

**CHARTER TOWNSHIP OF CLINTON**  
**REGULAR MEETING OF THE BOARD OF TRUSTEES**  
**MONDAY, MAY 14<sup>TH</sup>, 2018**

|                 |                         |                   |
|-----------------|-------------------------|-------------------|
| <b>PRESENT:</b> | <b>ROBERT J. CANNON</b> | <b>SUPERVISOR</b> |
|                 | <b>KIM MELTZER</b>      | <b>CLERK</b>      |
|                 | <b>PAUL GIELEGHEM</b>   | <b>TREASURER</b>  |
|                 | <b>JOE A. ARAGONA</b>   | <b>TRUSTEE</b>    |
|                 | <b>MIKE KEYS</b>        | <b>TRUSTEE</b>    |
|                 | <b>KENNETH PEARL</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 stated there is one deletion from tonight's agenda:

9. Request Approval to Purchase Replacement Vehicles – Water Department

Ms. Meltzer stated there are five additions to tonight's agenda:

14. Special Land Use: A Therapeutic Massage Facility in the B-2 Community Business District (Massage Ethereal Wellness Spa @ Countryside Plaza): 1.925 acres of land fronting the east line of Hayes Road, south of Amore Drive, addressed as 40120 Hayes Road (Section 18)
15. Fiber Tech Metro Act Permit Request
16. Request by the Habitat for Humanity for Purchase of Township-Owned Lots for Clinton Valley High School
17. Zones 8 and 10 Sewer Point Repairs Scope Changes
18. Request for Closed Session to Consider Legal Counsel's Written Opinion to Acquire by Condemnation Easement on Lipke

Motion by Mr. Pearl, supported by Ms. West, to approve tonight's agenda with the deletion of Item #9 and the addition of Items #14 through #18. Roll Call:

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

**1. REQUEST APPROVAL TO HOST ANNUAL TENT SALE: DORIAN FORD – 35900 GRATIOT**

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter dated April 26<sup>th</sup>, 2018 from Ms. Carolyn Dorian, Vice-President of Dorian Ford, and approve their request to hold their Annual Tent Sale at Dorian Ford, 35900 Gratiot on May 21<sup>st</sup>, 2018 until July 7<sup>th</sup>, 2018, as outlined in the correspondence. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

**2. APPOINTMENT TO THE CONSERVATION COMMITTEE**

Mr. Cannon requested the votes of the Board members, and they were as follows:

|              |              |
|--------------|--------------|
| West -       | Sarah Carter |
| Keys -       | Sarah Carter |
| Pearl -      | Sarah Carter |
| Cannon -     | Justin Kane  |
| Aragona -    | Justin Kane  |
| Gielegghem - | Sarah Carter |
| Meltzer -    | Justin Kane  |

Motion by Ms. West, supported by Mr. Keys, to receive and file the letter dated May 7<sup>th</sup>, 2018 from the Administrative Aide, and appoint Ms. Sarah Carter to the open term on the Conservation Committee, with term of office to expire on November 30<sup>th</sup>, 2020. Roll Call: Ayes – West, Keys, Pearl, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

**3. 2018 BICENTENNIAL FIREWORKS**

Motion by Ms. West, supported by Mr. Aragona, to receive and file the letter from the Recreation Director and approve the 2018 Bicentennial Fireworks to be held at the Township's Fireworks Concert on July 11<sup>th</sup>, 2018, as outlined in the correspondence. Roll Call: Ayes – West, Aragona, Keys, Pearl, Cannon, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

**4. SIGN LOCATIONS FOR SPECIAL EVENTS**

Mr. Keys indicated he spoke with Mr. Pizzo and asked him if they could increase the number of signs south of Metro Parkway, and Mr. Pizzo had suggested Metro Parkway and Gratiot would be a perfect location. He asked the Board's consideration to add that location to the other sign locations.

Mr. Cannon stated that will be a total of seven signs, and he stated other people have been notified regarding the other locations, such as Mr. George, who has no objection to a sign being located near the entrance to George George Park.

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter from the Recreation Director and approve the placement of banners at seven locations throughout the Township to market the Bicentennial Fireworks, Music & Movies in the Park, and the Festival of the Senses, as outlined in the correspondence, with the locations as follows: 1) Gene Rama Baseball Field; 2) Gazebo Area near Romeo Plank; 3) George George Park (near the entrance); 4) Police Station; 5) Metro Parkway at the Township Marker east of Harper; 6) Fire Station #2 on 15 Mile Road; and 7) Metro Parkway and Gratiot. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

**5. APPROVAL OF APPOINTMENT TO OFFICE CLERK II POSITION – CLERK’S OFFICE/ BUILDING DEPARTMENT**

Mr. Cannon stated this is a vacant budgeted position.

Motion by Ms. West, supported by Mr. Gielegem, to receive and file the letter dated May 8<sup>th</sup>, 2018, and concur with the Building Department and Clerk’s Office to appoint Ms. Dana Henry to the budgeted position of Office Clerk II in the Building Department and Clerk’s Office, with an annual starting salary of \$35,112, effective May 17<sup>th</sup>, 2018, contingent upon successful completion of a background investigation and a pre-employment medical examination, including drug test. Roll Call: Ayes – West, Gielegem, Keys, Pearl, Cannon, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

**6. PUBLIC HEARING FOR SIDEWALK PROGRAM IN SMOKLER CLINTON SUBDIVISION AREA**

Mr. Dolan explained the proposed Sidewalk Repair Program. He stated they are proceeding under their ordinance, which is Chapter 1022, Section 11. The ordinance tracks along and follows state law. Townships can undertake assessment procedures to compel the repair and improvement of sidewalks that are in disrepair. Since the recession, they have not been able to continue on the same scale, but they try to work through an area and identify sidewalks within that area that need repair, so they can utilize the services of a contractor who will work on a large scale to help bring down the cost of repairs. The Township, through its qualified personnel, went through the area and identified sidewalks that are a potential risk hazard and need repair. They have been marked and the owners affected have been sent correspondence. The Township Board is being asked tonight to approve going forward and proceeding with the project. The

sidewalks have been marked, and individual property owners will have the opportunity to fix these sidewalks themselves, if they so choose. He strongly urged, however, that people contact the Township to find out what the likely price structure would be in the Township because the contractor engaged by the Township may be able to do it for less since they are working on a large scale. As indicated in the notices that went out, there is an appeal process, so if there are certain circumstances that a homeowner feels are unique to the property and merit relief because he/she does not feel a repair is necessary, that homeowner can choose to take that route. Mr. Dolan explained this is a reactivation of a program that occurred years ago, and they are attempting to address a larger area, so they can provide for repairs that will add value and safety to the properties in that area, and because they are doing this on a large-scale basis, it can be done in a more economical way.

Ms. Bednar stated this project was bid out to a contractor last fall, and for this portion of the project, they are looking at \$7.56 per square foot. A typical slab of sidewalk is 5 feet by 5 feet or 5 feet by 6 feet, so it would range from \$189 to \$227 per slab. If the Board votes tonight to move forward with this project, they will be sending out a letter to the homeowners with that cost, as well as the appeal process. Per statute and ordinances, once the letter is sent out, the homeowners have seven days to request an appeal, and they are anticipating the appeals meetings will be after the Memorial Day holiday.

Mr. Cannon felt the contractor's price will be better than what people can get on their own. He added that the Township also gives homeowners five years to pay it off at 0% interest.

Ms. Meltzer stated that, since this is an open meeting, she read a letter of opposition into the record from a resident, Mr. Jack Giasone, who could not be present.

Mr. Pearl inquired as to when the Township last took part in this program.

Ms. Bednar stated they have been doing sidewalk repairs through the Community Development Block Grant program throughout the years, but the last time they had a formal program like this has been about ten years. This project in this neighborhood was initiated by a resident who had put in a complaint of numerous trip hazards and were concerned when they were walking in their subdivision. That complaint is why this is the first neighborhood being proposed since the program has been reinstated.

Mr. Cannon stated they had two choices and could either send the Building Department out to issue violations of all those names and addresses on the list, and they would have had to do the repair on their own within a month at whatever price it would cost them to hire a contractor. They chose the method of

sending their inspectors out to mark the sidewalks and notified those in need of repair

Mr. Dolan was aware that a lot of people are questioning “what about the roads?”. He noted the Township has had many discussions on roads, and he provided some information on the roads and how they are maintained. He explained the Township does not have jurisdiction over the roads, and they are either under the Michigan Department of Transportation, which includes major roads such as Gratiot, Groesbeck and Hall Road, and the remainder are under the jurisdiction of the Macomb County Department of Roads. The problem is that, although the Township does not have jurisdiction over the roads, the gas tax money, under Act 51, provides that, for the repair and replacement of roads, there must be a match from another source. He added that, even though the Township is not set up to receive the gas tax money, the County must get another source to contribute to the repair and replacement of the roads. He stated they have been trying to utilize, on a project by project basis, some revenues they have found to try to apply toward that situation, as well as the Special Assessment process, which is like the sidewalk assessments. He noted there is a bias on the gas tax that has existed for decades, and it hurts communities like Clinton Township, Macomb County and southeast Michigan, because the money is distributed based on the length of the roads. He pointed out that the two-lane roads in northern Michigan are getting the exact same amount of money as roads like 19 Mile Road that are four or five lanes, or Garfield which is a four-lane road with a center turn lane. The Township, although they do not have jurisdiction over the roads, has continued to work hard on the road issue. Mr. Dolan emphasized the sidewalks are different, and they do have jurisdiction and responsibility, and the method selected is the most cost-effective method to bring the price down for individual homeowners.

Mr. Pearl questioned whether the Township is liable to pay any claims once they are notified of the hazardous condition.

Mr. Dolan stated there is the Governmental Torte Liability Act in Michigan that obligates municipalities to have those sidewalks maintained in reasonable repair. Certain notices are required, and certain defenses apply, and there is a concern of the taxpayers as a whole for the Township, but for the sake of public safety, they would like to get the sidewalks fixed.

Mr. Pearl stated he has received many complaints from residents who want their sidewalks fixed. He explained he manages several residential apartment complexes and pays tens of thousands of dollars a year because inspectors write up their sidewalks. It is costly, but he agreed the way it is being proposed by having one contractor bid on it is much cheaper. He admitted no one wants to pay for this, but there is some liability. He added that there are many lawsuits each year related to sidewalks and injuries, and even though the plaintiffs may

not win, there is a lot of money that must be paid for lawyers. He reminded that there is a review committee set up for residents who wish to appeal, so he hoped that will diminish the cases where there is a hardship. He noted that the Township has spent a lot of federal dollars where allowed in the replacement of sidewalks.

Ms. Meltzer stated a resident in the audience questioned whether they can replace the sidewalks themselves, and whether there is a restriction on that.

Ms. Bednar explained the letter going out has a question-and-answer section, and one of the answers addresses that question. She replied residents can replace their own sidewalks, but they must pull a permit from the Building Department, so they know it is being properly taken care of. She indicated residents can do it themselves or hire their own contractor.

Ms. Meltzer inquired as to the cost of the permit.

Ms. Bednar replied she does not know the fee, but it is reasonable.

Mr. Don Harris, 15862 Touraine Court, Clinton Township, Michigan 48038, received a notification and questioned whether all sidewalks in the entire subdivision were evaluated.

Mr. Cannon replied no.

Mr. Harris stated he is not complaining about the one sidewalk section that has a crack, but he claimed the rest of them are not in disrepair. He questioned whether they are going to raise them, or whether they intend to replace them all. He has a lot of squares marked that he claimed are at the same height they have been for thirty years. The asphalt is still there from the last time and is in good shape.

Ms. Bednar explained that asphalt is a temporary repair, and most likely the entire slab will need to be replaced. She added that they sometimes must replace several slabs to ensure the proper grade. She noted the sidewalks were marked as to what they anticipate will have to be removed, but the contractor may look at it and determine they need to remove a little more or a little less, so it is just an estimate.

Mr. Harris stated he has lived at this location for 31 years, and he agreed some of the sidewalks in their neighborhood are dangerous, but he complained most of marked sections have nothing wrong with them. He also expressed concern that the new cement will not last as long as the cement that was used years ago.

Mr. Dolan noted that those questions are specific to his lot, and he suggested Mr. Harris go through the appeals process, where there will be three individuals who will look specifically at his sidewalk and the conditions that affect his property. He explained the Board is looking at the program tonight, and specific concerns should be addressed through the appeals process.

Mr. Harris questioned why the entire subdivision was not involved in this and certain areas are being “over scrutinized”.

Mr. Dolan assured they walked the entire area and marked the sidewalks they felt needed repair.

Mr. Peter Grippe, 41142 Cimarron, Clinton Township, Michigan 48038, questioned why they cannot grade the sidewalk by using a machine to grind it down. He noted that his sidewalk has been the same for over 30 years, and he claimed if they tear out one section, they will have to tear them all out.

Mr. Dolan advised that Mr. Grippe can appeal, and they will look at his individual situation. He noted grinding has been done in some cases, but it is generally not a solution that works in most cases. He clarified that he cannot speak specific to Mr. Grippe’s situation.

Mr. Pearl inquired as to whether the Township looked at leveling as an option.

Ms. Bednar replied they looked at complete replacement rather than grinding the existing cement. They do not consider grinding an option because it tends to change the integrity of the cement.

Mr. Pearl stated the Township talked about leveling years ago and he is glad they did not do it. He noted he did it once years ago and they all cracked. When they drilled the one-inch holes to put in the concrete and raise the slab, it looked great for the first couple of years, and then it all cracked and became worthless. He had to replace it all, so he paid twice.

Ms. Meltzer recalled the requirement that a tree be placed in the easement, and she was opposed to it but was required to plant it. About thirty years passed, and the sidewalk in front of that tree had come up because of the roots. It is the Township’s mandate to plant the tree, yet it was the roots that caused the damage to the sidewalk. She then had to replace the sidewalk at her cost. She questioned whether there is any recourse for anyone whose sidewalk is in disrepair due to roots from a tree.

Ms. Bednar explained that, as part of this project, any roots that may be under the sidewalk will be removed, but there is no recourse for tree removal.

Ms. Meltzer inquired as to whether there is still a tree mandate, and whether the trees will be required to be replaced.

Mr. Dolan replied there is not a tree mandate in place, and he explained years ago, developers would plant trees, often of a variety that would grow fast, but could also end up having shallow roots. The types of trees allowed today are not what was allowed years ago. When a person buys a house, they assume all the responsibilities of that house. The Township does not grant an exception for sidewalks that are raised by trees.

Ms. Meltzer inquired as to whether the tree must be replaced.

Mr. Dolan replied if the tree is removed, the Township does not require that the tree be replaced. He stated it would be a huge project to get the both the tree and stump out for most of the trees in that neighborhood.

Mr. Aragona questioned whether the sidewalks were measured when the staff went out, rather than just determined by looking at them.

Ms. Bednar replied when the staff walked it, they were looking for anything with a deviation of 1-inch or more. They also looked at cracks that could be considered a trip point, and where water may settle and then freeze in the winter.

Ms. Andrea Goudie, 16296 Picton Court, Clinton Township, Michigan 48038, received a notice. She complained that she is already paying \$13,000 to have their road fixed, for which they do not have a date when that will begin. She noted it has been five months. She pointed out where her sidewalk is raised is directly adjacent to the approach that will be replaced. She indicated she will not be spending money to replace a sidewalk when they will be tearing up and replacing the approach. She understood safety hazards, but she has lived in her house for nine months and stressed she is not “putting another dime” into something that will be destroyed when they eventually repair her road. She questioned whether the Township will be responsible for her sidewalk if they ruin it while they are tearing up and replacing her approach as part of the road repairs.

Mr. Cannon stated she would not be responsible to replace the sidewalk once again if damage to the sidewalk was incurred as part of the road repairs. He encouraged Ms. Goudie to file for an appeal and have the committee look at it.

Mr. Dolan advised Ms. Goudie to watch for the notice in the mail, and file for an appeal right away.

Mr. Ashley Campbell, 41670 Amberly, Clinton Township, Michigan 48038, complained that he has lived at this address for two years, and the roads are terrible. He appreciated Mr. Dolan explaining the process and responsibility for road repairs, but he questioned the boundaries of Clinton Township, and complained the only subdivision under scrutiny is Smokler-Clinton.

Mr. Cannon reminded that they are starting with Smokler-Clinton Subdivision because someone from that subdivision came forward and filed a complaint about a list of addresses.

Mr. Campbell felt that choosing to send out these letters to only one subdivision is wrong.

Mr. Cannon reminded residents can go with this program and the Township's contractor, or they can choose to select their own contractor or fix their own sidewalks.

Ms. Bednar replied to inquiry that the contractor is Audi Construction, and they have done this in several communities. She reminded that a little over a month ago, they were before the Board, and when this project was bid out, it had two sections, including this area and a "miscellaneous" area throughout the Township. The cost is quite a bit higher for the second area because the contractor will have to move to all different locations, but those were severe defects that needed to be looked at.

Mr. Cannon stated that if another person came in from another subdivision and filed a complaint with the same type of list, the Township would go out and check those properties, and next year, they would be doing the same thing with that subdivision.

Mr. Campbell inquired as to the date that they plan on doing the repairs.

Ms. Bednar replied they anticipate starting in mid-June, although she believed they are starting with the "miscellaneous" part of the program. She added that they will let the Township know thirty days in advance, so she estimated they will start in mid- to late-June.

Mr. Dolan advised that when residents get their notice that explains their appeal rights, they should look at the date on the top and mark their calendar for thirty days from that date. Residents should get their work done within that time if they want to have it done on their own. He noted it may take some time beyond that for the contractor to get in their and work on all of them.

Mr. Campbell stated he feels offended that his subdivision was “picked on”. He felt “swindled”, and he assured that he is not trying to insult the integrity of the people who are doing the work, but he did not feel the Township is sticking up for its residents who must foot the bill when they already pay taxes.

Mr. Rick Nicoletti, 41736 Amberly, Clinton Township, Michigan 48038, stated he has no problem with a lot of the sections marked up for repair, but he complained about the section where the sewer sunk.

Mr. Cannon assured that will be looked at very seriously by this appeals committee.

Ms. Bednar clarified that committee does not have any Public Works employees who did the marking. The Board purposely created this committee to have the Building Superintendent or his representative, the Assessor or his representative, and someone from their Water Division. Those who appeal will be explaining it to a group other than the ones who made the decision to mark it in the first place.

Mr. Garret Brubaker, 41575 Cimarron, Clinton Township, Michigan 48038, questioned how the cost will be passed on to the residents, and whether it will be in their taxes or mailed as a bill.

Mr. Dolan explained the residents will receive a bill once the work is complete. They have the option of paying it off at that time, or they can pay it in five equal installments. If they fail to pay, it will be added to their taxes at the same interest and penalties as unpaid taxes. He indicated they will most likely not want to let that occur.

Mr. Brubaker stated he had his sidewalks and driveway done two years ago. He has two of his sections marked, and the problem he has is there are no cracks in it and it lines up perfectly with the rest of his sidewalk, although it is at a slightly different grade than his neighbor’s sidewalk, which is also marked. He assumed when his neighbor’s concrete is replaced to fix the dip, it will be level to his sidewalk.

Mr. Cannon encouraged Mr. Brubaker to appeal.

Ms. Bednar advised the letter the residents will receive regarding the number of slabs specifies that is an approximation. She indicated they may have to remove one of Mr. Brubaker’s sidewalk sections to make the sidewalk match and that is why they must look at it.

Mr. Charles Parisi, 41702 Westmeath Circle, Clinton Township, Michigan 48038, questioned why the Township is not paying for part of the sidewalk.

Mr. Cannon stated they will be paying the bill and will then be collecting from the residents.

Mr. Parisi complained that the Township is not pitching in.

Mr. Dolan explained they are utilizing a process in the Code of Ordinances, which follows state law and provides the same way in which sidewalks can be repaired. He felt the Special Assessment process is one of the most utilized methods for this type of repair. He noted they can use this Special Assessment process for improvements and repairs such as sanitary sewer lines, water lines, paving, storm drainage, etc. This is a long-standing, heavily-utilized process for putting in improvements adjacent to and benefit a specific property. This is the way these types of public improvements have historically been paid for in the State of Michigan. He explained the road right-of-way, noting they try to put in the sidewalks so there is about six inches to a foot toward the house of continued right-of-way. He stated the right-of-way is a property interest that the County has for the road and other public utilities. He indicated Mr. Parisi's attorney can probably explain it to him and offered to talk to his attorney if Mr. Parisi wants to have him call.

Mr. Parisi asked whether the Township could do the work rather than hiring a contractor.

Mr. Cannon replied the Township does not have the staff to do a project like this.

Mr. Parisi stated he has observed the Township working on this type of project.

Mr. Cannon clarified the Township can do small projects.

Mr. Dolan agreed with Mr. Cannon, confirming that the Township does not have the staff to handle a project of this size. He noted their contractor has done similar work in other communities. He explained that a lot of neighboring municipalities such as Roseville, Sterling Heights and St. Clair Shores, run these programs every year and have hired contractors to do these repairs, with the residents paying for them. He pointed out by the Township hiring contractors, they can hopefully get the residents a lower price.

Mr. Parisi stated he will appeal. He explained that the residents put the trees in in 1976, and they were not planted by the developer.

Mr. Dolan commented that back then, there was not as much attention paid to what the trees would look like in thirty years.

Mr. David Figlioli, 41264 Dunboyne Circle, Clinton Township, Michigan 48038, stated he had a huge maple tree, and the surface roots are in his backyard. He has a quote for work to be done, and it includes dragging the tree roots to a point where they can level the slabs and not have this occur again. He inquired as to whether the Township's contractor will cover the taking away of the roots.

Ms. Bednar confirmed that their contractor includes the grinding of the roots in the quoted price.

Mr. Pearl inquired as to how the prices compare.

Mr. Figlioli replied that he has a lump sum price from his contractor, so he would have to calculate the breakdown. He stated the quote is for \$1,500 and that includes everything. He explained the Township marked only six slabs, but he is going ahead and having them all replaced.

Ms. Bednar reminded that this is just an estimate, but if they marked six slabs, they may end up having to take out eight; however, she indicated the scope will not change to the point where they must take them all out.

Mr. Figlioli suspected the roots are what is causing the problems with the sidewalks. He pointed out that the street is sunken in.

Mr. Kenneth Lenz, 16408 Alliston Street, Clinton Township, Michigan 48038, stated he has two slabs market but he suspected it will be more like four or five. He stressed that if there is any further damage to the trees because of the contractors replacing the sidewalk portions and grinding the roots, he does not want to be responsible for removing the damaged tree.

Mr. Dolan responded that the tree is the responsibility of the property owner.

Mr. Lenz did not feel that is fair if the removal of the tree is necessary due to damage caused by the Township's contractor.

Mr. Cannon suggested that Mr. Lenz hire his own contractor if he is concerned about the Township's contractor.

Mr. Dolan clarified that the homeowners are responsible for their own trees because when they purchased the house, they are in place of a previous owner who may have planted the tree. The homeowners have the responsibility to

maintain their sidewalks in front of their homes. He assured the Township is trying to do the best they can to come up with a plan to make this process as painless as they can even though there is money involved.

Ms. Bednar reiterated that they will not be able to provide an exact number until the contractor is there, so it is considered an estimate.

Mr. Lenz complained about the condition of the roads.

Mr. Cannon explained the Township partnered with the County and did the roads in the Smokler-Clinton Subdivision from the entrance to the elementary school. He stated that road is in good shape. As far as the other roads, there is a petition for a Special Assessment District and they were able to obtain a 50% match from the County. Those interested in starting a Special Assessment District need to pick up the forms from the Clerk's office.

Ms. Bednar stated Picton Court is being engineered and reviewed by the County and will be bid out soon.

Mr. Scott Chabot, of AEW, explained they currently have estimates for Alliston, Cobham and Kentvale.

Ms. Bednar explained that if someone comes in and would like to obtain a petition to establish an SAD District, they can come in and request a form, and Engineering will provide them with an estimate. Once they have the estimate, they can decide whether to circulate the petition.

Mr. Lenz questioned whether the County is still offering a match for SAD's.

Ms. Bednar replied Macomb County is the only county that offers the match. Each year when they work on their budget, they have been able to continue that match program. She hoped they will continue.

Mr. Lenz inquired as to how the residents will receive their bills.

Ms. Bednar explained a bill will be sent, and if the homeowner opts not to pay it, the amount will be placed on their tax roll. She added there is a five-year payment plan as well.

Ms. Nancy Bianchi, 41210 Cimarron, Clinton Township, Michigan 48038, inquired as to whether the pricing is based on a competitive bid.

Ms. Bednar replied affirmative.

Ms. Bianchi inquired as to what guarantees come with the contractor's work.

Ms. Bednar replied they have a two-year performance bond.

Ms. Bianchi confirmed that her sidewalk has cracks, but no trip points or flooding, so she will be seeking an appeal. She also confirmed she has no tree roots pushing her sidewalks up.

Ms. Bednar replied they marked sidewalks having a 1-inch trip point, cracks, roots, etc.

Ms. Bianchi inquired as to whether they went through the entire subdivision when marking the sidewalks.

Ms. Bednar reiterated that this was done based on complaints they received, and they then went to the surrounding streets. She pointed out that there are several different platted subdivisions in that area. She cited some of the streets on which sidewalks were marked, including Cimarron, Bayham, Thunder Ridge, Touraine, Sigwalt and Cox.

Ms. Bianchi could not understand why one side of the street was marked and the other side was not marked.

Mr. Charles Pratt, 15855 Powell Drive, Clinton Township, Michigan 48038, agreed that the sections of his sidewalk that are marked need repair, and he is looking forward to them being fixed. He inquired as to the warranty.

Mr. Cannon replied there is a two-year warranty.

Mr. Dolan explained that obtaining any type of extended warranty on paving is very difficult, and that is the way underwriters treat the risk. He assured even getting two years was difficult.

Mr. Pratt recalled when this was done on another street where he lived in another community, the contractors left a huge mess when they were done, and he was told that was his job to restore everything.

Mr. Chabot assured that, as a condition of the bid documents and the contract, it is the contractor's responsibility for project clean-up and restoring it to the original condition. They will not be allowed to leave debris or construction materials lying around, and there is a retention held on the project until they meet all the specified criteria.

Motion by Mr. Gielegghem, supported by Mr. Cannon, to authorize continued proceedings for the Sidewalk Program in the Smokler Clinton Subdivision area to continue the project as presented. Roll Call: Ayes – Gielegghem, Cannon, West, Keys, Pearl, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

Mr. Cannon thanked the residents for attending and understands there has been a lot of confusion about this process. He noted there may still be questions, and he assured the Township will do everything possible to answer those questions. He felt this is a better option than individually issuing homeowner's violations and forcing the residents to remedy the situation themselves within thirty days or face going to court. He stated he appreciated that everyone was so courteous this evening during the discussion.

Ms. Meltzer echoed Mr. Cannon's sentiments and appreciated the residents' professionalism and courteousness.

## **7. REQUEST TO AMEND BUDGET FOR TOWNSHIP SIDEWALK PROGRAM**

Mr. Gielegghem stated he reviewed this earlier today and discussed it with Mr. Chabot and Ms. Bednar. He noted there are two components to this project, with one of those being the actual construction. They are doing more work involving more square feet, so he understood the cost will rise. He calculated the construction costs alone will cost 5.43% more. He noted there was an increase reflected for the contingency and engineering components, which went from \$44,951 to \$49,906, which equates to an increase of 11.02%. He questioned why the construction costs went up 5.43%, but the engineering and contingency went up 11%. He further questioned whether there is some increased cost in the shift-over from one engineering firm to the other engineering firm.

Ms. Bednar replied that Mr. Chabot has been very involved in this project, noting he walked the site, bid the site, designed it, etc., and when they had the discussion at the last Board meeting regarding the two engineering consulting firms, there was a list given to the Board showing the projects and who would take over those projects. Because of Mr. Chabot's familiarity with this project, and the fact that he was the only one from Giffels working on this project, she made the decision to have him continue to work on this because of his familiarity with it, having already worked with the contractor. Ms. Bednar explained that Giffels contract for the contract administration was 1% and Anderson Eckstein and Westrick's (AEW) is 2% as agreed to by the Board and those are 2010 standards based on what AEW bid back in 2010. She noted that comes up to a difference of \$3,200 but the bulk of it is because they have added to the project itself. She noted they are here to talk about the change order and budget amendment, pointing out that many years ago they established a policy for change orders where, if it is an emergency, she can approve it in the field and

bring it to the Board after the fact. She explained in this case, the project has not officially started, so they wanted to bring it to the Board first.

Mr. Gielegem stated the figure he does not have is the contingency and engineering costs under the old proposal.

Ms. Bednar stated that a copy of the Giffels contract was provided to the Board at their last meeting, as well the AEW fees. She recalled the engineering for Giffels was set at 3%, although she would have to go back to the contract to confirm that amount, but that has not changed. The contract administration is still based on that original bid, not the increased amount.

Mr. Gielegem understood the Township needs to protect themselves from liability over the course of the construction season. He acknowledged it is great that the new engineering firm honored their prices from 2010, but if the construction costs are going up due to increasing the scope of the work, rising at a rate of 5.43%, he felt the engineering and contingency costs should not be going up at 11%. He pointed out that part of the engineering contingency is 10% of the total bid, so he understood that is going up at the rate of 5.43%. He commented that is why the Township goes out for bid. Based upon this, he would like to move to approve this project at a total cost of \$385,916.36, with contingency and engineering costs not to exceed \$47,391.96.

Motion by Mr. Gielegem to approve the 2017-18 Clinton Township Sidewalk Repair Program's proposed budget amendment at a total project cost of \$385,916.36, with contingency and engineering costs not to exceed \$47,391.96. Discussion ensued.

Mr. Pearl inquired as to the amount of the 1% increase from Giffels to AEW.

Mr. Gielegem replied the total difference between what he is suggesting they pay is a difference of \$2,514.45.

Mr. Pearl inquired as to whether that is the cost difference.

Ms. Bednar replied it is not, and from the 1% to the 2% for the contract administration, she noted that they have already spent 3% with Giffels, which is \$9,632 for engineering alone. She stated this is the first time she is hearing the numbers referred to by Mr. Gielegem, but the difference in changing from Giffels to AEW is \$3,210.79, and that amount was sent in an email to the entire Board. She clarified that is the difference from 1% to 2%, and it is taking the original bid. If Giffels would have done the entire contract administration, they would have charged approximately \$3,210, but because the original bid is now being used by AEW, it is 2%, which is approximately \$6,420. The difference is \$3,210 because that is based on the original bid amount. The 10% contingency

is based on the new amount. She clarified this is not the actual price but is only a budget amendment and is meant to give a projection forward of where they anticipate they will be. She assured they will come back to the Board once the project is complete to let them know where they are.

Mr. Gielegghem felt if the construction costs are going up from \$321,000 to \$338,000, it is a total percentage change of 5.43%, and if the contingency part, which is set at 10%, is going up, the total increase is \$17,445.05, so 10% of that is only increasing by \$1,744.50, so the remainder of the increase is for engineering costs. If they were to take the increase at the same rate for contingency and engineering as there is for construction and scope of work, it would equal \$385,916.36, for a difference of \$2,514.45.

Mr. Pearl stated they are talking about the same thing.

Mr. Gielegghem stated his motion is limiting the cost of the contingency and engineering to the same rate that has increased for construction.

Mr. Pearl understood Mr. Gielegghem's point, and if they used Giffels, the total cost would be approximately \$2,500 less, but since they are using AEW, it is more.

Mr. Gielegghem stressed the engineering cost should not be increasing by 11% when the scope of the work is increasing by 5.43%.

Mr. Pearl understood Mr. Gielegghem's calculation. He explained he has dealt with construction for forty years, and the basic problem is because the job has now been given to a different engineering firm, and their rates are different. He noted that Ms. Bednar made that decision based on personnel and other reasons, and that is her prerogative, noting the Board gave her the choice at the last meeting.

Mr. Gielegghem clarified he voted in favor of it at the last meeting because he wanted Ms. Bednar to have the choice, but he also wants to make sure costs are limited. He added he had asked for this to go out for bid.

Mr. Pearl stated while he has no problem with this going out for bid, he does not agree that professional services should always go to the lowest bidder. In his experience working for his company and with the Chippewa Valley Schools, they hired a lot of engineers and a lot of architects. One of the biggest problems was that, while they may save a little in engineering fees, the job could cost more because it was late or there were problems. He stated he was on the Sewer Committee in the Township for years, and he cited some of the problems they had with their representative before they let him go. He cautioned the reason the fees can be a little more is because the representative is backed up by the

company and they are not left hanging. He stressed they must be able to trust their engineering firm and know they are getting the right information. If it is not done right and the Township is given the wrong information by their engineering consultant, they could be putting lines in the ground that are undersized or installed wrong. He stated he does not have a problem going out to bid again for an engineering firm at some point, noting they must be properly validated. In this case, he pointed out that Ms. Bednar made the decision based on personnel that was doing the work. If someone else is brought in that is not familiar with it, it is not worth the \$3,000 savings.

Mr. Gielegem assured he is not trying to determine which engineering firm is chosen, but he is limiting the cost of the engineering and contingency to the same percentage of the increasing construction costs for the scope of the work. He noted if there is value in having continuity in the person doing this, then that should be reflected in the contingency cost, and that cannot exceed 10%. He clarified that the experts can choose the firm, but he is suggesting the Board limit the cost because he felt that is an important consideration.

Mr. Pearl pointed out there is a contract with AEW that specifies 2% administration, whereas Giffels specifies 1% for administration. If AEW is going to do the work that is the amount they are going to get according to the terms of their contract. He clarified that the contingency is a certain amount that is going to be set aside, but it may not be spent. Mr. Pearl stated he does not see where the Township is paying more other than the 2%, which they agreed to by accepting AEW's contract at the last meeting.

Mr. Keys inquired as to whether Mr. Chabot is here representing AEW.

Mr. Chabot replied affirmatively.

Ms. Bednar replied to inquiry that there is no representative here tonight from Giffels.

Mr. Keys stated he would like to **support the motion on the floor** that was made by Mr. Gielegem.

Mr. Cannon indicated he had asked Ms. Bednar the difference between the 1% and the 2% and why she chose the firm she did, and she had indicated that, in the end, it will cost more to do the project if it is not done this way.

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

Motion by Mr. Cannon, supported by Mr. Pearl, to receive and file the letter dated May 9<sup>th</sup>, 2018 from Mr. Scott J. Chabot, Senior Project Engineer, Anderson, Eckstein and Westrick, Inc., and to approve proceeding with the 2017-18 Clinton Township Sidewalk Repair Program and approve the budget amendment as presented. Roll Call: Ayes – Cannon, Pearl, West, Aragona, Meltzer. Nays – Keys, Gielegghem. Absent – None. Motion carried.

**8. REQUEST APPROVAL TO ATTEND TRENCH RESCUE CLASSES**

Motion by Ms. West, supported by Mr. Gielegghem, to receive and file the letter dated April 30<sup>th</sup>, 2018 from the Clinton Township Fire Department's Chief of Training and approve the requests for Matthew Myers and Brandon Murphy to attend conferences for MUSAR Trench Rescue Operations and Trench Rescue Technician training as outlined in the correspondence. Roll Call: Ayes – West, Gielegghem, Pearl, Cannon, Aragona, Meltzer. Nays – None. Absent – Keys. Motion carried.

**9. REQUEST APPROVAL TO PURCHASE REPLACEMENT VEHICLES – WATER DEPARTMENT**

This item was deleted from tonight's agenda.

**10. REQUEST APPROVAL TO ATTEND MWEA ANNUAL CONFERENCE**

Ms. Bednar stated the total cost for this conference is \$1,226.93 and has been budgeted.

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter dated May 14<sup>th</sup>, 2018 from the Director of Public Services, and approve the request for the Assistant Water & Sewer Superintendent to attend the annual in-state 2018 Michigan Water Environment Association Conference to be held at Boyne Resort, Boyne Falls, Michigan from June 24<sup>th</sup> through 27<sup>th</sup>, 2018, which is budgeted. Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

**11. PURCHASE OF A FOUNTAIN FOR THE 9/11 MEMORIAL COURTYARD FOR CLINTON TOWNSHIP'S BICENTENNIAL**

Ms. Meltzer stated they received clarification on the letter that the foot basin will be circular and not rectangular.

Mr. Keys stated he has a couple of concerns about this item. He found the Festival of the Senses Committee had been working since 2007 to put on the festival, as well as collect sponsorships and funds to put on the festival. When he came into office, he explained he worked with his fellow Trustees to move the

Festival of the Senses farther away from the Committee to the Parks & Recreation Department because they realized that the Trustees Department, with only one employee, did not have the resources to continue helping with the program. The festival was moved over to Parks & Recreation, and the money that was collected by the Committee had been sitting in a Trusts & Agency Account. The Committee members were very concerned that if they gave up any control of the festival, the money would be spent without their consent. Mr. Keys stated he worked with them to start to draft a Resolution that would start an Art Committee, comprised of more than the Festival of the Senses Committee, and would represent the entire Township in the interest of art. He worked with Mr. Dolan, who advised him to go out into other communities to see what they have done. He indicated he met with representatives from Sterling Heights, Roseville and Eastpointe, looked at their model resolutions, and has been working with the Administrative Aide to bring this forward. Mr. Keys felt when it comes to art in the community, they should be inclusive, and that includes talking with members of the entire community and not just those who work at the Civic Center and a select few committee members. He was also concerned that they just received this three days ago, and they have no invoice, documentation, maintenance plan and associated costs, and no contact information for the artist from Colorado. He noted they have no way of looking into the artist and finding out more about him. Mr. Keys explained that, since they were only given the three days, he assumed it came from the line item already requested in the budget by the Supervisor on the bicentennial events, so he apologized that his concern is being brought up late. He felt the Board should hold off on acting on this and recommend that the Festival of the Senses Committee meet again to see what they have to say about this. He clarified that “inclusive” means they should sit down and come up with a way to make sure people can enjoy the investments of the Township, even if they are not at the Civic Center. He felt those residents who live south of 16 Mile and do not come out to the Civic Center on a regular basis deserve art, too. He suggested they set up a process that includes the residents in the south end of the Township. He appreciated the recommendation of the Budget/Ways & Means Committee but requested this be postponed so they can better gage the response from the Festival of the Senses Committee.

Motion by Mr. Keys, supported by Mr. Gielegem, to postpone until the next Township Board meeting further consideration of the request to purchase a fountain for the 9/11 Memorial Courtyard for Clinton Township’s Bicentennial, as outlined in the letter dated May 11<sup>th</sup>, 2018 from the Budget/Ways & Means Committee. Discussion ensued.

Mr. Cannon stated he is happy with what the Committee, comprised of several individuals who used to be on the Festival of the Senses Committee, has proposed. He explained that committee was headed up by Township employees who used company time to put those funds together that are now in a Trusts & Agency Account that must have Board approval rather than a committee

approval. He commented it is a very nice piece and was selected because of the ease of maintenance. He pointed out the three columns represent the three branches of the Clinton River. Mr. Cannon noted the Township does not have a lot of art, but this is a nice way to start.

Ms. Bednar stated her department was very involved in this, and when looking at different fountain ideas, they came to the same artist because of the ease of maintenance. She added that the Trusts & Agency Fund has approximately \$30,000 and this proposal will cost only \$13,500. It was discussed at Budget/Ways & Means that there is money remaining that could be spent for art in other parts of the Township, and this would be considered the “kick-off piece”.

Mr. Cannon stated he will entertain the motion to postpone, but he indicated he will be voting no on it.

Mr. Gielegem expressed concern that they will act on certain parts and talk about doing “the other part down the road”, when the “other part” often does not get looked at. He supported a postponement, so they have time to come up with an actual plan where they can serve the entire Township with the allocation of dollars they have.

Mr. Cannon pointed out this will serve the entire community because it is the Township’s Civic Center, which belongs to everyone.

Ms. West noted the “committee” is semi-disbanded, but some of the members are still around. She commented that this is a beautiful piece, and she will be supporting the motion on the floor because she felt other people need to be brought into this. She mentioned this at Budget/Ways & Means and felt it is important to get the art and get input from others. She suggested possibly one of the committee members may have someone in mind who does this type of art here, and it would be nice to say the art piece was designed by someone from this area.

Mr. Pearl stated he can see both sides, and if Mr. Keys wants to put together another committee and spend the rest of the money on artwork, that is fine. He has observed a lot of communities, including Sterling Heights, that have most of their artwork around their Civic Center. He pointed out there is a lot of work that has gone into this, and he felt they should go forward with this and can consider having a committee to look at other projects in the future to serve the entire Township. He maintained that this piece will serve the entire Township because it is at the Civic Center.

Ms. Meltzer questioned whether they can earmark the remainder of the money in the Trust & Agency account for an art piece in the south end of the Township. She felt a committee could be formed and may consist of some of the former

committee members, but she stressed it is important to include the entire Township. She felt, however, that it is important to vote on this issue tonight.

Mr. Cannon stressed that this is one Township, and there is not a separate “north end” and “south end”. He pointed out that when they planted trees in the community, they planted them all in the “south end” because that is where they belong. He felt the proposed art piece belongs at the Civic Center.

Ms. Bednar cautioned that they need to decide because if they are going to try to have a dedication for the bicentennial, they have a deadline. She pointed out they do not want to dedicate a fountain at Christmas when they cannot have the fountain on. She clarified that she was not on the committee, but she pointed out that the Festival of the Senses is held on the Civic Center property, and this is for art work here at the Civic Center. She agreed it is a great idea to have art work throughout the Township but felt this fountain should be at the Civic Center. She mentioned the original idea was to have the fountain out by the flag football area, but it would be difficult to mow the grass around it, so she felt the proposed location is a good compromise.

Mr. Keys stated he met with the committee about four or five times as he was trying to get this turned over to the Parks & Recreation Department. He indicated the committee wanted the money for an art scholarship fund. He claimed he brought up the idea to them that they could do that or purchase a piece of art for the Township.

Roll Call (to postpone this until the next meeting): Ayes – Keys, Gielegem, West. Nays – Pearl, Cannon, Aragona, Meltzer. Absent – None. Motion failed for lack of votes.

Motion by Mr. Cannon, supported by Mr. Pearl, to receive, file and concur with the letter dated May 11<sup>th</sup>, 2018 from the Chairperson of the Budget/Ways & Means Committee and approve the request to purchase a fountain for the 9/11 Memorial Courtyard for Clinton Township’s Bicentennial, utilizing funds from the Trusts & Agency Account held for the Festival of the Senses, from the proceeds of the festival from 2007 through 2016, not to exceed \$13,500, as outlined in the correspondence. Discussion ensued.

Ms. West inquired as to whether they could request the Art Committee members attend the next Township Board meeting to thank them for raising the \$30,000 but to show them what it looks like.

Discussion took place regarding whether there is an “Art Committee”.

Ms. West indicated she will be requesting that this be on the next agenda.

Mr. Keys clarified his position on the motion, stating he will be voting no. He questioned whether the \$10,000 already allocated for the bicentennial is being spent on the Civic Center.

Mr. Cannon stated that amount includes the flags and poles for the Civic Center, as well as the Fire Halls and the Police Department.

Mr. Keys felt these banners should be spread out, noting they are not seen on Gratiot, and there are only a couple at the Police Department. He urged the bicentennial event and its excitement be spread throughout the Township, including the south end.

Roll Call (to approve the purchase): Ayes – Cannon, Pearl, Aragona, Meltzer. Nays – West, Keys, Gielegem. Absent – None. Motion carried.

## **12. REQUEST TO ADOPT RESOLUTION ESTABLISHING FEES FOR RACES AT THE CIVIC CENTER PARK**

Ms. Meltzer stated this is relating to 5K races, and Ms. Bednar has put a lot of time into this.

Ms. Bednar explained the Building Committee met and they have had several people approach them to hold 5K races, and these races require staff time and Township cost. They do not have a fee schedule for a 5K, although they have fee schedules for pavilions and other rentals of the grounds, including AYSO events, where it is a certain amount per player. The Building Committee met and looked at what other communities were doing, and they also looked at the Township's actual costs. They created a Resolution to establish a fee. She explained the fee would be \$400 for any races on Mondays through Saturdays, and \$500 for races on Sundays, and they would require a \$1,000 deposit to ensure there is no damage to the Civic Center grounds. The agencies holding these 5K's are usually volunteer and the deposit would be 100% refunded. The Resolution also includes the requirement that they must have a Base A rated insurance policy with the Township named, which covers the Township's liability. This recommendation is based on their actual staff time and what other communities are doing.

Mr. Aragona stated that, while he appreciates all the work she put into this, but he will be voting no on this motion. He felt it is a very good idea to have an insurance bond in place to cover liability, and he added it is a good idea to have a fee for a deposit, which these groups can get back. He added he would even support that amount being increased to ensure the beautiful Civic Center grounds are not damaged. He felt \$400 is a little steep, and he would like to find a way to decrease that, especially since most of organizations that would be running these races are charities. He pointed out if they raise \$4,000, their fee

would be 10% right off the top. He understood the arguments but could not vote in favor of this.

Ms. Meltzer inquired as to whether Mr. Aragona has a suggested fee.

Mr. Aragona did not have a specific fee in mind but felt it should be less than \$400. He stated he discussed this with Ms. Bednar a few weeks ago and talked with her today. He felt they need to look at their costs and see where they can be cut.

Ms. Bednar indicated she has a spreadsheet of what other communities charge as well as the Township costs, and she distributed that document.

Mr. Keys inquired as to whether Mr. Aragona is proposing that the Township look at how they can lower their costs for this event, so they can pass that cost savings on to those running the events.

Mr. Aragona replied that \$400 seems steep, He understood a Park Ranger being there would be about \$45 per hour because it is either time-and-a-half or double time.

Ms. Bednar confirmed that if it is on a Saturday, it would be at a rate of time-and-a-half, but on Sundays, it would be double time. Mr. Pizzo, Parks & Recreation Director, reached out to other communities and a lot of them do not entertain the option of 5K races because of this cost. For the communities that do, the proposed fee schedule is right in the middle regarding costs. She added that some charge less, but they have no staff present. Some are at outlying parks where there may not be conflicts, but she pointed out this is at the Civic Center, where there are a lot of conflicting schedules.

Mr. Cannon pointed out that, if the Township does not charge a fee, this will be the place where all these organizations will want to hold their 5K races, and it will conflict with other Civic Center activities.

Ms. West understood Mr. Aragona's concern about passing on a steep cost to an organization.

Ms. Bednar broke down the costs as to who what each service costs the Township. She felt it is important to have a staff member on the grounds in the event of an emergency. She had originally calculated a staff person for eight hours, but after talking with Mr. Aragona and looking at it once again, she felt they could trim those hours to noon.

Mr. Cannon stated they want people to come to this community, but he felt it is important to have a staff person present for these types of activities.

Discussion took place regarding reducing the fee to \$300 for 5K races held on Mondays through Saturdays, and \$400 for 5K races held on Sundays.

Motion by Mr. Cannon, supported by Mr. Aragona, to adopt the Resolution Establishing Fees for Races at the Civic Center Park, as presented, with the following revision to the first sentence in 209.13-(m):

Races of five kilometers in duration may be scheduled as permitted by the Director of the Department of Public Works with fees to be paid of **Three Hundred (\$300) Dollars**, Monday through Saturday, and **Four Hundred (\$400) Dollars** on Sunday.

Mr. Aragona appreciated the Board working with him on trying to keep the fees down a little bit. He felt it is still somewhat of a steep fee, but he appreciated the willingness of the Board to reduce it by 25%.

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

**13. REQUEST APPROVAL TO PURCHASE A PICK-UP TRUCK FOR THE SPECIAL INVESTIGATIONS UNIT (SIU) FROM A MACOMB COUNTY GRANT**

Motion by Mr. Pearl, supported by Ms. West, to receive, file and concur with the letter dated May 11<sup>th</sup>, 2018 from the Budget/Ways & Means Committee Chairperson to approve the request from the Police Chief to purchase a pick-up truck for the Special Investigations Unit (SIU) utilizing a \$25,000 grant received from the Macomb County Sheriff's Office. Discussion ensued.

Mr. Keys stated he tried to reach out to the Police Chief with questions on this, but the Chief was in Washington DC representing the Township. He understood that, due to the nature of this purchase, some of the information is confidential; however, he felt as Board members, they should have some of the information on the vendor and the exact amount. He explained when he went on to the County's website to look at the distribution of these funds, they showed that Clinton Township is only receiving \$15,000.03. He did not know if he is missing something but would like clarification on the discrepancy. He also pointed out that the County's backup also shows that other local municipalities, such as Roseville, Shelby Township, St. Clair Shores, Sterling Heights and Warren, are all receiving just under \$30,000 each, with the Township receiving only \$15,000.

Mr. Cannon stated he cannot speak to what other communities are getting or spending, but at the staff meeting, the Chief indicated this would be used for drug purposes as well as undercover purposes, which is why they cannot divulge what they are buying. He pointed out this is a 100% grant, and if the money is not there, they will not be able to buy it. He noted that whatever they purchase, it is

through whatever list is available for Police and Fire departments to get the lowest possible price in the state.

Mr. Keys inquired as to whether they go through the state bidding process.

Mr. Cannon replied affirmatively.

Mr. Keys inquired as to how he, as a Trustee or Board member, go through and verify that the funds have been spent, and the vendor through which they were spent.

Mr. Cannon stated that would be reflected in the bills, and it would be a one-time payment. He indicated it will be a direct purchase.

Ms. West questioned whether this should be postponed.

Mr. Cannon replied that he does not know if there is a particular reason why he wanted it on this agenda.

Mr. Pearl stressed he does not want to lose the grant.

Mr. Cannon stated he does not want to lose the grant and suggested they can make the motion to approve on the condition that they receive the \$25,000 grant.

Mr. Pearl **amended his motion**, and Ms. West **amended her support**, to include the following:

Further, this approval is made on the condition that the grant is in the amount of \$25,000.

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

**14. SPECIAL LAND USE: A THERAPEUTIC MASSAGE FACILITY IN THE B-2 COMMUNITY BUSINESS DISTRICT (MASSAGE ETHEREAL WELLNESS SPA @ COUNTRYSIDE PLAZA): 1.925 ACRE OF LAND FRONTING THE EAST LINE OF HAYES ROAD, SOUTH OF AMORE DRIVE, ADDRESSED AS 40120 HAYES ROAD (SECTION 18)**

Ms. Meltzer explained this location has been the subject previous massage therapy businesses that entertained prostitution. As a result, she stated her office has been extremely careful as to how they interview each applicant. She explained that she was very impressed with this applicant and is grateful that this applicant has come forward. She noted that, although she does not personally know the applicant, the interview was very promising. She informed that they have shut down five facilities conducting illegal business, and are keeping a

close eye on these facilities, as well as implementing strong processes to make sure they have the right candidates.

Ms. Ericka Krajewski, petitioner, stated she is petitioning to open this massage therapy spa, and has been in the medical field for sixteen years, outlining some of her experience. She explained this facility will be exclusively for women and children, and it is something with which she is very passionate. She added she is excited to bring this into the community. She assured, as a business owner, she wants to have a stellar operation, so she is very critical to make sure everything is done properly. She added she has been a massage therapist for twelve years.

Ms. Meltzer felt it is a good thing to have a good business such as this to focus on the positive aspects of massage therapy.

Ms. West indicated that she made the motion on the Planning Commission to recommend approval of this facility, and she stated she was proud to do so. She felt this is someone who brings the best of this type of therapy and brings out the wellness promotion in her practice.

Motion by Ms. West, supported by Mr. Keys, to receive, file and concur with the letter dated May 9<sup>th</sup>, 2018 from the Clinton Township Planning Commission, and approve the Special Land Use for a therapeutic massage facility in the B-2 Community Business District (Massage Ethereal Wellness Spa @ Countryside Plaza), located in a commercial retail center located on 1.925 acres of land fronting the east line of Hayes Road, south of Amore Drive, addressed as 40120 Hayes Road (Section 18), and as petitioned by Ms. Ericka Marie Krajewski, Massage Ethereal Wellness Spa. Roll Call: Ayes – West, Keys, Pearl, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

#### **15. FIBER TECH METRO ACT PERMIT REQUEST**

Motion by Mr. Keys, supported by Mr. Pearl, to receive and file the letter dated May 9<sup>th</sup>, 2018 from Mr. Loren Crandell PE, Partner, Giffels Webster, and deny the requested modifications to Exhibit A of the current Metro Act Permit with Fibertech, based on the lack of information provided, as noted in the correspondence. Roll Call: Ayes – Keys, Pearl, West, Cannon, Aragona, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried.

#### **16. REQUEST BY THE HABITAT FOR HUMANITY FOR PURCHASE OF TOWNSHIP-OWNED LOTS FOR THE DAKOTA STUDENT BUILD PROGRAM**

Ms. Bednar stated if the Board decides to move forward with this, there is a water debt service on that property, and in the past, the Township has waived that fee.

Motion by Mr. Pearl, supported by Ms. West, to receive, file and concur with the letter dated May 11<sup>th</sup>, 2018 from the Budget/Ways & Means Committee Chairperson, and approve the sale of one (1) parcel of land on Charles Street (“Parcel #16-11-300-024”) to Habitat for Humanity in the amount of \$100 to be used for the 2016/2017 Dakota Student Home Build Program, and to waive the fees, including the debt service; further, to authorize the Township Supervisor and Township Clerk to sign the Quit Claim Deed to transfer ownership. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

#### **17. ZONES 8 AND 10 SEWER POINT REPAIRS SCOPE CHANGES**

Mr. Gielegghem mentioned this is another project where construction costs are increasing by 15.5% due to an increased scope of work. He pointed out in this case, the contingency and engineering equate to only a 5.65% increase, even though they are going with a new company that charges 2% rather than the former company’s 1%, yet it is less. He stated he is having trouble understanding the fees, yet he is not opposed to the contingency and engineering being nearly 10% less than the construction increases.

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated May 11<sup>th</sup>, 2018 from Mr. Scott J. Chabot, PE, Senior Project Engineer, Anderson, Eckstein and Westrick, Inc., and approve Change Orders #1 and #2 for Zones 8 and 10 Sanitary Sewer Point Repairs, amounting to a total net change in contract amount to date of an increase of \$61,937.00, resulting in a total contract amount of \$460,215.00. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

#### **18. REQUEST TO SCHEDULE CLOSED SESSION TO CONSIDER LEGAL COUNSEL’S WRITTEN OPINION TO ACQUIRE BY CONDEMNATION EASEMENT ON LIPKE**

Mr. Dolan stated the Board will be coming out of Closed Session.

Motion by Ms. Meltzer, supported by Mr. Keys, to schedule a Closed Session immediately following the last item on tonight’s agenda to consider legal counsel’s written opinion regarding easement acquisition for Lipke Road watermain. Roll Call: Ayes – Meltzer, Keys, West, Pearl, Cannon, Aragona, Gielegghem. Nays – None. Absent – None. Motion carried.

#### **APPROVAL OF MINUTES OF APRIL 30<sup>TH</sup>, 2018 REGULAR TOWNSHIP BOARD MEETING**

Motion by Ms. West, supported by Ms. Meltzer, to approve the minutes of the April 30<sup>th</sup>, 2018 Regular Township Board Meeting, as submitted. Roll Call: Ayes

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

### **APPROVAL OF BILLS**

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

### **PUBLIC COMMENTS**

Mr. Matthew Davey, 20584 Glen Allen, Clinton Township, Michigan, stated he has been involved in Clinton Township through school activities, Parks & Recreation and his boy scout troop, and with the help of Clinton Township and Ms. Bednar, he was recently able to achieve the rank of Eagle Scout. He explained his project was to construct four benches and he placed them along the walking trail behind the Senior Center. He invited the Board members, including Ms. Bednar and Mr. Pizzo, to his Eagle Scout Code of Honor Ceremony, which will be held on Friday, June 8<sup>th</sup>, 2018 at 6:30 p.m. at Clinton Valley Elementary School, with the ceremony starting at 7:00 p.m., and food will be provided.

The Board congratulated Mr. Davey on his achievement.

### **ADJOURNMENT INTO CLOSED SESSION**

The meeting adjourned into Closed Session at 8:50 p.m. and reconvened at 9:04 p.m.

### **EASEMENT ACQUISITION FOR LIPKE ROAD WATERMAIN**

Motion by Ms. West, supported by Mr. Aragona, to authorize the Township Attorney to complete the acquisition of easement by condemnation for water main repairs on Lipke Street. Roll Call: Ayes – West, Aragona, Keys, Pearl, Cannon, Gieleghem, Meltzer. Nays - None. Absent – None. Motion carried.

**ADJOURNMENT**

Motion by Mr. Keys, supported by Mr. Aragona, to adjourn the meeting. Roll Call: Ayes – Keys, Aragona, West, Pearl, Cannon, Gielegem, Meltzer. Nays – None. Absent – None. Motion carried. The meeting adjourned at 9:05 p.m.

Respectfully submitted,

KIM MELTZER, CLERK  
CHARTER TOWNSHIP OF CLINTON

ces:05/21/18