Township vehicles added so that is an additional expense reflecting part of that increase. He added that the Township-owned assets are continuing to increase in size, so the increased rate is actually a reflection of the additional vehicles and the additional value of the overall Township-owned property.

Ms. Lauretti stated that Mr. Saph had pointed out that their budgeted expenditures increased and their loss ratio was "not real high but not real low". She confirmed that they are insuring more items, and that is the reason for the increase.

Mr. Pearl has had experience with this and has found that the insurance industry is not thrilled to insure in Michigan. He felt the 5.16% increase is fair considering the increased exposure they have. He added that a loss counts against them for three years.

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated August 17th, 2016 from Mr. Stephen R. Saph Jr., President, Nickel & Saph, Inc., and approve the renewal of property and liability insurance effective September 1, 2016, to expire on September 1, 2017, in the amount of \$602,599, as outlined in the correspondence, payable in quarterly installments. Roll Call: Ayes – Pearl, Reynolds, Gielegem, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

3. RESOLUTION DECLARING SEPTEMBER 11TH – SEPTEMBER 17TH, 2016 AS PATRIOT WEEK AND SEPTEMBER 17TH, 2016 AS CONSTITUTION DAY IN CLINTON TOWNSHIP

Motion by Ms. Meltzer, supported by Mr. Cannon, to adopt Resolution Recognizing September 11th – September 17th, 2016 as Patriot Week and September 17th as Constitution Day in Clinton Township, as presented. Discussion ensued.

Mr. Cannon invited the public to Resurrection Cemetery on Sunday evening, September 11th, 2016 at 7:00 p.m., where they will have three speakers, including Macomb County Executive Mark Hackel, Sheriff Wickersham and a member of the Township's Police Department talking about the perils of some of the duties they face on a daily basis. The service will honor those who protect the public on a daily basis, those who have died in the past and are still dying from the events of September 11th, as well as those in the armed services.

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

4. RESOLUTION RECOGNIZING CHILDHOOD OBESITY AWARENESS WEEK 2016

Ms. West wished the representative would have been present this evening because she would have liked to thank him.

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated August 4th, 2016 from Mr. David Paull, President, Medical Weight Loss Clinic, and adopt Resolution Recognizing September 19th – September 23rd, 2016 as Childhood Obesity Awareness Week in Clinton Township, as presented. Roll Call: Ayes – West, Reynolds, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

5. REQUEST TO HOLD HOLIDAY SIDEWALK SALES SEPTEMBER 2ND, 2016 – SEPTEMBER 5TH, 2016 AT WALMART – 18400 HALL ROAD

This item was deleted from tonight's agenda.

6. SPECIAL LAND USE: RETAIL SALES OF RESTORED/REFINISHED FURNITURE (HAPPENSTANCE, LLC FKA DETROIT BAGEL): LOT 77, GROESBECK-NUNNELEY SUBDIVISION (SECTION 28), LOCATED WEST OF GROESBECK AND SOUTH OF METRO PARKWAY (PARCEL #16-11-28-228-005), ADDRESSED AS 36809 GROESBECK HIGHWAY

Motion by Ms. West, supported by Mr. Pearl, to receive, file and concur with the letter dated August 9th, 2016 from the Secretary of the Clinton Township Planning Commission, and approve the Special Land Use for a retail business selling restored/refinished used and new furniture and new home décor in the B-3 General Business District (Happenstance LLC @ the former Detroit Bagel location), to be located fronting the west line of Groesbeck Highway, south of Metropolitan Parkway, addressed as 36809 Groesbeck, contingent upon the required striping being done in the parking lot. Roll Call: Ayes – West, Pearl, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

7. PROPOSED REZONING: B-4 REGIONAL BUSINESS TO B-2 COMMUNITY BUSINESS (AKA GENISYS CREDIT UNION PARCEL): 1.0 ACRE OF LAND (SECTION 5), LOCATED SOUTH OF HALL ROAD AND WEST OF ROMEO PLANK ROAD, PARCEL “A” (PARCEL #16-11-05-100-026), ADDRESSED AS 17500 HALL ROAD

Mr. Cannon thanked the petitioners for offering to help with the Parks and Recreation program.

Motion by Mr. Cannon, supported by Mr. Pearl, to receive, file and concur with the letter dated August 9th, 2016 from the Secretary of the Clinton Township Planning Commission and approve the rezoning of 1.0 acre of land fronting the south line of Hall Road, west of Romeo Plank Road (Section 5), being part of 17500 Hall Road, from B-4 Regional Business to B-2 Community Business for the stated purpose of development with a Genisys Credit Union; further, this amendment is to be known as Ordinance No. 260-A-458, to be published in the newspaper of record and to become effective thirty (30) days after publication.. Roll Call: Ayes – Cannon, Pearl, Reynolds, Gielegghem, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

8. SITE DEVELOPMENT PLAN: PERFECTION BAKERIES PARKING LOT EXPANSION: 1.78 ACRES OF VACANT LAND LOCATED EAST OF GROESBECK, SOUTH OF HARRINGTON (PARCEL #16-11-22-176-001) (SECTION 22)

Motion by Mr. Pearl, supported by Mr. Gielegghem, to receive, file and concur with the letter dated April 16th, 2016 from the Secretary of the Clinton Township Planning Commission, and approve the Site Development Plan for Perfection Bakeries parking lot expansion, to be located on 1.768 acres of vacant land (Section 22), fronting the east line of Groesbeck Highway, south of Harrington, as presented. Roll Call: Ayes – Pearl, Gielegghem, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

9. REVISED SITE DEVELOPMENT PLAN: CLINTON GROVE CEMETERY ADDITION (COLUMBARIUM): PART OF 43.97 ACRES OF LAND LOCATED NORTH OF CASS AVENUE, WEST OF GROESBECK, ADDRESSED AS 21189 CASS AVENUE (PARCEL #16-11-10-376-001) (SECTION 10)

Motion by Ms. West, supported by Mr. Reynolds, to receive, file and concur with the letter dated August 9th, 2016 from the Secretary of the Clinton Township Planning Commission, and approve the Revised Site Development Plan for Clinton Grove Cemetery Addition (Columbarium), to be located on part of 43.97 acres of land fronting the north line of Cass Avenue, west of Groesbeck Highway, addressed as 21189 Cass Avenue (Section 10), as outlined in the

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

10. APPOINTMENT TO CONSERVATION COMMITTEE

Motion by Mr. Gielegem, supported by Mr. Pearl, to receive and file the letter dated August 16th, 2016 from the Administrative Aide, and appoint Ms. Anna Rossi to the Conservation Committee to fill the vacancy created by the resignation of Ms. Shanon Rupkus, with the term to expire November 30th, 2018. Roll Call: Ayes – Gielegem, Pearl, Reynolds, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

11. INTRODUCTION OF TOWNSHIP ORDINANCE #425: 2012 INTERNATIONAL FIRE CODE

Motion by Mr. Reynolds, supported by Ms. West, to receive and file the letter dated August 17th, 2016 from the Fire Chief and introduce Township Ordinance #425 – International Fire Code, with the intent of adopting at the next Board Meeting scheduled for Tuesday, September 6th, 2016 at 6:30 p.m., Township Board Chambers, Clinton Township Civic Center. Roll Call: Ayes – Reynolds, West, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

12. REQUEST APPROVAL FOR OUT-OF-STATE TRAVEL – FEDERAL DIVERSION PROSECUTION AND INVESTIGATION CONFERENCE

Mr. Cannon explained that the Township has a policy that any out-of-state travel has to come before the Board.

Motion by Mr. Reynolds, supported by Ms. West, to receive and file the letter dated August 1st, 2016 from the Police Chief, and approve the request for Detective James Gilchrist to attend the Federal Diversion Prosecution and Investigation Conference in Dallas, Texas on August 23rd through 26th, 2016, with all costs to be paid by the Federal Government. Roll Call: Ayes – Reynolds, West, Gielegem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

13. REQUEST APPROVAL TO ATTEND NORTHWESTERN UNIVERSITY SCHOOL OF POLICE STAFF AND COMMAND COURSE

Motion by Mr. Pearl, supported by Mr. Gielegem, to receive and file the letter dated August 22nd, 2016 from the Police Chief, and approve the request for Lt. Dina Caringi to attend the Northwestern University School of Police Staff and Command Course, starting in February 2017 for ten weeks to be held at the Troy Police Department at a cost of \$4,100. Roll Call: Ayes – Pearl, Gielegem,

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

14. APPROVAL OF CLEMIS CONTRACT

Mr. Gielegghem stated he is concerned about this because they are in a collaborative agreement with the Sheriff's Department that occurred when the Sheriff's Department took over their dispatch services. He recalled part of that agreement was to switch software systems to New World, which was the system being used by the City of Sterling Heights, the first community to join the collaboration of dispatch services offered by the County. At that time, there was some question as to its cost and whether it would provide for all of the Township needs. Mr. Gielegghem stated that, by seeing this CLEMIS contract tonight, it appears to him as though the New World system that was proposed and voted on by the Board does not meet their needs and he questioned why they have to invest in two software systems. He questioned the cost to maintain both systems, and how that affects the cost savings projections that they discussed when they adopted this and at the annual review.

Police Chief Posavetz replied he does not have those figures with him today, but this is just an annual agreement with the IT Department. He assured it has nothing to do with fees and costs, and that would have to be an agenda item for another night. He clarified this is something every agency that is part of CLEMIS has to sign and that is for the usage of their services. He explained they are not paying for a total of both software programs but only what they are using from each. They are paying for some CLEMIS services but not all of them because some of them have switched to Tyler Technologies. The Township will continue to pay part to each company until they are satisfied that the product they are getting is not diminishing what they were used to when they were solely with CLEMIS.

Mr. Gielegghem inquired as to what they are using from CLEMIS.

Chief Posavetz replied that they are using the County's dispatch center so they have to use their CAD (computer-aided dispatch) and record management. They are using CLEMIS for the main index look-up system. They are also using LiveScan, which is the booking process, through Tyler Technologies. He replied to further inquiry that New World was bought out by Tyler Technologies.

Mr. Gielegghem questioned whether they knew when they purchased the new system that it would not meet all of their needs.

Mr. Cannon replied they knew that New World was still working on part of the program and they also knew they could continue to use CLEMIS as they are

using it now to fill in any voids until the Chief was satisfied that the new program met all of their needs.

Mr. Gieleghem recalled at the time the Township entered into the agreement with the Sheriff's Department for collaboration of the dispatch services, they were to have an annual review. He stated in the three years that this has been in effect, the Sheriff has come before the Board one time to provide a review. Mr. Gieleghem felt it may be time to invite him back for another review. He felt maintaining two different software systems is partly undermining the validity of this agreement.

Mr. Pearl understood Mr. Gieleghem's concerns. He explained he met with the Sheriff and he also met with Chief Posavetz, and they did think that Tyler Technologies (fka New World) would take over the entire package. The Sheriff had indicated to him that they have stopped using CLEMIS, but the Chief explained to him that the record-keeping is easier and more accurate for the Township through CLEMIS. He felt the rate is very low because they are only paying for the data they are looking at, although he believed it is a flat rate. Mr. Pearl stated the intent was that, when the Fire Department came on board with their dispatch, they would save one-half million dollars a year in dispatch costs, so he felt the continuation with a portion of CLEMIS is a small amount in comparison. He was in favor of it if the Chief wants to continue to use CLEMIS because it makes more sense for his department.

Ms. West inquired as to when the Chief intends to phase out CLEMIS.

Chief Posavetz replied that was the original plan, when they thought that New World was going to provide the product that was promised to them; however, that has not occurred, and he stressed he is very reluctant to drop CLEMIS for that reason. He stated he cannot speak for the Sheriff. He stressed he does not want to diminish the quality of service they are providing, and not being able to have these tools at their service would do that.

Mr. Sowerby stated they have maintained CLEMIS since they entered into the dispatch contract with the County in 2013. They have funded each budget year to keep it, and now they are being presented with a contract. He questioned why they have not had this contract from 2013 through 2015, and whether something expired to bring this forward tonight, or whether this is all new language with regard to their relationship with Oakland County and the CLEMIS program.

Chief Posavetz assured this contract does not change their relationship at all. He added that he never remembers bringing this document before the Board, so he suspected possibly the legal department from CLEMIS felt the need to reach out to their clients under the CLEMIS umbrella. He stressed it has nothing to do with cost or fees, but he felt it is housekeeping from their legal department to

make sure everything they are going to provide is outlined on paper. He does not believe that document existed prior to this.

Mr. Sowerby recalled years ago something coming before the Board to enter into a relationship with CLEMIS.

Chief Posavetz felt that was more of a contract. He explained that in reading through this document, it outlines what they are responsible for and what they are not liable for, and he maintained it is something their legal department wants on file.

Mr. Sowerby stated he has always respected the CLEMIS product, and many of the patrol officers and command officers in the Police Department are very supportive of CLEMIS. He added he is somewhat leery of the Tyler Technology product and is glad they are continuing with CLEMIS.

Chief Posavetz also expressed confidence in CLEMIS and added that he was only one vote of three when they entered into a consortium. He felt the concept of the county-wide dispatch system is excellent and is working for that part of the project, but he added they also have records management, which is another part of the system. He expressed disappointment with what he is seeing so far from Tyler Technologies on this aspect, and that is why they are staying with CLEMIS, which he felt is a good product.

Mr. Gielegem clarified his concern was not the use of CLEMIS, and in speaking with the Township's police officers, they have conveyed to him their level of comfort and degree of effectiveness has increased with CLEMIS. His concern is that they are maintaining two different software systems because of the consortium they entered before knowing the impact. He pointed out that is why they need to be careful "at how they jump into these things".

Motion by Mr. Pearl, supported by Ms. West, to approve the Agreement for I.T. Services between Oakland County and the Township of Clinton: CLEMIS Exhibit X with Addendum A, as presented. Roll Call: Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

15. BID AWARD: TOWING CONTRACT

Mr. Cannon stated that this is the first time he can recall not having a recommendation from a committee for something of this nature; therefore, each Board member is left to their opinion as to what bid they feel is best for Clinton Township.

Motion by Mr. Cannon, supported by Mr. Pearl, to award the bid for the Towing Contract to the lowest qualified bidder, Ruehle's Towing and Garfield & Canal Service, for a period of five (5) years, to expire on August 31, 2021. Discussion ensued.

Mr. Sowerby noted that there are a number of bidders in the audience, and he stated he would like to hear from each of the bidders their comments as to what they bring forward to their bid and why the Township may want to hire them. The Board members can then ask questions of them.

Mr. Nick Aiuto, of Nick's Towing, stated he and his father have been in business since 1979. He stressed their proposal meets and exceeds the Township's expectations, and he added that they have never had any issues with their insurance or employee ethics.

Mr. Sowerby invited the other bidders present to identify themselves tonight.

Mr. Vito Strolis, owner of Ruehle's Towing, along with Mr. Tony Pype, of Garfield & Canal Service, were present. Mr. Pype stated they have been in the Township since 1958 and have been very loyal to the Township and have provided service for all of these years, enjoying what they do.

Mr. Strolis explained that he, along with Mr. Kukuk and Mr. Pype, have had joint proposals to split the Township geographically, and it has worked well. They have had no complaints between themselves. Because of the size of the Township, they are able to serve the areas quicker and more efficient when they can call on each other to go to a location that is closer. He commented that it is similar to the mutual aid agreement between fire departments, and he reiterated their arrangement works out well.

Mr. Gieleghem stated they had a contract seven years ago, but they have gone nearly seven years without a contract. They have gone through this process without preconceived notions. They felt that competitive bidding assures the public they are getting the best possible price from the best qualified provider, but he clarified this does not affect the Township's budget because the public pays these charges when their cars are picked up or towed. He assured that the process was not a reflection on the work that any provider was performing, but rather whether the Township has done their homework to ensure they are getting the best price for the best service. Mr. Gieleghem explained they have to look at whether all of the qualifications have been met, and there was an issue of a lawsuit and worker's compensation insurance. He acknowledged that Ruehle's and Garfield & Canal Service were the lowest bidder, but he questioned whether they meet all of the other bid requirements.

Mr. Dolan replied that, in regard to the manner in which the Township is bidding this project, the Township Board retains the right to award the bid as they see fit. He replied that it is their opinion that the qualifications within the RFP document have been met. They gathered some information for all of the towing companies, including litigation within the last five years, searching records from Macomb, Oakland and Wayne counties, along with federal records, and they discovered almost all of them had litigation in that time. He stated that all of the litigation had been resolved so there was no outstanding pending litigation. With regard to the incumbent provider, based on documentation provided, it is their belief that they did have proper worker's compensation insurance. He stated the decision is the Board's prerogative using any and all of the criteria they set forth in the RFP to award the bid to the company they feel best serves the needs of the Township.

Mr. Gielegem inquired as to whether the Township was a named party in the lawsuit.

Mr. Dolan replied the Township was not a named party in the lawsuit. He replied to further inquiry that the Township's risk of exposure is covered and they expect the contract they will execute will include terms and provisions that will require that the insurance be maintained. If it were not maintained, it would be considered a material breach of the contract. Mr. Dolan emphasized that the contract will be written to incorporate these terms and provisions, and they will also have a standard provision as additional insurers where there is a "Notice of Cancellation" requirement built into the coverage. The issuing company agrees to give the Township notice prior to either non-renewal or cancellation of insurance so they are aware ahead of time.

Mr. Sowerby inquired as to whether there are other towing contractors here tonight other than the three who have identified themselves.

No one else came forward from the audience.

Mr. Sowerby explained that part of the requirements on the RFP was that the bidders had to provide a towing storage yard. Chief Posavetz had provided this information and Mr. Sowerby indicated he had also verified it, noting it is not only the price which makes a bidder qualified, but also having a towing storage yard. He read the letter into the record, noting the following bidders and the information regarding the tow yards. Nick's Towing has a tow yard at 42870 N. Walnut; Garfield/Canal & Ruehle's has a towing yard at 135 N. Groesbeck; and Elite Towing shows an address of 34345 Groesbeck, but there is nothing there now and is not site-planned for a tow yard so it does not exist for the purposes of this bid. Select Recovery has a tow yard at 55 N. Rose Street in Mount Clemens. Nooners Service Center identified an address of 34734 Kelly, but it is a recreational vehicle storage yard and identified on the Township's tax rolls as a landscaping yard so it could not be confirmed to be a tow yard. Van's Towing

showed an address of 135 N. Groesbeck Highway, which is the current address used by Garfield/Canal & Ruehle's, so they do not have control of that location for this bid. Mr. Sowerby noted that only four of the six bidders were verified as having tow yards.

Mr. Sowerby inquired Mr. Strolis regarding Worker's Comp insurance through Seto Insurance Company, and it is Michigan Worker's Comp Pool Fund through Liberty Mutual. He inquired as to why they have it under that fund.

Mr. Strolis replied they had it under Michigan Accident Fund for about 30 years, and he wanted to deal with someone local. The insurance agent he has now recommended a couple of companies that were going to concentrate on the Michigan market, so he switched. The first company they went with had a tremendous amount of losses that first year, although he assured none of those losses involved his company, but they pulled out of the State of Michigan. There were a couple of fatalities where drivers were killed on the side of the road, and a lot of the insurers pulled out of the state. Mr. Strolis stated he wanted to go back to the Michigan Accident Fund, but even though he was with them for thirty years with a very low loss record, they were not writing new insurance contracts. He offered to share the information if anyone wanted to look at it. He also added that they receive a refund each year from their insurance carrier because they have a very low number of claims. Mr. Strolis stated he regrets leaving the Accident Fund. He stated he insures some of his small wreckers with State Farm Insurance and has been with them since 1984. Some of the insurance companies want "all or nothing", but he stated he will not do that because some of these companies give a two-week notice that they are pulling out, and then they would have to try to find insurance replacement for 25 or 30 trucks all at one time.

Mr. Sowerby questioned whether this contract will be based on what was written in the RFP and approved by the Township Board on May 16th.

Mr. Dolan verified that is correct, and added that the final contract will be coming before the Board for their approval. He replied to further inquiry that this is a five-year contract, but the Board retains the discretion to change that if they so desire. He indicated that the RFP document stated a 5-year contract.

Mr. Sowerby inquired as to whether Mr. Dolan found the insurance, titles and registrations all in order.

Mr. Dolan confirmed that is correct. He also confirmed that the Township will be listed as additional insurers, and the RFP document calls for the insurance to be issued with the Township as an additional insurer, and the Township has to be "primary" and not "contributory". That takes place when the document issues, and they make sure that when the document actually issues, the correct

designation as an endorsement on the policy is included. Mr. Dolan replied to still further inquiry that all of the liability insurance lists the Township as “additional insurer”. The Township is not generally listed as an additional insurer on the worker’s comp policy. He explained that worker’s comp is different because it is an obligation each employer has to correctly insure eligible employees, and if that does not occur, there is a liability that runs directly with the company. Mr. Dolan agreed to look into it, and if it is available, they can provide it.

Mr. Sowerby inquired as to how verification of worker’s comp insurance would get written into the contract if the Township is not listed as an additional insurer.

Mr. Dolan replied that for verification of insurance, the policy issuer would have to agree to give the Township notice of cancellation or non-renewal ahead of time, and if that is a provision of the contract, violation of that would result in a material breach and they could lose the contract.

Mr. Sowerby inquired as to whether Mr. Dolan would recommend that all of the language discussed be included in the motion tonight and included in the contract when it comes back to the Board for approval.

Mr. Dolan replied that, rather than including all of it in the motion, they can refer to the discussion of record tonight and can refer to including the additional name insured and the notice of cancellation provisions as discussed.

Mr. Cannon **amended his motion**, and Mr. Pearl **amended his support**, to include the following:

Further, the contract is to specify that Clinton Township is to be included on the insurance policies as “additional insured” and listed as “primary”, and that the notice of cancellation provisions are required, as discussed.

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

16. PROPOSED CHANGES TO THE CLINTON TOWNSHIP FREEDOM OF INFORMATION ACT POLICY

Mr. Cannon stated that the Township does not have a policy on FOIA’s but they follow the state law. He added that if the Board wants a policy, they can adopt one, and he indicated he will make a motion to adopt the language proposed by Mr. Gielegem as Township policy for FOIA’s. He cautioned, however, that the Board members who submitted this request did not check with any of the department heads, whom he claimed are opposed to it, nor did they check with Police and Fire, who would both be affected in a very negative way if this change is adopted.

Ms. Meltzer explained the letter indicated that placing this item on the Board agenda “has been met with some resistance”; however, she clarified that they had not discussed this with department heads or any of the entities that would be greatly impacted by this decision and that was the reason she encouraged them to do that first.

Mr. Cannon stated this will involve overtime and that will be brought forward to the Board, but his intention is to make the motion to approve it exactly as submitted.

Motion by Mr. Cannon, supported by Mr. Gielegghem, to receive and file the letter dated August 12th, 2016 from Mr. Gielegghem, Ms. West and Mr. Sowerby, and adopt as Township policy the language presented for “Processing a Request” under the Freedom of Information Act (FOIA). Discussion ensued.

Mr. Gielegghem clarified that there is a written Township policy on FOIA, referred to as Clinton Township FOIA Procedures and Guidelines, effective July 1st, 2015. He explained the language he is proposing is worked into that policy, specifically changing “Section 3 – Processing a Request”, which would limit when a 10-day extension can be granted. Mr. Gielegghem claimed this item should not have been listed as an “add-on” because he submitted everything in the proper format long before the deadline. He felt that once an item is submitted, that is when the work begins with talking to people and vetting language. He assured he is open to discussing items of concern with any department head, but added that he has not received any telephone calls from department heads who have indicated they have any issues with the language. He claimed he was told by the Clerk that she was not going to place it on the agenda because she talked with Department Heads who did not like it. Mr. Gielegghem thanked his colleagues who signed on to get this added, indicating it is worthy of discussion.

Mr. Pearl stated he does not have a problem with what is being proposed. In his discussion with department heads, it will result in some overtime. He would like to hear from Police and Fire, noting he talked with Chief Posavetz, who claimed there are some things that cannot be done in that time frame. He felt there may be some things they may have to exclude from this policy that they cannot get done in that amount of time.

Chief Posavetz replied that the majority of their requests are from attorneys. They often have a standardized list, and many times that list reaches 26 items that they want the Police Department to provide. He explained they have video tapes, booking tapes, audio tapes, investigative tapes, records of all types, including blood tests, chemical tests, and they are not always located in one “easy-to-retrieve” medium. Chief Posavetz explained that, with open cases, they can use “investigative exemption” but they cannot stamp it that way and not

provide anything just because it is an open case. They have to go through that case and still provide them with the information allowed under FOIA, as well as articulate the reason if it is exempted. Producing the materials is one issue, but when they are being denied, those denials have to be specifically and individually addressed as to why they are being denied. He understood that the proposed language in the policy revision is to shorten the time period to respond to FOIAs, but he felt the State put a lot of work into deciding this FOIA, and he does not know why the Township would try to supersede what has already been discussed at great length at the state level. He would like that explained to him, because he stressed they are having a very difficult time getting this done and are asking for extensions which are provided through FOIA. He stated this is not a matter of providing a two-page report, and many times it involves a 500-page investigative report with information that needs to be redacted throughout. He added that it has to be the right person who can do it. He stressed it is very complex and he did not feel it can be “painted with a broad brush”.

Mr. Gielegghem appreciated this discussion, but he reviewed the language he is proposing to be added, noting the actual change is very limited. He felt it acknowledges that 10-day extensions are warranted at times, but it should not be a blanket policy that the Township can use all of the time. He claimed that the people he communicated with have indicated that is what is occurring. He further claimed it has occurred when the records are “on a shelf and can be pulled down and photocopied”.

Chief Posavetz stated they will do the best they can, but prior to FOIA, they had employees who did a number of different jobs. When FOIA was adopted, no departments got extra people to handle the retrieval of these records, so the employees all had to take on more responsibilities. He indicated the attorneys are asking for more and more information, and although they legally have a right to obtain that information, it has become a big burden to the departments. He stated he has talked to other Police Chiefs and they agree.

Mr. Gielegghem understood the Chief’s concerns, but felt the law and the changes proposed account for those situations.

Chief Posavetz wanted to make sure that Mr. Gielegghem understands the challenges his department is faced with on a daily basis with regard to the FOIAs.

Mr. Gielegghem noted that he is a public employee as well, and the County Treasurer’s office also experiences attorneys coming in to request information. He explained that the police take peoples’ liberties away, but his department takes peoples’ properties away, so both are serious enough to involve litigation. He added they do their best to comply with the FOIA requests, and there are occasions where they have to request a 10-day extension, but he felt adopting

the proposed language to their policy tonight will aid the Township in being as transparent as possible. He felt there may be people requesting a single document and it should not automatically be given a ten-day extension.

Chief Posavetz estimated they receive 3 or 4 FOIA requests each day, and they like to process them as quick as possible; otherwise they stack up, so there is no advantage to request a 10-day extension to do one of them if they can do it right away.

Discussion took place regarding whether the Police and Fire Department should be excluded from this addition to the FOIA policy.

Mr. Pearl suggested they can leave it as is but get a report back in 30 days as to how it is affecting the Police and Fire Departments, and the amount of overtime, if any, incurred as a result.

Fire Chief Phy explained they have a privacy issue with reports and forms that are requested. They often have to seek legal advice, which slows the process down. He estimated they receive two to three requests each day and they only have two clerical employees. He stated this responsibility falls on the Fire Prevention Secretary and is in addition to her main job. He added that the workload for these FOIAs is getting worse, and they are receiving more and more requests each month.

Mr. Cannon stated if the Board is in favor, he would be willing to add to the motion the exclusion of Police and Fire from this proposed change for FOIA requests due to the nature of their jobs.

Mr. Pearl felt they can leave it as it is but request a report back in 30 days from these departments.

Mr. Sowerby stated he would like to support the idea of exempting Police and Fire from this language. He did not feel that receiving a report in 30 days will change the number of FOIAs they get, so he would be in support of exempting these two departments. He added that he does not trust the State with the FOIA policy because they took a long time to come up with this over the years and there were a lot of media attempts to get language. He felt the FOIA at the state level is very blocked and not transparent, and this will “tighten it up”. He commended the Township’s department heads and was confident that they will find every way to accommodate FOIA requests with this language change. He did not feel it will create any overtime, and felt it was unfair to threaten that to Board members, especially when this policy is to serve the public, and to get them the information they ask for in a timely manner. He stated he signed on to this with Mr. Gielegem and Ms. West because they feel strongly about this. Mr.

Sowerby pointed out that if the department heads had concerns, they had an opportunity to contact him to discuss it prior to the meeting.

Mr. Sowerby reiterated that he supports exempting Police and Fire, and inquired as to whether Mr. Gielegem and Ms. West also support that exemption, since they also signed the letter to the Board on this issue.

Mr. Gielegem was hesitant, stating he would be willing to do so if it is the will of the Board; however, he stressed he does not want to create too many exemptions. He felt most of the situations brought up by both Police and Fire are covered in the language brought forward.

Motion by Mr. Sowerby, supported by Mr. Pearl, to amend the motion on the floor to exempt Police and Fire from the additional language included in the main motion. Discussion ensued.

Mr. Gielegem stated he would accept the amendment to exempt Police and Fire.

Mr. Cannon suggested that, rather than a separate motion, he would be willing to include that in his motion, if the supporter of the motion is willing to support that change.

Mr. Pearl agreed to support the amended motion to exempt Police and Fire from this revision to the FOIA policy.

Mr. Cannon **amended** his motion, and Mr. Pearl **amended** his support, to include the following:

Further, that Police and Fire are exempt from this revision to the FOIA policy.

Ms. Nancy Duemling, 20776 Moxen, Clinton Township, Michigan 48036, supports and encourages the strengthening of the FOIA policy. She relayed a recent experience she had with the Clerk's office, and informed that she has worked the Township elections for a number of years. She stated she attended a training for poll workers on March 5th and questioned an activity that occurred to collect signatures on partisan nominating petitions at this training.

Mr. Cannon reminded that this is a discussion on the proposed change to the FOIA policy and Ms. Duemling's comments are unrelated to the agenda item.

Ms. Duemling maintained that her explanation is leading up to a FOIA request she made on June 28th.

More conversation occurred regarding the validity of this discussion on this agenda item, and a motion was made by Mr. Sowerby, supported by Mr. Reynolds, to overrule the Chair.

Mr. Dolan replied to inquiry that a Board member can make a motion to overrule the Chair, and a majority vote carries the motion.

Ms. Duemling continued her comments, noting that she attended the mandatory training on March 5th and explained her experience of being approached while she was in the registration line by a Republican Trustee candidate to sign nominating petitions for himself and Ms. Meltzer. She felt it was inappropriate, possibly illegal, and proceeded on March 18th to file a complaint with the State Board of Elections against Ms. Meltzer because she led the training as Township Clerk and did nothing to stop the solicitation of signatures. Ms. Duemling went on to say that on June 28th, she filed a FOIA request with the Township for a copy of the training sign-in sheets, along with a copy of the nominating petitions submitted to the Township from Ms. Meltzer and the Republican Trustee candidate. Ms. Duemling explained that state law requires a FOIA response in five days, with an additional ten-day extension that can be requested and was given. She received notification on a Saturday that the paperwork was ready, and she picked it up on Monday, which was eighteen days after her request. She felt these recent papers were readily available in the Clerk's office, so she could see no reason for the delay in the response. She felt it was because the Clerk was "trying to bury the fact she was involved in partisan inappropriate activity".

Ms. Meltzer replied that Mr. Gielegghem had accused her of not placing this item on the agenda, but she did not feel that was a fair assessment because she had provided him with an option in which he could request to have this on the agenda. She explained he had requested via email that this be placed on the agenda, and since she is the FOIA coordinator for the Township and had not seen this language, either through legislature or legal entity, she questioned him as to where this language was coming from. She stated she tried to gather some fact-finding information in order to put it on the agenda, but she claimed Mr. Gielegghem did not respond other than to indicate he was proposing it as a Township Trustee. She explained she then contacted some department heads to discuss the impact they felt it would have on their departments, and she claimed the three department heads she spoke with all disagreed with it and wanted to know the reason for the change. Because she did not have an explanation as to why it was being proposed, and because there is resistance from the department heads, she indicated she would prefer not to place it on the agenda. She had informed Mr. Gielegghem that if he gets at least one more Board member to support it, he could place it on the agenda that way.

Ms. Meltzer addressed the comments made by Ms. Duemling. Ms. Meltzer could not understand how Ms. Duemling can make the determination as to what goes on in the Clerk's office and to make the assumption that she did not need the ten-day extension. She reminded that, by law, she has the right to request the ten-day extension, and also pointed out the fact that they were right in the middle of an election at that time. She explained that she received 124 FOIAs from the Civic Center, 96 for Fire, 54 weekly election requests for lists because of the candidates that are running for office, and 25 daily election requests for lists, for a total of 299 FOIAs. She admitted this was over a period of time, not in one day, but of those 299 FOIAs, they only requested extensions for seven of them. She added that, out of those seven, four of those were during the election and two of them were completed before the ten-day extension period ended, including the request from Ms. Duemling, which she claimed was completed and sent out in nine days. Ms. Meltzer clarified that when a department head requests a ten-day extension, it does not mean they are going to take the full ten days to complete it, but it is allowed by law. She referred to the proposed language of "assembling more than 100 pages", and stated that Ms. Duemling's FOIA request involved 98 pages of petition sheets. She emphasized that they complied with the law in filling that request and did nothing wrong. Ms. Meltzer addressed the complaint filed by Ms. Duemling, stating that anyone can make a complaint but that does not mean there was wrongdoing, and that is up to the Bureau of Elections to respond in 45 days. Ms. Meltzer stressed that she has served this community with integrity and credibility over the last four years, and in that time, with all of the FOIAs they have completed, they have never had a complaint regarding a FOIA. She suspected that this is a political issue because Ms. Duemling supports Mr. Gielegem, and she resented that because she felt the people of Clinton Township deserve better. She maintained that she and her staff have brought integrity to the office, and claimed they are always told how helpful they are and how they "go the extra mile" to serve the public.

Ms. Linda Pidutti, 37649 Charter Oaks Boulevard, Clinton Township, Michigan 48036, a retired Social Studies teacher with the Chippewa Valley School District, explained the election process has always been a passion of hers, so when she heard Ms. Duemling's experience with the nominating petitions at the training session, and the request for a ten-day extension to fill the FOIA request, she did not understand how that could occur. She claimed it would not take her fifteen days to locate a piece of paper in her house, and she felt there needs to be transparency. She felt that taking fifteen days to answer a citizen's request for information does not demonstrate transparency, and that is a concern to her.

Mr. Roger Holtslander, 23140 Wellington Crescent, Clinton Township, Michigan 48036, did not feel that Police and Fire should be exempt from the proposed FOIA language. He felt the Township should have as much transparency as possible, and if they need to obtain legal advice before filling a FOIA, he felt that would be covered with the proposed language. Mr. Holtslander could not

understand how the department heads can dictate what occurs. He felt the department heads are employees of the Township, and the Trustees are hired by the residents. He did not like that the residents are listening to department heads over the Trustees, and he felt the department heads should be listening to the Trustees. He added that they are “good workers”, but reminded that they are “workers”.

More discussion took place, and Mr. Cannon again reminded that the issue at hand is the FOIA language and not other political issues. At this point, a motion was made by Mr. Sowerby and supported by Mr. Reynolds, to override the Chair. Roll Call: Ayes – Sowerby, Reynolds, Gielegghem, Pearl, West. Nays – Cannon, Meltzer. Absent – None. Motion carried. The discussion continued.

Mr. Sowerby noted this is a political discussion because it is an election year. The reason they heard from Ms. Duemling is when there appears to be unethical behavior occurring at a polling place, and also some information he heard from another resident about a questionable election piece he received in the mail.

Mr. Cannon maintained that this has nothing to do with the agenda item, and this is very political.

Mr. Sowerby stated concern about the process of putting an item on a Board agenda. He claimed the Clerk cannot decide whether or not to place something on the agenda, depending upon whether she feels it is a political process. He cited the towing contract as one of those items.

Mr. Cannon stated that has nothing to do with the FOIA requests. More discussion ensued.

Mr. Sowerby complained that once the towing bids were available, it took the Clerk two weeks to get that information to the Board members. He claimed this topic has to do with the FOIA proposal because he felt not only are the members of the public being stymied from getting information, but the Trustees are also being stymied from getting information, which he felt is a bad pattern.

Mr. Gielegghem claimed he submitted the agenda item within the proper format and within the proper timeline, and Ms. Meltzer accurately reflected the exchange in his first email. He added that the second email was indicating she would not be putting the item on the agenda but suggested Mr. Gielegghem could get the backing of other Board members to add it, which meant it was not published. He felt it is not up to the Clerk to determine what can be placed on an agenda when the request comes from a Trustee and is a simple amendment to an existing policy. Mr. Gielegghem admitted that the 18-day wait for the FOIA request with regard to the nominating petitions was brought to his attention, and that was the driving force behind adding the proposed language to the Township’s FOIA

policy. He felt there was politics involved. The complaint was filed and he felt she purposely delayed getting this information to that person.

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

17. REQUEST APPROVAL FOR 20' X 40' TENT TO SELL PRODUCE AT 39050 HARPER – STAHL'S PRIME MEATS AND DELI

Mr. Barry Miller, Superintendent of the Building Department, stated he has no objection to the proposed tent location; however, they are exchanging money outside which is in violation of the Township ordinances. He explained if they were to put their tent up in the Mount Clemens portion of the property, it would be located in the Harper Avenue road right-of-way, which would not be permitted. They are proposing their tent to be placed on their property within the boundaries of Clinton Township, and in order to allow the exchange of money outside, the Township Board would have to grant a waiver of the Township ordinance requirements.

Motion by Mr. Sowerby, supported by Mr. Gielegghem, to receive and file the letter dated August 16th, 2016 from Mr. Gary K. Stahl, Stahl's Prime Meats & Deli, and approve the request for a 20-foot by 40-foot tent to October 31st, 2016 at 39050 Harper with the condition that they abide by the Township Ordinance with regard to no outdoor sales or exchange of money outdoors. Roll Call: Ayes – Sowerby, Gielegghem, Reynolds, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

APPROVAL OF MINUTES OF AUGUST 8TH, 2016 REGULAR TOWNSHIP BOARD MEETING

Motion by Mr. Sowerby, supported by Ms. West, to approve the minutes of the August 8th, 2016 Regular Township Board Meeting as submitted. Roll Call: Ayes – Sowerby, West, Reynolds, Gielegghem, Pearl, Cannon, Meltzer. Nays – None. Absent – None. Motion carried.

APPROVAL OF BILLS

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

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion by Mr. Reynolds, supported by Mr. Pearl, to adjourn the meeting. Roll Call: Ayes – Reynolds, Pearl, Gielegem, Cannon, West, Sowerby, Meltzer. Nays - None. Absent – None. Motion carried. The meeting adjourned at 8:21 p.m.

Respectfully submitted,

KIM MELTZER, CLERK
CHARTER TOWNSHIP OF CLINTON

ces:08/26/16