

**CHARTER TOWNSHIP OF CLINTON**  
**REGULAR MEETING OF THE BOARD OF TRUSTEES**  
**MONDAY, OCTOBER 3<sup>RD</sup>, 2016**

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

**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 - Request Approval to Sell Pumpkins and Corn Stalks –  
23224 Harvard Shore
- Item #18 - Discussion of Secretary of State Findings on Election Law  
Violation

Ms. Meltzer requested the following deletions from tonight's agenda:

- Item #15 - Request Approval of Health Care Committee  
Recommendation to Change Third Party
- Item #17 - Approval for Senior Center Landscaping

Motion by Mr. Pearl, supported by Ms. West, to approve tonight's agenda with the addition of Items #16 and #18, and the deletion of Items #15 and #17. Roll Call: Ayes – Pearl, West, Reynolds, Gieleghem, Cannon, Sowerby, Meltzer. Nays – None. Absent - None. Motion carried.

## **PUBLIC SERVICE ANNOUNCEMENT**

Ms. Meltzer announced that there is now a new receptacle located at the Police Department for depositing voter's ballots. She stressed the Clerk's Office is proactive in trying to provide for and make sure every vote counts. She stated this new location for dropping off absentee ballots will be a huge benefit to those on the east side of the Township, both the north end and south end. She pointed out it is a safe and secure location just outside of the Police Department's door, and she encouraged residents to take advantage of using it. She expressed pride that her office put this together to serve the people of Clinton Township.

### **1. PRESENTATION OF CERTIFICATE OF APPRECIATION TO THE CLINTON TOWNSHIP FIRE DEPARTMENT AND MEDSTAR FOR SUPPORTING THE WERTZ WARRIORS SPECIAL OLYMPICS**

Mr. Ron Glashauser stated he would also like to acknowledge the Macomb County Department of Emergency Management's Communication Division. He explained that Wertz Warriors started in 1982 by one of the area's local businessman and former Detroit Tiger, Vic Wertz. He, along with a group of local business owners and friends, got together and started a snowmobile endurance ride to Mackinaw City, and after that first year's ride, they decided to repeat it each year for charity. They selected the Special Olympics as that charity. Mr. Wertz passed away in 1982, but his friends have carried it on, and this past year was the 35<sup>th</sup> year. They have had to overcome issues as any organization has to do, and although they have an EMS team, of which Mr. Glashauser proudly serves on, they need equipment that they cannot afford to buy. The Clinton Township Fire Department and Medstar have come through and supported their organization by loaning them equipment for one week for the ride. They return that equipment after the week, assuring everything is in the same condition, and they purchase whatever they use. Mr. Glashauser explained they have had many issues over the years with communications, and the Macomb County Radio Department, along with Mr. Sean McCarthy, have taken care of all communications issues. On behalf of Wertz Warriors and Special Olympics of Michigan, he presented Certificates of Appreciation to Fire Chief Phy and Mr. Sean McCarthy. He noted that Mr. Colby Miller, of Medstar, was not present this evening, but he thanked all of them for their support, not only what they do every day in their jobs, but also what they do behind the scenes to help charitable organizations of the community.

Mr. Cannon stated he is on the board at Medstar and offered to accept the certificate on their behalf and deliver it to them.

Mr. Glashauser thanked Mr. Cannon and presented him with the Certificate of Appreciation to Medstar.

Motion by Ms. West, supported by Mr. Pearl, to receive and file the letter from Mr. Ronald Glashauser and the presentation of the Certificates of Appreciation to the Clinton Township Fire Department, the Macomb County Radio Department c/o Mr. Sean McCarthy, and Medstar for supporting the Wertz Warriors Special Olympics. Roll Call: Ayes – West, Pearl, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

**2. REQUEST PERMISSION TO POST BANNERS FOR THE GOODFELLOWS ANNUAL SPAGHETTI DINNER**

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated September 16<sup>th</sup>, 2016 from Mr. Paul V. Silvestri, President of the Clinton Township Goodfellows, and approve the request to post banners and lawn signs to advertise the Goodfellows Annual Spaghetti Dinner, and further, to have the dinner promoted on various electronic message boards at Fire Station #5, the sign boards on Gratiot and the message board at the Township Civic Center, as outlined in the correspondence. Roll Call: Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

**3. RESOLUTION RECOGNIZING OCTOBER 2016 AS RED RIBBON/ NATIONAL SUBSTANCE ABUSE PREVENTION MONTH**

Motion by Mr. Sowerby, supported by Ms. West, to adopt the Resolution Recognizing October 2016 as Red Ribbon / National Substance Abuse Prevention Month. Roll Call: Ayes – Sowerby, West, Reynolds, Gielegem, Pearl, Cannon, Meltzer. Nays – None. Absent – None. Motion carried.

**4. REQUEST TO HOLD PARKING LOT SALE WITH 20' X 40' TENT – HARBOR FREIGHT TOOLS – 34900 GROESBECK**

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated September 19<sup>th</sup>, 2016 from Mr. Jon Ostrowski, Store Manager of Harbor Freight Tools, 34900 Groesbeck, and approve the request to hold a parking lot sale with a temporary 20-foot by 40-foot tent from October 12<sup>th</sup> through 16<sup>th</sup>, 2016. Roll Call: Ayes – Pearl, Reynolds, Gielegem, Cannon, West, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

**5. TRANSFER NEW SDM LICENSE FOR DANIEL ORAHA INC. – 39920 GARFIELD**

Mr. Sowerby inquired as to what business this is being transferred to, and where it is located.

Ms. Meltzer replied it is located at 39920 Garfield. She explained it is a store and they will be selling beer and wine. She replied to further inquiry that it is the location of the former Bernie's Liquor Store.

Motion by Mr. Reynolds, supported by Ms. West, to receive and file the letter dated October 3<sup>rd</sup>, 2016 from the Township Clerk and approve the transfer of the New SDM License to Daniel Oraha Inc., 39920 Garfield. Roll Call: Ayes – Reynolds, West, Gielegghem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

**6. TRANSFER OWNERSHIP SDM LICENSE FOR GARFIELD CONVENIENCE LLC – 41050 GARFIELD**

Mr. Sowerby inquired as to where the “Garfield Convenience LLC” is located.

Ms. Meltzer replied it is located at 41050 Garfield, which is the Sunoco gas station. She clarified it is for an SDM License, which would allow the sale of beer and wine.

Motion by Mr. Reynolds, supported by Mr. Sowerby, to receive and file the letter dated September 30<sup>th</sup>, 2016 from the Township Clerk and approve the transfer of ownership of SDM License to Garfield Convenience LLC, located at 41050 Garfield. Roll Call: Ayes – Reynolds, Sowerby, Gielegghem, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

**7. RESOLUTION TO AUTHORIZE OFFICIAL STATEMENT AND CONTINUING DISCLOSURE UNDERTAKING FOR MACOMB INTERCEPTOR DRAIN DRAINAGE DISTRICT BOND REFUNDING**

Motion by Mr. Pearl, supported by Mr. Gielegghem, to receive and file the letter dated September 26<sup>th</sup>, 2016 from the Assistant Finance Director, and adopt the Resolution to Authorize Official Statement and Continuing Disclosure Undertaking for Macomb Interceptor Drain Drainage District Bond Refunding, as presented. Discussion ensued.

Mr. Gielegghem stated he was on the Macomb County Board of Commissioners when a large sinkhole enveloped an entire road. He recalled the people around the area were concerned, and after more investigation, they found the sewer lines owned by the Detroit Water and Sewer Department (DWSD) were in such a state of disrepair that it was imperative something needed to be done. They determined they would not see much repair from the DWSD, so Mr. Marrocco, Public Works Commissioner, stepped up to be proactive and proposed to make the repairs that needed to be done at a cost of one-half to two-thirds of what the DWSD would have charged. SEMCOG estimates that sewer infrastructure in Southeast Michigan is anywhere from a \$26 billion to a \$52 billion problem. He

was glad that they are being proactive and that the Public Works Department is addressing it. He added it is good that they want to refund the bonds to save as much money as possible, and this is continuing with the path they have been following for a number of years. He stated he is pleased to support this.

Mr. Cannon agreed with Mr. Gielegghem.

Mr. Pearl recalled there were two major collapses on 15 Mile Road, with the first occurring 25 to 30 years ago. He added that Clinton Township was the first community to petition for the Public Works Commissioner to do this.

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

#### **8. REQUEST APPROVAL TO PURCHASE THE INSTALLATION OF REPLACEMENT CARPETING**

Mr. Cannon stated that they will not be replacing the carpeting in the entire building because there are several areas that do not need it. He added that Parks and Recreation, as well as Department of Public Services, will not be done. He explained that this will involve the installation of 2' by 2' carpet squares, which is the trend, and it is far cheaper to install and maintain.

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated September 16<sup>th</sup>, 2016 from the Director of Public Services, and approve the purchase and installation of replacement carpeting, with the purchase through (MiDeal) Michigan State Contract #071B9200174, with the total cost in the amount of \$138,058.38 for removal, installation and furniture moving, with this item approved in the 2016/2017 capital outlay budget. Roll Call: Ayes – West, Reynolds, Gielegghem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

#### **9. BID AWARD: WATER DEPARTMENT ROOF REPLACEMENT PROJECT**

Mr. Cannon stated this came in a little higher in the spring when they had to disqualify the low bidder.

Motion by Mr. Sowerby, supported by Mr. Pearl, to receive and file the letter dated October 3<sup>rd</sup>, 2016 from the Director of Public Services, and award the replacement of the Water Department Shook Road Maintenance Facility Roof to the low bidder, Corporate Roofing, in the amount of \$269,220.00. Roll Call: Ayes – Sowerby, Pearl, Reynolds, Gielegghem, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

**10. BID AWARD: “SNOVER” WATER MAIN PRESSURE REDUCING STATION**

Motion by Mr. Gielegghem, supported by Ms. West, to receive and file the letter dated September 29<sup>th</sup>, 2016 from Mr. Scott J. Chabot, Senior Project Manager, Giffels Webster, and award the “Snover” Water Main Pressure Reducing Station to the apparent low bidder, D.V.M. Utilities, Inc., in the amount of \$599,215.00. Roll Call: Ayes – Gielegghem, West, Reynolds, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

**11. BID AWARD: GARFIELD “COLLEGE” SEWER PUMP STATION IMPROVEMENTS**

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated September 29<sup>th</sup>, 2016 from Mr. Scott J. Chabot, Senior Project Manager, Giffels Webster, and award the Garfield “College” Sanitary Sewer Pump Station Improvements to the apparent low bidder, Lawrence M. Clark, Inc., in the amount of \$441,355.00. Roll Call: Ayes – Pearl, West, Reynolds, Gielegghem, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

**12. RENEWAL OF MEDSTAR CONTRACT TO PROVIDE BUS DRIVERS FOR SMART COMMUNITY PARTNERSHIP TRANSPORTATION PROGRAM**

Motion by Ms. West, supported by Mr. Reynolds, to receive, file and concur with the letter dated September 27<sup>th</sup>, 2016 from the Chairperson of the Budget/Ways & Means Committee, and approve the Memorandum Agreement for Transportation Services for SMART Vehicle Drivers between the Charter Township of Clinton and Medstar, Inc., as presented. Roll Call: Ayes – West, Reynolds, Gielegghem, Pearl, Cannon, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

**13. REQUEST APPROVAL OF ARCHITECTURAL STUDY OF MORAVIAN HALL & LOG CABIN**

Mr. Cannon noted that this was discussed over the last couple of years. They either have to do something now or lose the valuable assets. He felt the Moravian Hall and log cabin add a nice “quality of life” aspect to the Township.

Mr. Gielegghem agreed with Mr. Cannon. He commented that those buildings were open to the public during the Festival of the Senses, and it is a point of attraction in the Township. He talked with some of the volunteers working in the buildings and they pointed out some of the defects. He felt this is money well spent and they need to make this investment into the community.

Mr. Cannon acknowledged the wonderful group of volunteers who keep these buildings up and open.

Motion by Mr. Pearl, supported by Mr. Gielegem, to receive, file and concur with the letter dated September 27<sup>th</sup>, 2016 from the Chairperson of the Budget/Ways & Means Committee, and approve the Professional Architectural Services for the Moravian Hall and Log Cabin, as outlined in the correspondence. Roll Call: Ayes – Pearl, Gielegem, Reynolds, Cannon, west, Sowerby, Meltzer. Nays – None. Absent – None. Motion carried.

**14. REQUEST APPROVAL OF TRAVEL & EXPENSE REIMBURSEMENT POLICY REVISIONS**

Motion by Mr. Sowerby, supported by Ms. West, to receive, file and concur with the letter dated September 27<sup>th</sup>, 2016 from the Chairperson of the Budget/Ways & Means Committee, and approve the revisions to the Township's Travel and Expense Reimbursement Policy, as presented. Roll Call: Ayes – Sowerby, West, Reynolds, Gielegem, Pearl, Cannon, Meltzer. Nays – None. Absent – None. Motion carried.

**15. REQUEST APPROVAL OF HEALTH CARE COMMITTEE RECOMMENDATION TO CHANGE THIRD PARTY ADMINISTRATORS**

This item was deleted from tonight's agenda.

**16. REQUEST APPROVAL TO SELL PUMPKINS & CORN STALKS – 23224 HARVARD SHORE**

Mr. Don Fend explained he lives on Harvard Shore and has helped out with charities for over 10 years by selling pumpkins from his home. He has donated to the Church of Christ and many other organizations, and he is hoping to continue to be able to help them. He stated he will agree to whatever the Board wants him to do. He claimed the Building Inspectors who came out to his house 27 years ago approved his selling of the pumpkins and cornstalks, and he claimed they told him they "didn't look at it as anything more than a garage sale". He stated he cleans everything up once the sale is over, and he asked for the Board's approval of this request.

Mr. Barry Miller, Superintendent of the Building Department, stated he could not recall that the Building Inspectors would have ever told Mr. Fend it was permissible to sell the pumpkins because it is against Township ordinances; however, he stated he was not here 27 years ago and will not dispute it. He explained that their department has issued numerous violations on Mr. Fend's property. There have been complaints about outdoor sales and the area not

being cleaned up once the sale is over. He estimated they have received more complaints about the lack of clean up than they have about the actual display.

Mr. Sowerby felt that, based upon the recommendations of the Building Department included in the back-up and the numerous violations issued in the past, he felt this should be denied.

Motion by Mr. Sowerby, supported by Mr. Gieleghem, to receive and file the letter from Mr. Donald J. Fend, and deny his request to sell pumpkins and corn stalks at 23224 Harvard Shore. Discussion ensued.

Mr. Fend pleaded with the Board, assuring that he will clean it all up. He stressed that he would like to help his church, and he did not believe the violations they were referring to were his.

Mr. Pearl inquired as to whether Mr. Fend purchased the property next to his house.

Mr. Miller replied he believes Mr. Fend has owned that parcel for a long time.

Mr. Fend replied that he sold part of it but he still has about an acre. He added that part of the property is zoned for office, but there is no one around his property. He explained he built his house on the back portion of his property. He used to own 300 feet of frontage on Harper. He reiterated that he will make sure everything is cleaned up, and that he brings the pumpkins to local churches, but they cannot keep them at the churches. He informed that the school has already advertised the pumpkin sale to pay for their school trips.

Mr. Pearl inquired as to whether the situation is changed if the property was zoned commercial.

Mr. Miller replied it is no different than any other business. He pointed out that any business wanting to have a temporary outdoor display is required to come before the Board for approval.

Mr. Pearl inquired as to whether Mr. Fend can grow the pumpkins on his property and donate them to churches.

Mr. Miller replied that would be permissible because it would be like having a big garden. He added that, unfortunately, there has been a problem with rats in the area, and a lot of the neighbors in the area are upset because there were holes chewed through the rotten pumpkins.

Mr. Fend stated he grows gourds and if anything goes bad, he disposes of them. He clarified these are occasionally being eaten by squirrels, not rats. He stated



there has been a lot of new growth in the area where there used to be a lot of wildlife. When he had some pumpkins on display last Thanksgiving, it was squirrels that got to them. He felt these complaints are not based on any problems he is creating.

Ms. Meltzer noted there are a couple of letters of support from some local churches and non-profits, but she pointed out that Mr. Fend has had 11 violations issued to him since 1999, including multiple violations of selling pumpkins from a residence, operating a business from a residence, posting signs, putting up obstacles, large bricks, fertilizer containers all over yard, mess of papers and tin, improper wood storage, heavy traffic blocking street, outdoor storage of lawn equipment, rat harborage, etc. She stressed there is a rat problem in that area, and with all of the violations since 1999, she felt Mr. Fend has not been responding to what the Township is asking. She was concerned that this will continue, pointing out that he is assuring tonight that he will do anything the Township asks, but he has not listened to this point. Ms. Meltzer understood that Mr. Fend does this to benefit non-profits, and she appreciated that, but she did not feel this is a benefit to his neighborhood. She stated Mr. Fend has to comply with the Township ordinances and be respectful.

Mr. Fend stated he does not get a lot of traffic. He recalled the violation on wood was when he sold a portion of his property and was cutting some trees down, giving the cut-up wood away. He felt these issues have nothing to do with the sale of pumpkins. He claimed there is a parking lot across the street from his property, but there are never more than three or four cars there at one time. He requested consideration from the Board and they can “see how it goes”, noting they can chose to deny him next year if they feel there are problems. He stressed that these churches depend on him and he will feel bad if he cannot help them out.

Ms. Meltzer questioned whether he can grow the product on his property but not sell them from that location.

Mr. Fend replied that he does not grow pumpkins there anymore, but he grows gourds. He stated he was putting up his decorations along the fence and has a lot of gourds that he gives away to friends and family; however, the Ordinance Enforcement officer told him he could not have them. He stressed they are his and he does not have them for sale, so it would be no different than anyone else who has a garden.

Mr. Sowerby did not doubt that Mr. Fend has charitable intentions and the group he is supporting with the sale of these pumpkins. He stated the issue is that Ordinance Enforcement has a list of recent complaints and violations of other residential businesses that were issued violations and either shut down or resolved. In order to be consistent, denying this is the right thing to do. He

compelled Mr. Fend to find another way to provide his benevolence to the various organizations. He stated the violations they have issued to Mr. Fend are consistent with what they do to enforce the ordinances within their neighborhoods and residential areas. They are saying “no” to this because of their consistency in saying “no” to others. They are trying to keep residential areas clean.

Mr. Fend stated he was the first house in the area.

Mr. Roger Holtslander, 23140 Wellington Crescent, Clinton Township, Michigan 48036, stated he has delivered pizza in the south end of the Township for many years, and he agreed that there is a rat problem. He felt this is one of the types of situations that causes the problem, and when he hears that number of violations, he felt this should not be approved. He understood the petitioner’s desire for charity, but he reminded that “charity begins at home”.

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

#### **17. APPROVAL FOR SENIOR CENTER LANDSCAPING**

This item was deleted from tonight’s agenda.

#### **18. DISCUSSION OF SECRETARY OF STATE FINDINGS ON ELECTION LAW VIOLATION**

Ms. Meltzer requested a clarification on the letter, which refers to the subject as “election law”. She stated it should have stated “campaign finance law”.

Mr. Cannon stated Ms. Meltzer is correct.

Mr. Gielegem believes this is an issue the Board needs to be aware of and discuss because he believes there are implications for the Board and some decisions that need to be made. He explained that there was a complaint filed following a state-mandated training for poll workers in March 2016. He stated Ms. Duemling was one of those poll workers and she was approached by a candidate for Trustee to sign a petition for himself and for the Clerk. He went on to say that Ms. Duemling declined to sign because she felt it was not right for any political activity to occur at a poll worker training, where they teach the poll workers they cannot do any political activity while working the polls on election day. He had a copy of the complaint, which alleges there was a violation of Section 57 of the Michigan Campaign Finance Act. He added the training was paid for with public funds, and the Clerk was there in her capacity as Township Clerk. Mr. Gielegem explained the Secretary of State informed the Clerk that she had an opportunity to respond to the complaint, which she chose to do. He

also had a copy of that response, as prepared by Attorney Pete Peacock on behalf of the Township Clerk. It stated that the alleged activity did occur, and it was the Deputy Clerk who circulated the petitions for the Clerk, but not for the candidate for Trustee, as was suggested in the complaint. It indicated that Ms. Meltzer was aware of the petition-gathering activity, and it also said that the Deputy Clerk only circulated the petitions for 15 minutes, which would have amounted to \$10 of calling time. It also stated that no one walked around circulating petitions. He commented that, based on this, it gave the impression that “it happened, but it really wasn’t a big deal”.

Mr. Gieleghem felt there is a problem because of the 206 training attendees, 43 of them signed the petition for the Clerk, and 31 signed for the Trustee candidate. He did not feel 43 signatures can be collected in 15 minutes. He estimated it had to have taken at least one hour. He added that the signatures on the two petitions are all in the same order. The Trustee candidate signed as the circulator on his petitions, and the Deputy Clerk signed as the circulator on the Clerk’s petitions. He felt the only way these signatures would be in the same order on the two petitions is if they were circulated by the same person, or if they were circulated together. The circulator’s signature verifies that he/she witnessed each and every signature on that page. Ms. Duemling indicated in her complaint that she was approached by the Trustee candidate to sign both petitions. Other training attendees stated they were approached by a male to sign, and one said the male approached her in the hallway, while another said the Trustee candidate was “working his way from the back of the line to the front of the line”. He also had some responses from some of the other participants because he wants to form his opinion based on some facts and not a “he said/she said” situation. He noted that some said the petitions were put on the table, which he pointed out is a violation resulting in a misdemeanor. He added that signing petitions as a circulator for petitions that he/she did not circulate is also a misdemeanor. He felt there seems to be an attempt to dismiss this as “no big deal”, but he stated the Secretary of State has said a violation has occurred. He claimed that the person the Township pays to administer their elections, and who also has the role of sitting in judgment of other peoples’ signatures, has been deemed by the Secretary of State to have violated the process. He felt the only thing left is there needs to be determinations by the Secretary of State as to the penalties. Mr. Gieleghem claimed that following the last election, a fine in the amount of \$7,684 was levied against another Board member for illegal expenditures on behalf of Ms. Meltzer’s campaign. He expected further fines to be levied on this issue as well. He questioned whether the Township is liable for any fees levied against Ms. Meltzer.

Ms. Meltzer requested clarification on the \$7,684 fine referred to by Mr. Gieleghem.

Mr. Gieleghem responded there was a fine levied against Supervisor Cannon for expenditures on behalf of the “Meltzer for Clerk” campaign in the last election. He reiterated his question as to whether the Township is liable for any fees assessed to Ms. Meltzer in this particular situation.

Mr. Cannon replied no.

Mr. Gieleghem inquired as to whether the Township has any obligations to furnish and pay for an attorney for Ms. Meltzer, and since complaints have been filed against the Deputy Clerk, he inquired as to whether they have any obligation to provide her with an attorney. He inquired as to what, if any disciplinary action, has been taken as a result of this. He understood there have been additional complaints filed for an issue that occurred in the primary election, where people who are running for Precinct Delegate can be a poll worker but cannot be assigned to work their own precinct. He understood that this occurred, and some of those people even called to say they cannot work their own precinct; however, other people ended up working in their own polling location. He felt this is a pattern in violation of election law and concerted effort to “sweep this under the rug”. He wanted answers to make sure the Township is protected.

Ms. Judy Strong, 20054 15 Mile Road, Clinton Township, Michigan 48035, felt Ms. Meltzer should have to pay her own fees for any violations.

Ms. Nancy Duemling, 20776 Moxon, Clinton Township, Michigan, stated she was upset to see an article in the paper accusing her of being “judge, jury and executioner” for bringing up this subject. She stressed the State is the judge and the executioner. She was not familiar about the other complaint on file, but after she filed her initial complaint, she was assigned to a precinct other than her own. After the March election, she received a letter indicating that she was being assigned to her home precinct. She knew she was going to run as Precinct Delegate, so she called the Clerk’s office, and they transferred her to another precinct. She does not know if someone else called and was not reassigned. After the August 2<sup>nd</sup> primary, she checked by filing a FOIA to obtain a list of people who worked the polls after that election. Those running for Precinct Delegates are listed on the County Clerk’s website, so she compared the lists. Six people were running for Precinct Delegate who were also Election Inspectors. She added that of the six, two of them worked their own polls and this is in violation of Michigan laws. She does not know whether this was willful disregard, ignorance or arrogance but she felt the person held in charge of the elections should be held responsible for following the laws. She complained because she stated she has been attacked verbally, and so have other people. She claimed she checked this out because she cares, and because no one is above the law. She felt the person in charge of this election needs to be sure all of the rules are followed, especially to make sure there are no rigged elections or voter fraud.

Mr. Cannon expressed disappointment that his fellow Trustees put this on the agenda for the third time. He felt it is clear to everyone here and viewers at home that their actions are politically motivated because they support a candidate running against Ms. Meltzer. He noted that four years ago, they endorsed Clerk Fitzgerald who was running against Ms. Meltzer, and it was during a time when he was creating havoc in the Clerk's office, accused of harassing and bullying the female employees. He noted that none of the Trustees who were responsible for adding this item tonight added anything to the agenda at that time despite the fact that Mr. Fitzgerald was a liability to the Township. He added the Township is still dealing with that issue today. He recalled it was not until six months after the situation when the Board all acted with him, and he felt that indicated it was politically-motivated. He referred to the deposition by Ms. Sue Brooks, a former employee who claimed she was bullied by Mr. Fitzgerald. In the deposition, she claimed she was approached by Mr. Reynolds, who talked about the plan the democrats had to save Mr. Fitzgerald by having Mr. Hornung make a motion to have an outside investigation done after an investigation was already completed, and "they told Mr. Fitzgerald to pretend to apologize to Ms. Brooks and everything would go away". He stated it has not gone away, and it has cost the Township hundreds of thousands of dollars. Mr. Cannon stated the violation Ms. Meltzer has been cited for do not reflect on her abilities as Clerk but rather a violation of campaign finance law. She has made a mistake, owned up to it, and will pay for it out of her own pocket. He stressed this has no bearing on Township finances, and her accomplishments far outshadow the issue, and he cited a few examples:

- She took over a department that was plagued with a former Clerk who bullied, harassed and left the department in total disarray;
- She has reduced the staff in Elections and Clerk's by 30%, saving the Township \$190,000 per year;
- She brought in revenue of \$60,000 in passport services. This year they brought in \$63,000 in the first six months of the fiscal year; (he noted that there was objection to Ms. Meltzer offering the passport service, but the Board members never complained when Mr. Tomlinson and Mr. Fitzgerald, the two past Clerks, offered the same services when they each had 2-1/3 more positions)
- She has expanded services far beyond regular office hours for people who cannot make in in regular hours;
- She established a records retention program;
- She attended extensive training along with the Michigan Municipal Clerks and earned two certificates in less than three years, which takes most clerks much longer;
- She took advantage of a \$9,600 state grant to purchase and implement 88 barrier-free voting booths for handicapped and disabled voters;
- She initiated the installation of a secure drop box for use by residents to return their absentee ballots at the Police Department on Groesbeck, so

residents from the south end of the Township can drop off their ballots without spending postage and not have to drive to the Civic Center to do so.

Mr. Cannon felt this Board is trying to “destroy a hard-working public servant”, and he felt they should look at some of the Trustees who demonstrated severe errors in judgement. He claimed Mr. Sowerby lied in a debate about Knollwood Condominiums. He added that he admitted he lied and as a Board and community, they moved on. He also had a copy of a deposition Deb Gordon gave to him regarding a lawsuit with the Court employees, and Mr. Cannon claimed Mr. Sowerby lied in it several times. Mr. Cannon accused Ms. West of having a paid union employee get nominating signatures for her at the Senior Center on paid company time on the day that the petitions were due. Mr. Cannon accused Mr. Gielegghem of asking a poll worker on election day to sign a nominating petition at Ottawa Elementary School while working for the Township on March 8<sup>th</sup>, 2016. Mr. Cannon indicated that these are all violations of public trust and it is clear to him that no one is perfect, especially himself. He stated they are all human and make mistakes and they have to be forgiving. He felt Ms. Meltzer’s oversight is being used for political purposes and he is confident the community sees this. He stressed it is time to get on with the business of the Township, which is why the citizens elected them.

Mr. Jared Maynard, 35956 Vaughn, Clinton Township, Michigan 48035, stated that he has done some of his own research on the Board members through FOIA, and he relayed his findings with copies of the backup. He informed that one of Mr. Gielegghem’s nomination petitions contains the signatures of Mr. Sowerby and a Township employee. He pointed this out because according to the letter that was given from the Secretary of State, “improperly used or authorize the use of a Township resource” is what the Department of State has founded in their letter. There is a Township employee on that petition, and since Mr. Sowerby was the circulator, he inquired as to whether he had his employee sign it on company time. He received a report that an election inspector witnessed Mr. Pearl circulating petitions inside of the Township Civic Center on election night, which is the same thing the complainant said about Ms. Meltzer. Mr. Maynard referred to a nominating petition for Ms. West, circulated by a Township employee who obtained signatures at the Senior Center. He inquired as to whether Ms. West directed her to do so, and he reminded she is responsible for how they circulate it and what they circulate. He claimed some Board members are on a political witch hunt, possibly because they are “afraid of change coming to the Township”. He cautioned that “those who are going to live in a glass house should not throw stones”. He felt that all of them that he mentioned tonight are in violation of Michigan Campaign Act MCL.169.257. He suggested they need to look at their own petitions. He believed they are all guilty and he will be filing complaints with what he has in his hand, and give them all the opportunity to come back and answer, and they will see what happens.

Mr. Walter Maselt, 19451 Cooper, Clinton Township, Michigan 48038, felt this is a “crucifixion” being led by one man. He felt if Mr. Tomlinson were running, no one would care where the signatures came from. He stated he could care less where the signatures come from or where they go to get the signatures. He expressed disgust with what has been going on, and he felt Mr. Gielegghem should not be “throwing stones when considering how he got his job at the County”. Mr. Maselt stated he is not related to Ms. Meltzer and he does not know her, but he is a resident of Clinton Township. He felt the Board members did not need to take the petitions to the State, and he felt the Township Board is no place to discuss this.

Discussion took place regarding the first amendment right of free speech.

Mr. Roger Holtslander stated he is generally a democrat but he gladly voted for Ms. Meltzer and recommended others do the same because he felt she was the better choice. He felt this issue looked like a political issue. Everyone who signed the petition gets paid, which means they work for Ms. Meltzer. He felt that is wrong to ask employees to sign their petition. He felt the issue is the skirting of all of the rules. He stressed that Ms. Meltzer should have followed all of the rules, and he claimed that, although it may not be fair, people judge those in charge harsher than others.

Mr. Gielegghem admitted that, while he was at the polls 100 feet back, an election worker signed his petition, but that occurred when she was on her break and coming outside. He did not feel it is fair to compare that to the Clerk holding a training and soliciting 43 signatures out of 206 election workers. He stated he does not administer the elections but he has a working knowledge of the election law. He clarified he did not file the complaint, but that was filed by a resident. He had talked with her because she asked him what his thoughts were. He shared his thoughts, suggesting what she should check. When she filed the request and got a response, it was insulting to her and that is when she requested a FOIA for the petitions. She saw “stonewalling” and requests for extensions to the Secretary of State. He addressed that topic at the first meeting when this was brought up. The Township has a duty, an obligation and responsibility to respond to FOIA’s in a timely manner, especially when it is just a matter of photocopying something that is in the office. They extended the rules that apply to their Civil Service employees and Directors so that everyone is following the same rules. It is on the agenda tonight because the Secretary of State ruled this is a violation.

Ms. Meltzer stated it has not yet been determined.

Mr. Gielegghem advised Ms. Meltzer to check the Secretary of State website.

Ms. Meltzer stated she would have received a letter if a determination was made and questioned how Mr. Gielegghem could have received a copy of this letter before anyone else.

Mr. Gielegghem replied that he does not have a letter but checked the website. He felt this is a way of “bullying through” to make sure it does not come to light. He wanted to find out how it affects the Township, and that is why it is on tonight’s agenda.

Mr. Cannon felt that Mr. Gielegghem put this on the agenda a few times to try to embarrass Ms. Meltzer in order to help his political candidate.

Ms. Meltzer emphasized that she has never tried to “stonewall” or to not bring forward the information. During the investigation, she stated she was very forthwith in what happened. She assured she will accept responsibility if there is a determination of violation, and she will pay any fees if there any associated with it. It will not affect the taxpayer, and she assured it was nothing intentional. She stressed that her biggest concern is that every vote counts, and she has to train over 200 people that work once every year or two, and they do not know the election lingo. She added that the election laws change on a constant basis, and it is re-teaching people to use the electronic poll book, tabulator, etc., and the people coming in are doing it out of the goodness of their heart because they believe in the democratic process. She admitted her fault is that she did not realize that it was a violation because they were offsite. She added that she already had the required number of signatures to be placed on the ballot without these. She also pointed out that when she is hiring both democrats and republicans, she questioned why she would put something out there that would come back, knowing that they would be watching her. She assured it was an oversight on her part, but she stressed that her goal was to train the 200 people. She felt it is a political opportunity on which some of the Board members are capitalizing. Ms. Meltzer stated she is a great Clerk, accomplishing a lot in the last four years, including prioritizing her employees. She stated she respects and honors the women who work for her. She has always told her staff that everyone is human, and if a mistake occurs, to let her know and they can address it. She felt for anyone to accuse her of stonewalling and not being forthwith is a misrepresentation and a lie. She told her lawyer what happened and what she perceived occurred. She has yet to receive the final determination, and she apologizes if there is a violation. She recalled when Mr. Sowerby overcharged taxpayers on their tax bills in the 2001 Winter property taxes, but she stated that was an oversight and he refunded the overpayments. She commented he was supposed to know better, but it was something that occurred in his office and it happens. She claimed she abides by the letter of the law and if she did not know it, that is her responsibility and she will accept the consequences and liability. She reiterated that no taxpayer will have to pay any fees associates with it. She stressed she treats everyone with respect, and the public is her priority, which is



the reason for coming up with the ballot box at the Police Department to make it more convenient for residents. She hoped the air is clear and this is the end of it.

Ms. Linda Pidutti, 37649 Charter Oaks Boulevard, Clinton Township, Michigan 48036, clarified that she has never doubted that Ms. Meltzer is a nice person, but as a retired teacher, she stated rules are important to be set up and to be followed. She set up rules in her classroom and expected her students to follow them. She explained that she was extremely upset about the issue of no straight ticket voting, because not being able to vote straight ticket makes it very hard on the disabled and elderly. She was aware that Ms. Meltzer supported that, and stated that was one reason why she was upset that a government organization of this state would support it.

Ms. Meltzer clarified that she never voted in the legislature on the issue of straight ticket voting. She added that if Ms. Pidutti was talking about the latest letter she submitted in the Elections Committee because it was a definite partisan issue, the Michigan Association of Municipal Clerks weighed in on the issue and stated they were in opposition to it. She did not weigh in on it one way or the other because it is a partisan issue. The letter indicated that it was wrong for the Michigan Association of Municipal Clerks to weigh in on this issue. She stressed Clerks are supposed to be non-partisan and encourage everyone to vote.

Mr. Sowerby stated the issue is not about making a mistake but about doing things against campaign finance law. He explained the process of getting on the ballot, and there are judgments made on these petitions. People are either on the ballot because they submit accurate petitions with accurate signatures, and signed by circulators accurately. If they do not, they are disqualified and their names do not appear on the ballot. He claimed Ms. Meltzer denied two people from being on the ballot because she deemed there was false information provided on their petition. She used her authority and knowledge to do that. Ms. Duemling claimed that Ms. Meltzer knowingly had these petitions circulated at a training session for election workers, and as Mr. Gielegem pointed out earlier, there were questions about how they were circulated, the names and who actually circulated them. Ms. Duemling has filed that, and on the Secretary of State website, there is a list of approximately 25 complaints. The Secretary of State acts on those. There is a column where it indicates if the Secretary of State believes there is a reason to believe the violation occurred. On some of those, it is indicated as “no” and others it states “yes”. He added that on the complaint Ms. Duemling filed against Ms. Meltzer, it indicates that there is reason to believe a violation occurred. Ms. Duemling obtained information from Clerk’s office and filed on May 6<sup>th</sup>, 2016. He claimed she did not wait because she knew this was not a good election process. He did not look at it as a political issue but concern about election process. He applauded Ms. Duemling for being concerned about this.

Ms. Meltzer confirmed this is not a determination. She reiterated she will take full responsibility and it will not cost taxpayers. She reiterated Mr. Sowerby's mistake of overcharging the taxpayers, which was his mistake, but she reminded he was not "nailed to the cross" for it. There were allegations this evening about other Trustees who also made mistakes, and whether or not these are true remains to be seen. She felt they are keeping the issue in front of the Board for political reasons. She pointed out that she took on an office that she claimed Mr. Sowerby was very instrumental in trying to keep run by "a tyrant and a bully".

Mr. Sowerby emphatically stated that is not true.

Mr. Cannon claimed it is true and it is in the deposition.

Ms. Meltzer stated this type of thing happens at election time. She stressed she has done a great job and those who feel she has will vote for her. If they do not, that is their choice, but she stated she has served this Township with integrity and credibility, and now the credibility is being challenged because of politics.

Mr. Jared Maynard recalled that Mr. Sowerby had indicated he was grateful when the original complaint was filed. He questioned that, now that he has come forward with evidence of other violations of the law, whether Mr. Sowerby is grateful that he came forward with that information. He inquired as to whether Mr. Sowerby will look into what he presented tonight, or whether they are going to continue with "the public persecution of Ms. Meltzer". He replied to inquiry that he is a resident of Clinton Township.

Ms. West stated that an employee had nothing to do with circulating her signatures and she would like to see what Mr. Maynard has. She mentioned that she will not be getting the signatures back until they are ready to be destroyed in January. She stated she goes door-to-door to get her petitions signed. She admitted she came up short at the end and there could be some violations, although she assured she will not "throw anybody under the bus", but she assured she did not ask the employee that Mr. Maynard indicated was on the petition.

Ms. West inquired as to why Mr. Maynard got involved in this fight.

Mr. Maynard responded that he has been watching it unfold in the paper, and he is a "political junkie". When something "smells funny", he looks at everything to make sure everyone is above board.

Ms. West appreciated that Mr. Cannon had admitted he has made mistakes, and she has witnessed him walk around the Senior Center getting signatures, so he is right that nobody is perfect. She could not understand how Mr. Fitzgerald was brought up this evening. She did refer to the mention of Mr. Tomlinson, and

accused Mr. Cannon of “throwing him under the bus” at that time. She assured she is not crucifying Ms. Meltzer, but her name is on the letter requesting this item on the Board agenda because there is evidence that it occurred. She is not sure what occurred between Ms. Meltzer and Ms. Irvine, her deputy. She explained that Ms. Irvine is a Township employee, and she questioned whether the Township should be taking care of her, and whether it is possible for her to get a misdemeanor. She wants answers to these questions, and reiterated she is not “throwing Ms. Meltzer under the bus”. She inquired of Mr. Dolan whether there is something they should do to protect Ms. Irvine. Ms. West stated she liked the fact that Ms. Meltzer owned up to her mistake.

Mr. Dolan replied that he would not phrase it as “need” and “right”, but he advised that the Board has the legal authority to indemnify employees they believe require legal representation because of something that is incidental to their duties of office. He added that they do not have the obligation to do that, but they have the legal right to choose that option. He explained there used to be a law some years ago that more clearly identified an indemnification obligation in favor of employees in some circumstances. There was a decision by a Court of Appeals that went the other way, so now it is an option.

Mr. Macelt inquired as to why Ms. Duemling went to Mr. Gielegem with the petitions.

Ms. West stated she has known Ms. Duemling for a while, but Mr. Gielegem has known her for a longer period of time.

Mr. Pearl stated it came to his attention about two or three weeks ago that all of their petitions were being reviewed with a magnifying glass. He explained that of the approximately 300 signatures he obtained, with 200 being required, he stopped checking after a while, but approximately 8 of those signature were taken in a public building. He checked with his attorney who researched election law and informed him that public buildings are open to the public so there was no violation. He appreciated Mr. Maynard bringing it up, and they can clear the air.

Ms. Meltzer questioned if that is the case how it would be a problem that the candidate for Trustee would be in violation because he was in a public building. She inquired as to how that would be different from Mr. Pearl’s situation.

Mr. Pearl replied he does not know that any complaint was filed on him.

Ms. Meltzer also pointed out these decisions can be challenged and appealed, so the final say has not yet happened. She noted there was a democrat who was outside on that day, also collecting signatures. She had indicated that was ok because it was a first amendment issue. She did not think there was anything wrong with what she was doing. She again reiterated that whatever the

determination, she accepts responsibility and the taxpayers are not harmed in any way.

Mr. Reynolds assured he is not trying to throw anyone under the bus, but felt what sets Ms. Meltzer apart from the other Board members is that Ms. Meltzer is in charge.

Ms. Meltzer stated she is not perfect and has never claimed that she has done no wrong. She does not hold people to that kind of treatment when they do something wrong. She felt there is a lot of disrespect with Mr. Gielegghem and Mr. Sowerby as to how they treat her in her office, as well as a lack of communication. She felt they try to unload a lot of work on her office without knowing what they do with a limited staff. She noted that 20 years ago, the Clerk's Office/Elections had 8 employees and far fewer than 100,000 residents. Today the Township's population is close to 100,000 and they only have half the number of employees. She did not feel that Mr. Gielegghem or Mr. Sowerby respect her or the women who work in her office.

Mr. Reynolds stated he has never heard either Mr. Gielegghem or Mr. Sowerby say anything that was impolite or improper. He reiterated that she is in charge of the elections and that is why it was directed at her.

Discussion took place between Mr. Cannon and Mr. Reynolds.

Mr. Gielegghem felt sometimes the best defense is to take responsibility, and they have seen some of that tonight. There are times when the best defense is an offense, and that is what they have witnessed up to this point with distractions and character assassinations. He acknowledged that Ms. Meltzer accepted some responsibility tonight. He realized some people do not think this is a big deal, but he felt it is important because the person who is in charge of judging everyone else's petitions needs to do things the way they are supposed to be done. He stressed they have to move forward, and he was sure the State will move forward with their investigation.

Motion by Mr. Cannon, supported by Mr. Gielegghem, to receive and file the letter dated September 30<sup>th</sup>, 2016 from Trustees Gielegghem and West, and the Treasurer. Discussion ensued.

Fire Chief Phy stated he has worked at the Township longer than all of the Board members. He has been there for 31 years, and he claimed he has supported each of the Board members at one time or another. He recalled going through issues with the former Clerk four years ago, and he wished he would have seen the kind of effort from some of the Board members that is being put into this.

Mr. Russell Holtslander, 23140 Wellington Crescent, Clinton Township, Michigan 48036, stated he found it sad that the excuse seems to be “I am not that bad, the last one was worse”, referring to Ms. Meltzer’s comments about Mr. Fitzgerald. He hoped they can get beyond this.

Further discussion took place concerning the allegations.

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

### **APPROVAL OF MINUTES OF SEPTEMBER 19<sup>TH</sup>, 2016 REGULAR TOWNSHIP BOARD MEETING**

Motion by Mr. Sowerby, supported by Mr. Reynolds, to approve the minutes of the September 6<sup>th</sup>, 2016 Regular Township Board Meeting as submitted. Roll Call: Ayes – Sowerby, Reynolds, Gielegghem, Pearl, Cannon, West, Meltzer. Nays – None. Absent – None. Motion carried.

### **APPROVAL OF BILLS**

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

### **PUBLIC COMMENTS**

There was one public comment:

Mr. Walter Macelt, 19451 Cooper, Clinton Township, Michigan 48038, stated he has been a Clinton Township resident for 41 years and he is 70 years old. He stated he is disgusted by what is occurring at the recent Board meetings. He felt that Mr. Gielegghem’s recent proposal and subsequent Board action to change the FOIA procedure was based on political reasons, and he could not believe that a department supervisor’s job is in jeopardy if they talk about politics. He added that if the Board felt revisions were necessary, they could have done it after the elections. He stated he would like to meet with Mr. Gielegghem to discuss these issues, and he expressed his sympathy for Ms. Meltzer. He stated he was disappointed that Mr. Sowerby would participate in this. He felt the former Clerk was bad and the current Deputy Clerk has had to suffer as a result.

**ADJOURNMENT**

Motion by Mr. Pearl, supported by Ms. West, to adjourn the meeting. Roll Call: Ayes – Pearl, West, Reynolds, Gielegem, Cannon, Sowerby, Meltzer. Nays - None. Absent – None. Motion carried. The meeting adjourned at 8:37 p.m.

Respectfully submitted,

KIM MELTZER, CLERK  
CHARTER TOWNSHIP OF CLINTON

ces:10/10/16