

CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, AUGUST 20TH, 2018

PRESENT:	JENIFER WEST	TRUSTEE, TEMPORARY CHAIR
	KIM MELTZER	CLERK
	PAUL GIELEGHEM	TREASURER
	JOE A. ARAGONA	TRUSTEE
	MIKE KEYS	TRUSTEE
	KENNETH PEARL	TRUSTEE
ABSENT:	ROBERT J. CANNON	SUPERVISOR (EXCUSED)

The Regular Meeting of the Board of Trustees was called to order at 6:30 p.m. in the Township Board Chambers, Clinton Township Civic Center. Also in attendance was Mr. Jack Dolan, Township Attorney. The Pledge of Allegiance was recited, led by Ms. Jill Yore of Henry Ford Macomb Hospital.

Motion by Mr. Pearl, supported by Mr. Keys, to appoint Ms. West as temporary chair for tonight's meeting. Roll Call: Ayes – Pearl, Keys, West, Aragona, Gieleghem, Meltzer. Nays – None. Absent – Cannon. Motion carried.

APPROVAL OF AGENDA

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

17. Request to Purchase Pavilion for Webster Park
18. Recommendation of Personnel Vacancy Committee
19. Request to Amend Motion #1 by Board of Trustees from August 6, 2018 Board of Trustees Meeting

Motion by Mr. Pearl, supported by Ms. Meltzer, to approve the agenda with the additions of Items #17 and #18. Roll Call: Ayes – Pearl, Meltzer, Keys, West, Aragona, Gieleghem. Nays – None. Absent – Cannon. Motion carried.

1. REQUEST PERMISSION TO HOLD THE COLOR ME HEALTHY FUN RUN/WALK ON THURSDAY, SEPTEMBER 6, 2018 FROM 5:30 P.M. TO 7:30 P.M.

Ms. Jill Yore, 21940 Wendell, Clinton Township, Michigan 48036, stated this is their Second Annual Color Me Healthy Fun Run/Walk. She replied to inquiry that

they had sixty participants last year but noted this year's event is being held on a weeknight instead of a Saturday, so she is not sure whether they will exceed last year's numbers.

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter from Ms. Jill Towner Yore, RN, MSN, Henry Ford Macomb Hospital School and Community Wellness, and approve the request to hold a Color Me Healthy Fun Run/Walk on the campus of Henry Ford Macomb Hospital on Thursday, September 6th, 2018 from 5:30 p.m. to 7:30 p.m., as outlined in the correspondence. Roll Call: Ayes – Pearl, Keys, West, Aragona, Gielegem, Meltzer. Nays – None. Absent – Cannon. Motion carried.

2. PROPOSED REZONING: OS-1 OFFICE/SERVICE (LOW-RISE) TO RML MULTIPLE-FAMILY RESIDENTIAL (LOW-DENSITY): 1.638 ACRES OF VACANT LAND NORTH OF CANAL, EAST OF HAYES (SECTION 7)

Ms. Meltzer stated she would like to hear from Mr. Dolan who reached out to the petitioner on this item today. She explained the issue is that the Township may not have received verification of the easement, so this may have to be postponed.

Mr. Dolan stated he had conversations regarding this matter with Mr. Elrod, Assessor, as well as Mr. Klein, the petitioner. He explained there are reservations of the easement that are referred to in some of the public records, but they have no documents of conveyance such as deeds which show the easement language. He could see no clear designation of the benefitted parcels on the easements, and there is an easement stub that runs between the two front parcels into the two parcels to the rear, through a portion of those parcels. The status of these easements is not established at this point, based on the information provided. He felt it would be premature for the Township to make any final decision on a request for rezoning because the length and width of these easements and how they impact the site as far as what can be laid out and developed around them and to whom they are benefitting is not clearly established. He advised they will need to get them established through clarification, and Mr. Klein had indicated to him there may have been some court action relative to the easements. If that is the case, it will be up to the petitioner or owner to bring forward a final court order of documentation along those lines, and if it is not produced, it will be up to the property owner to get things in order with regard to those easements so they have a clear understanding of exactly what the property rights are for ingress and egress to that back parcel. He clarified he is talking about the described easement that runs between the Catholic Charities property that goes out to Canal Road, and the office building on the other side, east of the Catholic Charities building. The driveway area that is paved is the easement area to which they are referring. He recommended that, after public comment tonight, they either postpone action on this tonight if

the petitioner feels they may be able to locate some legal documentation to clarify it, or the Board can deny the request until the petitioner comes forward with more information on these easements.

Mr. David Klein, 43051 Hillcrest Drive, Sterling Heights, Michigan 48313, stated he was under the impression up until this morning that what was submitted to the Planning Department was enough to go forward with the proposal. He spoke with Mr. Dolan a couple of hours ago that he would require more documentation. He explained he is the developer of the property but not the owner. He claimed the owner of the property has procured legal counsel to demonstrate these easements through Macomb County. Mr. Klein assured he has left messages for the owner, his broker and his attorney to contact Mr. Dolan so they can discuss what documentation is needed.

Ms. West felt this will be postponed from two to four weeks, but she was aware there are some neighbors here who may wish to speak.

Mr. Paul Laube, 15855 Nadina Lane, Clinton Township, Michigan 48038, a resident of the condominiums west of the subject property, stated they have three private streets in their condominium complex, and he expressed their concern that there is no type of agreement being made which would allow Mr. Klein or anyone else to use these streets to enter his property. He stressed they are private roads maintained by the condominium association. He added they are only 21-1/2 feet in width, which would make it hard to imagine a concrete truck using these roads as a thoroughfare.

Mr. Pearl had noticed a petition of opposition signed by many of the residents in the abutting condominium complex, and he inquired as to whether they are opposed to the use of their roads to connect to this development, or whether they are opposed to the development altogether.

Mr. Laube replied he is not opposed to the development but is against the private roads in their condominium complex being used to connect to the subject property. He complained about the excess traffic and heavy construction trucks that will hurt their roads, noting their condominium association must pay to maintain them. He clarified that he is speaking for himself and is not speaking on behalf of the entire condominium association.

Mr. Pearl agreed that he would not want to see a development access the subject property through the neighboring condominium development. He explained this is to consider a rezoning of the subject property, and when it comes back for site development approval, they could address it; however, there is no question they need to know where that easement is.

Ms. Meltzer inquired as to whether there is a negotiation they could have to require the developer to make repairs to the road caused by any heavy construction equipment.

Mr. Dolan just talked with Mr. Barry Miller, Superintendent of the Building Department, and confirmed that the access road to Francesca Courts Condominiums is not the same road he just spoke of, so it is an entirely different road. He noted the condominium residents want to make sure the ingress and egress to the subject property does not end up going through their condominium complex. Mr. Dolan expressed his concern that at this time that, in his opinion, they do not have a document that sufficiently sets forth what the actual legal easements are in that area. He suspected they will end up along the area they have been speaking about, between Catholic Charities and the office building to the east, but they do not have sufficient documentation at this point to show that would be the location a court would choose if by necessity, or that the court would interpret the documents submitted in a way that would be considered the easement for the property in the back.

Ms. Nadine Pasarelli, 15835 Nadina Lane, Clinton Township, Michigan 48038, secretary of their homeowner's association, explained their board's concern is that at one time, it appears the developer of the abutting property was going to use Angelo Drive to gain access to his property. She understood that now it appears the access will be between the two office buildings on Canal; however, she relayed their condominium association's concerns that these units are two stories very close to their area, and they would like to see a privacy fence installed by the developer and do not want lights shining onto their property. She noted there is a lot of traffic in the area, both vehicular and pedestrian. She claimed when their condominiums were built in the 1990's, they were luxury condominiums and they have continued to pay high association dues to keep it maintained. She concluded that if the easement to the abutting development is between the office buildings on Canal, and the property is developed as residential, she does not have a problem with it, but added she would prefer to see ranch condominiums.

Discussion took place regarding postponing consideration of this request, so the petitioner can supply the required documentation on the easements.

Mr. Dolan replied to inquiry that a two-week postponement would not allow enough time.

Mr. Klein stated he cannot speak on behalf of the seller's attorney, but he was confident that this could be settled with a couple of emails.

Mr. Dolan recommended a postponement for thirty days, so they have enough time. He indicated if it is submitted sooner, they can try to bring it back earlier.

Ms. West indicated that a thirty-day postponement will bring this back to the Board at their October 1st, 2018 meeting.

Motion by Mr. Keys, supported by Mr. Pearl, to postpone further consideration of the request for rezoning from OS-1 Office/Service (Low-Rise) to RML Multiple-Family Residential (Low-Density) of 1.638 acres of vacant landlocked land located north of Canal Road, east of Hayes Road (Section 7), so the petitioner can submit documentation of the access easement to the subject property. Roll Call: Ayes – Keys, Pearl, West, Aragona, Gielegem, Meltzer. Nays – None. Absent – Cannon. Motion carried.

Mr. Pearl requested that Ms. Meltzer assure the residents are notified when this is coming back to the Board.

Ms. Meltzer responded that it will be published in the paper. She added that she does not have that everyone's contact information because the Planning Department generally sends the notices to people within 300 feet prior to the Planning Commission public hearing.

Ms. West announced to the residents present that this looks like it will be placed back on the Township Board agenda for October 1st, 2018; however, she urged them to look for it in the newspaper, even though she highly doubted it will be moved up to the next meeting.

3. SPECIAL LAND USE: ANTIQUES AND COLLECTIBLES (FKA B & D APPLIANCES): LOTS 4 & 5, AND PART OF LOTS 6 & 7, MATTHEWS GRATIOT AVENUE SUBDIVISION LOCATED W/GRATIOT, N/OLSON, ADDRESSED AS 36519 GRATIOT AVENUE (SECTION 27)

Ms. West noted that the petitioner is not present this evening. She stated at the Planning Commission meeting, the Commissioners asked a lot of questions as to where they are obtaining their merchandise. They wanted to determine if it was a pawn shop, and although the owners had responded that they could buy from people at the shop, it would not be on consignment and would not be handled in the manner associated with a pawn shop. She explained they wanted to make sure of that because a pawn shop would require a petition to be signed by 51% of the owners/occupants of the surrounding area, stating they have no objection.

Motion by Ms. Meltzer, supported by Mr. Aragona, to receive, file and concur with the letter dated August 15th, 2018 from the secretary of the Clinton Township Planning Commission, concerning the Special Land Use request for a commercial business selling used merchandise in the B-3 General Business

District (Antiques and Collectibles) on Lots 4 and 5, and part of Lots 6 and 7, Matthews Gratiot Avenue Subdivision, located west of Gratiot, north of Olson, addressed as 36519 Gratiot Avenue (Section 27), that the Special Land Use be approved as requested. Roll Call: Ayes – Meltzer, Aragona, Keys, Pearl, West, Gielegem. Nays – None. Absent – Cannon. Motion carried.

4. SITE DEVELOPMENT PLAN: ROURA MATERIAL HANDLING CANOPY ADDITION: LOTS 8-10, FORTON INDUSTRIAL SUBDIVISION, LOCATED W/FORTON COURT, N/15 MILE ROAD, ADDRESSED AS 35355 FORTON COURT (SECTION 26)

Mr. Bill Madden, of Icon Development, 35520 Forton Court, Clinton Township, Michigan 48035, explained the owners are out of town and could not be present tonight, but he provided a brief history of Roura Material Handling, stating they have been in business since approximately 1930. They have an existing 22,000-square-foot facility and they want to put a small metal awning on a portion of the outside of the building, which would cover about 2,00 square feet for outside storage. He explained they make hoppers and employ about 25 people. They are working on drawings to add 15,000 to 20,000 square feet to their building, so they are a committed tenant in the Township.

Ms. Meltzer inquired as to whether this improvement will need an IFT.

Mr. Madden replied they will not need it for this small addition; however, if and when they begin the larger addition, they will come in and request it.

Ms. Meltzer appreciated this manufacturing business in the Township, adding she is a big proponent of this industry.

Motion by Ms. Meltzer, supported by Mr. Pearl, to receive, file and concur with the letter dated August 15th, 2018 from the secretary of the Clinton Township Planning Commission, and approve the Revised Site Development for Roura Material Handling, located on Lots 8 through 10, Forton Industrial Subdivision, located west of Forton Court, north of 15 Mile Road, addressed as 35355 Forton Court (Section 26), as presented. Discussion ensued.

Mr. Keys noted that the Fire Department indicated they had a couple of objections. He asked Mr. Dolan if those have been addressed.

Mr. Madden replied they met with the Fire Department and raised the height by about 16 feet 6 inches. He noted the hydrant is existing.

Mr. Keys noted that their paperwork indicates there will be an onsite inspection. He inquired as to whether that inspection has occurred.

Mr. Madden replied they have met with the Fire Department but have not had final Building Department and Fire Department final inspections.

Mr. Dolan replied they will not be granted occupancy until those issues are addressed.

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

5. REVISED SITE DEVELOPMENT PLAN: SUNOCO GAS STATION: 1.147 ACRE LOCATED AT NORTHEAST CORNER OF 18 MILE & GARFIELD, ADDRESSED AS 41050 GARFIELD ROAD (SECTION 8)

Mr. Jeffrey Jonna, 41050 Garfield, Clinton Township, Michigan 48038, explained they are proposing to put on an addition on the north and east sides of the building. The building is currently 900 square feet and they are adding 1,400 square feet. He added they will be renovating the exterior of the building as well and are seeking to improve the area.

Mr. Pearl inquired as to the anticipated completion date.

Mr. Jonna replied they do not yet have a start date, but he anticipates they will start as soon as they receive their approval. He indicated the project is anticipated to take between 120 and 150 days from start to completion.

Mr. Pearl noted that there are a lot of restaurants and halls in the area, so he would like to see this project completed in a timely fashion.

Mr. Jonna assured he will move the project along.

Motion by Mr. Pearl, supported by Mr. Aragona, to receive, file and concur with the letter dated August 15th, 2018 from the secretary of the Clinton Township Planning Commission, and approve the Revised Site Development Plan for Sunoco Gas Station, located on 1.147 acres of land at the northeast corner of 18 Mile and Garfield Roads, addressed as 41050 Garfield Road, as presented. Roll Call: Ayes – Pearl, Aragona, Keys, West, Gielegghem, Meltzer. Nays – None. Absent – Cannon. Motion carried.

6. SITE DEVELOPMENT PLAN FOR VENICE SQUARE (REBUILD): 5.314 ACRES LOCATED W/GARFIELD, N/CANAL (SECTION 7)

Mr. Andy Leighio, brother of the petitioner, explained he is representing his brother. He stated they are very excited to get this development built once again.

Mr. Pearl stated he is thrilled to see this come before the Board, and he is glad that they are cooperating with the owners of Wise Guys.

Motion by Mr. Pearl, supported by Mr. Aragona, to receive, file and concur with the letter dated August 15th, 2018 from the secretary of the Clinton Township Planning Commission, and, in consideration of grant of variance by the Clinton Township Board of Appeals, approve the Site Development Plan for Venice Square – Phase III (rebuild), located on 5.314 acres of land fronting the west side of Garfield Road, north of Canal Road, addressed as 42339 Garfield Road (Section 7), as presented. Discussion ensued.

Mr. Gieleghem explained this is the Wise Guyz Bar on Garfield, north of Canal, that suffered from a fire last year. He advised that there was a hold-up on construction, and delays from problems dealing with the public utilities in terms of getting sign-offs and approvals.

Mr. Barry Miller, Superintendent of the Building Department, explained he was told by Mr. Jim Wise, owner of Wise Guyz, that Consumer's Energy completed their disconnect, so now the Water Department must give the final sign-off, and then the demolition and removal of debris can occur.

Mr. Gieleghem inquired as to the anticipated timeline.

Mr. Leighio replied they intend to start as soon as possible. He indicated they will have to talk with their contractor, but he stressed they have been pushing hard. He noted they have a construction company up in Mackinaw City, and although they are contracting a local company, they are bringing some of their crew down, so the project can move along faster.

Mr. Gieleghem stated he is anxious to see it up and running again.

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

7. APPROVAL OF TEMPORARY PARKING DEVELOPMENT

Mr. John Vesper, 42100 Garfield, Clinton Township, Michigan 48038, offered to answer questions on this request.

Mr. Gieleghem stated that, after having sat through the discussion on this proposal at the Budget/Ways & Means Committee meeting, he felt it is good to give the public an idea of what occurred and the commitments that are being made. He explained the work will transpire at the current Pahoia location north of the Police Station, but to do that work, they must move all the trailers currently parked at the facility. They own another lot to the south and they are asking

permission from the Board for temporary approval to set up a parking lot, move the trailers, do the work, and then come back and meet all the requirements of making this into a parking lot, putting the fence up, having the proper grade, etc. He considered it a “leap” to give a temporary approval that this can be done according to all the rules and regulations later. Mr. Gieleghem explained the commitment from Mr. Vesper and the owners of the property is that all those conditions will be met.

Mr. Vesper understands that is the plan to move the equipment to the temporary location. They are in the process of seeking Site Development approval for Paho Express, which is currently being reviewed by numerous departments. He stressed he cannot begin until everything is moved off site because he has no room on the property with the equipment on it. Once everything is moved back to the original location, this temporary area will turn into a permanent parking area by seeking Site Development approval, engineering and all other requirements, including constructing a building for the facility.

Mr. Gieleghem explained Mr. Vesper wants to understand what is necessary to turn the temporary parking lot into a permanent facility so that the pre-work they do is not lost. They will then make sure they meet the requirements for Site Development approval for the second lot once the original facility is completed.

Mr. Vesper stated he met with the owner of Paho Express and made it clear to him that they have an inspection in six months to see the progress being made at the existing location.

Mr. David Merrill, of Paho Express, 41705 Damask Drive, Clinton Township, Michigan 48038, stated he has been an employee of Paho Express for nearly fifteen years and currently serves as General Manager. He noted they took the old house on the site and developed a building for their business, and he assured the owner is dedicated to developing the area to make it as nice as they can for all the citizens in the area. He assured they are thankful for the opportunity but want to continue to develop it to make it as nice as they can. He emphasized that they are a little overcrowded now, so approval of this temporary lot will help them dramatically as they pursue Site Development approval of their current location.

Mr. Pearl inquired as to whether one of the stipulations by Budget/Ways & Means is that they cannot move the vehicles until they start the work, once all the approvals have been granted.

Mr. Gieleghem noted that they still must do a lot of construction to prepare the vacant lot to serve as a temporary parking area. He indicated they have submitted for Site Development approval, so they are moving forward “on two tracks”.

Mr. Vesper stated the additional building that will go in on the north side of the property is 100 feet in width by 240 feet in length, which is a large building, so he cannot proceed without having a temporary location for storing the trailers. He hoped the Site Development Plan and engineering will be done by that time.

Motion by Ms. Meltzer, supported by Mr. Gielegem, to receive, file and concur with the letter dated August 16th, 2018 from the Budget/Ways & Means Committee Chairperson, and approve the request for a temporary parking lot development to be located south of Pahoia Express, located at 38151 S. Groesbeck Highway, conditional upon a six-month review as to the progress of the original Pahoia site. Roll Call: Ayes – Meltzer, Gielegem, Keys, Pearl, West, Aragona. Nays – None. Absent – Cannon. Motion carried.

8. TRANSFER OF CLASS C AND SDM LIQUOR LICENSE

Mr. Chen, 41781 Garfield, Clinton Township, Michigan 48038, was present to answer questions for his brother, who was unable to attend this evening.

Ms. Meltzer stated everything is in order from the State and from the Township's perspective. She wished the petitioner well.

Mr. Chen explained they are seeking this so that when customers come in to their restaurant to enjoy a Chinese dinner, they can also enjoy a glass of beer or wine with their food.

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter dated August 15th, 2018 from the Township Clerk, and approve the Transfer of Class C and SDM Liquor License to Ping On Chen, Inc., located at 41871 Garfield, Clinton Township, Michigan 48038, as requested. Roll Call: Ayes – Pearl, Keys, West, Aragona, Gielegem Meltzer. Nays – None. Absent – Cannon. Motion carried.

9. RENEWAL OF TOWNSHIP LIABILITY INSURANCE POLICY

Mr. Stephen Saph Jr., Nickel & Saph, Inc., 44 Macomb Place, Mount Clemens, Michigan 48043, offered to answer questions.

Mr. Pearl assumed Traveler's was the only carrier interested in insuring the Township.

Mr. Saph explained they concentrate their efforts in the public entity marketplace. They are always talking with and engaging other carriers and have found over the past twelve to eighteen months that the market remains relatively stable. He was confident that, while there are other carriers that are capable and willing to

entertain, they are comfortable with the level of coverage and the pricing for Traveler's. He explained Traveler's was the most competitive carrier two years ago, both in pricing and retention standpoints, and claims were a little hotter then, so there were carriers willing to participate, but they wanted a \$250,000 retention rather than a \$100,000 retention. He stated he has not seen a dramatic change in the marketplace, and premiums have been going up between 1.5% and 5%. He reiterated the market remains relatively stable.

Ms. Meltzer noted this is a 5.56% increase, and these are quarterly payments, although she noted there is no service charge for that. She requested clarification regarding the cyber policy and that it is not included in this price.

Mr. Saph clarified that is a separate policy that he quoted, and Mr. David Pearce, IT Director, was very patient and provided a variety of details of the operations, of the protections and exposures in place currently utilized by the Township. They took that information, consolidated it and approached the marketplace, requesting proposals. They made a presentation and recommendation to Mr. Pearce and Ms. Hein, and Mr. Pearce has been reviewing it in detail and asking questions, so he has a better understanding of the nature and level of coverage. He anticipates he will make some type of decision to bring back to the Board, and that may be soon. He clarified this package is a renewal and does not include that policy, and he recalled the quotes range between \$9,000 and \$12,000.

Ms. Meltzer questioned whether the Cyber Liability coverage would extend protection in an election scenario if there were cyber-attacks.

Mr. Saph replied affirmatively.

Ms. Meltzer stated that the State of Michigan, through the Help America Vote Act (HAVA) has secured \$10 million for security and they will be implementing that soon. She questioned whether the State is providing enough coverage or whether that is something the Township wants to do in conjunction with their other insurance coverage. She indicated she would like to talk with Mr. Saph and Mr. Pearce about that issue.

Mr. Saph stated that Cyber Liability covers all the exposures and operations of the Township, and from that perspective, they look at two primary areas of coverage: one is first party, and the other is third party. He indicated "first party" are the expenses the Township incurs directly because of an attack or intrusion or unauthorized use of the Township's system. The third party is the expense incurred as result of claims by third party individuals, and include personal identity information, such as names, social security numbers, driver's license numbers, dates of birth, etc., which is information they hold for their employees or people who make payments with credit cards. He cautioned if the Township is

entrusted with that information and it is utilized without the individual's permission, it is a liability and a growing area of claims and litigation that is difficult to keep up with.

Mr. Aragona stated it appears that under the umbrella access liability insurance, there are three different coverages quoted, and it appears it is about \$4,000 per \$1 million coverage, and he questioned where that starts and stops.

Mr. Saph replied they currently have a \$12 million limited liability per occurrence. If it drops to \$11 million, the Township would save \$4,000 in premium. If it drops to \$10 million, they would save \$8,000. In looking at the coverages, he indicated \$12 million is an odd amount for a coverage, noting they typically see coverages for \$5 million, \$10 million, \$15 million, etc. He explained that, in looking back, it appeared at one time, one of the coverages was sold with an aggregate limit starting with \$2 million or \$3 million, but it is down to \$1 million. They now have everyone at \$1 million and they have this umbrella access. He quoted those numbers in looking at the size of the community and the exposures.

Mr. Aragona questioned whether the \$10 million is standard, noting it appears to drop \$4,000 for every \$1 million purchased.

Mr. Saph clarified that the more insurance purchased, the cheaper it is, so a \$1 million limit would be much more expensive than just \$4,000.

Mr. Aragona questioned how that breaks down.

Mr. Saph stated he does not have that breakdown, but if it is of interest, he can report those numbers to Ms. Mary Hein, Assistant Finance Director, on the cost for \$1 million to \$5 million coverage.

Mr. Aragona requested that Mr. Saph forward those numbers to Ms. Hein if possible.

Mr. Saph assured he will provide her with those numbers.

Ms. West inquired as to which amount is covered in the quote.

Mr. Saph replied the quote includes the \$12 million coverage, although he replied to further inquiry that amount can be changed at any time.

Mr. Gielegem stated the quote is what the Township purchased last year; however, if they are looking to "tweak" their costs, the options are included in the letter.

Mr. Saph replied affirmatively.

Mr. Gieleghem noted the 5.5% increase, and the rate of inflation spread over three years is about 1.5% but is on the rise. He questioned whether the 5.5% increase is a result of claims or industry.

Mr. Saph replied the 5.5% increase represents recent vehicle counts, budgetary exposures, modest increases in the exposures they are rating, and about a 2.8% increase in rate, so it is a blended factor. They look annually on number of employees, expenditures per budget, vehicle counts and values of those vehicles, etc.

Mr. Gieleghem noted that as the Township grows, more things are insured.

Mr. Saph replied affirmatively. He stated he would not recommend any movement on the option with the sewer liability, because even within the past twelve to eighteen months, Lansing has strengthened the immunity for sewer backup liabilities, and they have specified a rain event that is over the design capacity is no longer a situation in which liability can be attributed to the community that owns the system.

Mr. Gieleghem noted that the Township is self-insured on most things, which means the insurance does not kick in until they reach that threshold, so they are paying the claims directly most of the time, and the insurance company is paying over and above.

Mr. Saph stated the combined loss ratio over the past five years was about 65%, but when they back out the \$100,000 self-insured retention, the carrier's true loss ratio was about 30%, so the Township is incurring those first dollar expenses with their liability retention of \$100,000 per claim or occurrence. He clarified that property is only a \$5,000 deductible, but for liability for law enforcement or public officials, automobile liability, plumbing-related practices and general liability are all subject to the \$100,000 retention.

Mr. Gieleghem questioned whether Mr. Saph felt he has negotiated the best deal possible.

Mr. Saph replied that this was not their first offer. He went back to Traveler's, noting it is incumbent upon him to look at the claim's history, what has been paid, changes in exposures, open claims and what is anticipated for payments. That information must be consolidated as an argument or defense. He noted that the claims for the Township has improved over the past couple of years and a couple of events have fallen off.

Mr. Dolan clarified that their self-insured retention is basically a deductible. The Township has a combined indemnity and cost of defense, so all their expenses in

defending the claim and the actual money paid as result of settlement or verdict goes into that \$100,000.

Mr. Saph reminded that if they have more than five events in a year, that amount is capped at \$500,000.

Mr. Pearl pointed out that the Township purchased new fire trucks, and they have claims that the insurance company sets aside in anticipation of what they are going to have to pay over and above the Township's deductible. He noted they look at everything, and it is not unusual in the industry now to have an approximate 5% increase due to these multiple reasons.

Motion by Mr. Pearl, supported by Mr. Gielegem, to receive and file the letter dated August 16th, 2018 from Mr. Stephen R. Saph, Jr., Nickel & Saph, Inc., Insurance Agency, and approve the renewal of the Township Liability Insurance Policy through Travelers Insurance Companies at a premium of \$669,033, payable in quarterly installments. Roll Call: Ayes – Pearl, Gielegem, Keys, West, Aragona, Meltzer. Nays – None. Absent – Cannon. Motion carried.

10. REQUEST APPROVAL OF ELECT RX AS ADDITIONAL PRESCRIPTION VENDOR FOR TOWNSHIP HEALTH PLAN

Ms. Meltzer felt this is a great opportunity for savings, noting prescription costs are so high and people need the help to keep the costs down.

Ms. West inquired as to the anticipated savings.

Mr. William Smith, Human Resources Director, calculated that, based on a 30% utilization rate, the Township would realize a \$250,000 to \$350,000 savings annually, and that does not include the copays that the employees will save. He noted the Township spends approximately \$2 million each year on prescriptions through the self-insured plan for active employees plus retirees up to the age of 65, at which time they go into a Medicare advantage plan. Of the \$2 million, that covers 13,500 prescriptions spread over 1,200 individuals. He added that 1,913 of those prescriptions are brand-name specialty medications, so that is the target for this program, with the remaining 11,000+ prescriptions being generic. Of the 1,913 prescriptions, which account for 78% of the \$2 million spent, 166 of those are specialty medications which generated 33.3% of their total spent. Mr. Smith explained it is those prescriptions they are trying to target, and this is through a mail-order pharmacy outside of ExpressRX scripts. He noted those pharmaceuticals come from the British Commonwealth, including the countries of Canada, New Zealand, Australia, or the United Kingdom. He stated those prescriptions will oftentimes be manufactured in the United States, shipped to Canada and shipped back, and when that occurs, the cost comes down by as much as 80%.

Ms. West inquired as to whether there will be some education for the employees and retirees if this is passed.

Mr. Smith replied affirmatively, comparing it to what they did for FreshBennies. He added that not every prescription is available through this option, so there is a learning curve.

Mr. Pearl inquired as to whether the quality of the medication is the same through this program.

Mr. Smith assured they all come from good manufacturing processed countries and are FDA-approved facilities. He added that much of the time, they are from the exact same facility. He cited the example of Lipitor, which is manufactured in the same factory in Ireland no matter where in the world it is purchased, and he added that is an FDA-approved facility. He replied to inquiry that he suspects it is the same as any other mail-order prescription, noting that the employees have the mail-order option now through ExpressRX.

Mr. Pearl inquired as to whether there has been a problem with missing medicines through the mail orders.

Mr. Smith replied no, indicating it is the opposite. He understood that in other countries, the medicine is pre-packaged in blister packs, and the United States is one of the very few countries, if not the only one, that still counts pills. He stated the medication comes directly from the factory in pre-counted/sorted packages so that the chain of custody can be maintained.

Mr. Gielegem thanked Mr. Smith for bringing this forward as a cost-saving measure to the Township as well as to the employees. He thought the notion of insurance was to create the biggest pool possible to spread the cost. He questioned the impact for the drugs not provided from these low-cost providers if they are pulling people from the pool and questioned whether the regular prescription coverage will be increasing as a result.

Mr. Smith replied that is an underwriting question, and he introduced John from Plante Moran.

John, of Plante Moran, replied that the answer is no, and for every drug that comes out of the self-insured plan, because the Township's plan is self-insured, the claims cost will be brought down. Whether the claim goes through one pharmacy or another, it is still running through as a claim against the self-insured plan. He would argue that as some of these higher-cost medications come away from being run through Blue Cross, they will eventually be able to make an

argument to Blue Cross to lower the stop loss insurance on the underwriting self-insurance medical plan.

Mr. Smith noted on the health insurance site, the Township's stop loss specific is \$120,000. One of the things they had to consider is that the \$120,000 specific counts all costs associated with a member's plan, so that is prescriptions plus medical. Because the Township is still under Blue Cross and they do not count this type of activity, it will no longer hit that stop loss for self-retention, so they feel it is minimal as to whether it would affect their plan.

Motion by Mr. Gielegem, supported by Mr. Pearl, to receive and file the letter dated August 14th, 2018 from the Human Resources Director, concur with the Health Care Committee and authorize the Township to engage Elect RX as an alternative prescription drug fulfillment vendor for providing the personal importation of medications. Discussion ensued.

Mr. Pearl inquired as to whether an employee who will save a higher co-pay can purchase only their higher-cost medications through this plan.

Mr. Smith replied this plan is volunteer.

John stated they do not have to get all their prescriptions through this plan. He noted the ElectRX program does not include medications that are found very inexpensively in the United States. He cited the example of Lisinopril, used to treat high blood pressure, and noted that is not available through ElectRX because it can be procured so cheaply here in the United States. ElectRX protects the self-insured medical plan from billing more expensive drugs found elsewhere if they are cheaper here.

Mr. Smith explained that Mr. Densmore of ElectRX came to the Township with another program that pays rebates on "Jcodes", so they anticipate getting checks back on that about every six months.

John explained "Jcode", which is a fancy medical term for medication that is administered in a doctor's office or at a hospital. Because it is administered that way, it is not given an NDC code, which is the number attached to every medication, so it can be identified on a claim. ElectRX is converting those Jcodes, which are technically a medical claim, into a pharmacy claim. They are aggregating all those Jcodes together with other employers and submitting those Jcodes to the manufacturer of the medicine administered for a rebate. Because they are currently being run through the medical portion of the Blue Cross plan, they are not eligible for rebates.

Mr. Dolan questioned whether a chemotherapy drug would be an example of a Jcode drug.

John replied affirmatively. He replied to further inquiry that could also include such medications when given as an injection for orthopedic treatment.

Ms. West inquired as to whether employees will have another card issued to them like the Blue Cross card.

John replied no, and he clarified they are getting the Jcode data directly from Blue Cross. Other than storing the data and paying the claims, they are not doing anything with those Jcode medications to get the rebates themselves, so this is something above and beyond what Blue Cross is doing.

Mr. Smith signed in an agreement where ElectRX can go in and get data from Blue Cross and aggregate those discounts. They estimate that will be cash back in the amount of about \$30,000 every six months.

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

11. BUDGET AMENDMENT: POLICE DEPARTMENT

Mr. Keys stated one of the concerns he has is not the budget amendment, but it is the reclassification, questioning whether other Office Clerk II's throughout the Township will look to be reclassified, or whether this position is so unique to the department that they should not expect others to follow suit.

Mr. Smith replied that this position is relatively unique, although he added that there is nothing stopping others from requesting job reclassification studies. He noted that is a process that goes through Civil Service.

Motion by Mr. Keys, supported by Mr. Pearl, to receive and file the letter dated August 14th, 2018 from the Human Resources Director, concur with the Employees Civil Service Commission and approve the reclassification of an Office Clerk II position in the Police Department to a higher grade within the classification system, to "Executive Aide to Police", with a salary range of 44,154 - \$49,261, and authorize a \$7,192 budget amendment to the FY 2019 budget for the Police Department to reflect the higher classification assignment. Roll Call: Ayes – Keys, Pearl, West, Aragona, Gielegghem, Meltzer. Nays – None. Absent – Cannon. Motion carried.

12. QUARTERLY TREASURER'S REPORT

Mr. Gielegghem provided an overview of the Quarterly Treasurer's Report. He explained that this is a routine report and a requirement of Public Act 20, which is the state law which governs review and limitations for investment of public funds.

He explained the Township's investment strategy prioritizes safety of investments, liquidity of funds, and yield on investments. He noted there were interest rate increases in 2017, which benefitted the Township, but they developed an active money management plan, and they have increased yield on their investments at 195%, from \$200,000 to just under \$600,000 last year. With more rate increases expected this year, two of which have already occurred, and the feds are giving indications that they will be increasing the rates, he anticipates better returns. He cautioned, however, that the yield curve is flattening, and that is the biggest indicator of recession. He provided information on the yield curve, noting they are continuing to gain more but the flattening is a concern. They have shortened the terms of all their investments and continue to be mindful, watching the economy.

Motion by Mr. Pearl, supported by Mr. Keys, to receive and file the letter dated July 19th, 2018 and the Treasurer's Quarterly Investment Report from Mr. Paul Gieleghem, Treasurer, as presented. Roll Call: Ayes – Pearl, Keys, West, Aragona, Gieleghem, Meltzer. Nays – None. Absent – Cannon. Motion carried.

13. REQUEST APPROVAL OF CHARTER TOWNSHIP OF CLINTON ETHICS POLICY

AND

14. REQUEST TOWNSHIP HUMAN RESOURCES DIRECTOR AND TOWNSHIP ATTORNEY TO DRAFT TOWNSHIP ETHICS POLICY

Ms. West stated that Items #13 and Items #14 are closely tied, with Item #13 being an ethics policy submitted by Mr. Cannon and Mr. Pearl, and Item #14 is a request for a draft of an ethics policy submitted by Mr. Keys, Mr. Gieleghem and herself. She indicated she spoke with Mr. Dolan on this and felt it may be possible for both to move forward.

The letters for Items #13 and #14 were both read into the record.

Ms. Meltzer felt these are two separate requests and questioned whether they should act on Agenda Item #13 before they move on to Item #14.

Ms. West noted they have two "drafts" that are both being looked at to move forward. She felt both have excellent points, but they are both "boiler plates" at this point, so she suggested having discussion on both at this point and move forward with the two.

Ms. Meltzer was concerned that does not respect the petitioners who presented them.

Mr. Dolan stated what they are talking about at this point is not the substance or aspects of either of these agenda items but only talking about their options. One

option would be to keep them as they are presented currently, which if no motion is made to change it, that is the way they will stay. They would deal with Item #13 and then move to Item #14. If the Board chooses, they can formulate a motion to combine them as one, but that would take a motion and a second, with a majority vote. If they want to go further, they can combine them and set the order of discussion, adding other provisions to the motion. He advised they have several options, and they can keep the items separate or change it, but if they opt to change it, rather than starting out with discussion, they should formulate it as a motion with a second, and then discuss it.

Motion by Mr. Keys, supported by Mr. Gielegem, to receive and file the letter dated August 4th, 2018 from Supervisor Cannon and Trustee Pearl (Agenda Item #13), and to receive and file the letter dated August 6th, 2018 from Trustee Keys, Trustee West and Treasurer Gielegem (Agenda Item #14), and direct the Township attorney to use the documents provided for Items #13 and #14 to draft a Township Ethics Policy, to be brought back to the Township Board for approval; further, in the instance where there are conflicts in the two documents, the Township attorney is to note the differences and provide both options for consideration during adoption; further, this proposed policy is to be provided to the Board members no later than September 24th, 2018 for consideration and adoption at the October 1st, 2018 Township Board meeting. Discussion ensued.

Mr. Keys explained the reason Item #14 was included in this agenda was because the Trustees who signed the letter felt it was time to set a new standard in Clinton Township. He felt the goals in the motion he made give them the tools to set clear standards in Clinton Township and to clean up the problem areas they found within their internal investigation. He felt it also gives the tools to the staff and the public to educate themselves on this new standard and conduct trainings on a yearly basis. He felt that the Board members will then have assurances that a proper standard has been set. Mr. Keys felt that Item #13 was added “at the last minute” without documentation, referring to it as “politics as usual”. He stated, however, he is willing to turn both documents over to the Attorney and the Human Resources Director, so they can take both drafts, put together one policy, and where the two drafts differ, they will put it to a vote after a discussion at the Board meeting and not at a committee meeting behind closed doors.

Mr. Pearl started having discussions about the policy with the Supervisor a few months ago and it was going to be on the Board before the election, but he claimed it was removed by the Clerk and Supervisor.

Ms. Meltzer clarified that it was not placed on an agenda and removed, but it was requested to be placed on an agenda and she had asked for clarification.

Mr. Pearl stated it was not a “last-minute thing” but was because of things going on in the past. He assured he has no problem with combining the two, but he reiterated it was not put on at the last minute. He indicated he has had discussions with Mr. Dolan about the verbiage, and it is a starting point. He has no problem with these being discussed. He was confident the Township attorney will investigate the legality of all items, and he admitted the “boilerplate” version he presented needs a lot of work. It is put out by the Michigan Township Association, and it will need specifics. He has no problem combining the two, but they need to be reviewed by the Township attorney.

Mr. Gielegem clarified this is regarding Items #13 and #14 and indicated that the draft for Item #13 was obtained by going to the Michigan Townships Association website, and it is a standard policy in bare-minimum language, which they felt is a good policy to start, and they can make changes; however, adopting as is represents a bare-minimum ethics policy. Mr. Gielegem added that in Item #14, they opted to have the attorney and HR Director write the policy, but they want to create framework and make recommendations that they want to see included. He read into the record what they are recommending being included in an ethics policy, and felt that once it is done, it should be put on a Township webpage so anyone wishing to understand the policy can read it and look at the disclosures filed there. He felt this version is comprehensive, and although he acknowledged it does not cover everything, he felt the items included in their recommendation for Item #14 is a great starting point. He felt it sets the bar above what was submitted for Item #13. He appreciated Mr. Keys making a motion to combine these but noting Item #13 included the minimum standard and Item #14 included rigorous and tough standards and when there is a conflict between the two of them, the attorney writes the policy noting the difference, and this Board will have to deliberate and vote. He agreed with the timeline as presented.

Mr. Pearl stated he does not want to read the six pages that were submitted for Item #13, but he felt it is not too vague and was confident there will be acceptable items that are common to both versions. He clarified they are not doing more than directing the attorney to review them and put them together.

Ms. Meltzer assured there she is not showing disrespect by not going through this entire process page by page, but she sees two drafts and was confident that everything can come together into one draft. She felt the people who are experts can draw those policies together.

Ms. Meltzer claimed the language on Item #14 says “for presentation and adopt by the Board of Trustees a Township policy that includes the following”. She expressed concern because it has not yet been vetted. She questioned whether any of these present legal issues, such as violation of First Amendment rights. She questioned whether it can be enforced, and if so, which one would it be.

Mr. Dolan responded that anytime they have an ethics issue and they want to put restrictions on certain subjects, it can often clash with some constitutional guarantees. In the case of employees, they retain their First Amendment rights but there are also workplace rights with which they must comply. He noted a lot of that law is already codified by controls over federal employees in what is called the Hatch Act, regulating federal employees and behaviors they can engage while on the job and off the job related to political activism and other subjects. There are some existing acts they can look at, but he stressed the policy must be drafted mindful of certain laws expressed by the Constitution or in some cases, by statute, and they cannot violate those with their policies. Mr. Dolan noted that what is in an ethics policy will be the decision of the seven Board members.

Ms. Meltzer referred to the language in Item #14, which directs “the Township Human Resources Director and Township Attorney draft, for presentation and adopt by the Board of Trustees” and felt the word “adopt” is premature if they are still discussing.

Ms. West agreed they are not at that point, and that is why she is recommending the experts take the two drafts, one that is vague and the other that is more specific and ask them to put the two together into one draft for review by the Township Board.

Mr. Keys clarified his motion is not to adopt but to take both documents and create a draft, so he did not feel that will be an issue.

Ms. Meltzer agreed.

Ms. Linda Pedutti, 37649 Charter Oaks, Clinton Township, Michigan 48036, questioned whether the Township Attorney and the Human Resources Director will go through these drafts and come up with something that is acceptable, legally and otherwise, and present it to the Board.

Mr. Keys replied affirmatively. He cited an example where the two drafts differ on gifts, with Mr. Pearl’s proposal outlining a ban on gifts of over \$50, while the draft submitted by himself, Ms. West and Mr. Gielegem bans all gifts. He noted that any opportunity where there is a difference, both options will be presented, and the Board will most likely have to vote on it to make that determination.

Ms. Pedutti inquired as to whether there will be opportunity for public input at that point.

Ms. West replied affirmatively.

Ms. Pedutti stressed that with the recent events in the Township and the fact that this is an ethics policy, she stressed the entire process must be “above board” so everyone in the community knows what is happening.

Mr. Robert Campbell, 41830 Kentvale Drive, Clinton Township, Michigan 48038, stated he did not read the backup to Item #13 but he read the backup to Item #14, and he noted the frequent references made to “elected officials and Township employees”. He questioned as to whether there is any reason why appointed officials are excluded.

Mr. Gieleghem responded that appointed officials are covered under employees.

Mr. Bob Hogan, 36755 Barr Street, Clinton Township, Michigan 48035, stated he has wanted an ethics policy from this Board for years. He referenced Mr. Pearl’s comments about his submitting Item #13 along with Mr. Cannon, admitting that it “will need a lot of changes”. He questioned why they would consider submitting something that they know will “need a lot of changes”.

Mr. Pearl clarified that the draft he and Mr. Cannon submitted was intended to be a starting point, and they intended to get the Board’s input as to what they want, with it then going to the Township Attorney and Human Resources Director to come up with a suggested policy for consideration by this Board.

Mr. Hogan claimed that submitting a very vague draft is misleading.

Mr. Dolan clarified that he does not have any problem with the draft for Item #13 being submitted. He pointed out that “ethics” covers a lot of documentation and topics, and Mr. Pearl and Mr. Cannon went to the Michigan Townships Association website, which has a model policy that can be used as is or adapted as desired by the community. He stressed he has no problem using what would be called a “model policy” promulgated by the MTA. He did not feel anyone can fault Mr. Pearl or Mr. Cannon for using this model to get things going, noting the MTA put a lot of work into developing it and it is on their website for this purpose. It moves them more quickly through the first few steps because they can work off that document and start at that point, and he did not think it would be fair to expect that they would submit something ready for adoption at this point.

Mr. Hogan clarified he was not looking for the final product but felt they should have put the effort into marking it up, have the Trustee’s secretary retype it and submit that version.

Mr. Pearl inquired as to whether Ms. Liz Vogel, Deputy Supervisor, can speak to this issue, because he claimed that is what happened.

Ms. Liz Vogel, Deputy Supervisor on behalf of Supervisor Cannon, stated she looked at a number of model ethics policies, noting there are hundreds of them available on line. She noted some are as few as five or six bullet points, and some are twenty, thirty or forty pages long. She felt a good safe place to start would be here in Michigan, and that is when she went to the MTA website and saw their model policy. She went through it and picked out what she felt were the applicable points based on this community, leaving most of it in. She added “Clinton Township”, along with a draft watermark behind it, and confirmed it was reviewed by Mr. Cannon, Mr. Pearl and Mr. Dolan. She addressed a statement made by Mr. Keys earlier, where he referred to this as “politics as usual”. Ms. Vogel explained she walked down the hall to take this to Ms. Meltzer and interrupted a meeting she was having to get this on the agenda. She then politely requested that it be held off for this meeting.

Mr. Hogan questioned how the public will find out if there is an issue.

Mr. Keys responded they will have the attorney take them through the process and come up with the mechanisms they need, but he felt they are giving the citizens the tools with the new webpage. They cannot follow elected officials and employees around looking over their shoulders every day, having an “ethics police department”, but they can set a strong standard and say, “this is how you have to act to work in Clinton Township”. He reminded that citizens can come up at any time under the public comment section and question activity. He noted recently there were residents who came up and questioned the ethics of the Township spending money on putting ads in C and G Newspaper for the millage renewals. He reminded Mr. Hogan that the residents have the power at the voting booth to say to the people whom they do not feel live up to the standards of Clinton Township’s ethics that they no longer want them representing the citizens of the Township.

Mr. Hogan questioned whether there will be accountability and punishment if the ethics policy is violated.

Mr. Keys replied that is something they will have to form with Human Resources or outside of the ethics policy.

Ms. West did not feel they know that information yet.

Mr. Dolan stated when this matter comes back before the Board, it will be an agenda item. If it is to consider a document, it will be public and can be looked at. He assured it will be discussed openly at an open meeting.

Mr. Hogan did not recall Item #14 being read by the Clerk.

Ms. Meltzer confirmed it was not read, but it was delineated by the Treasurer.

Ms. Nancy Duemling, 20776 Moxon, Clinton Township, Michigan 48036, questioned public disclosure and whether a gift with a \$50 value would have to be reported under the new policy.

Mr. Pearl replied affirmatively, noting it is required of the employee to notify the Township. He added it all must be worked out, and at a point, they may have to trust that the people are not lying. He indicated standards are set and it is hoped they will be met; however, if it is discovered they are not met, the individual(s) are disciplined or let go. He reminded what was submitted was a draft to create a more detailed policy, and it was meant to be a starting point. He added it was put together by the Michigan Townships Association, a reputable group, as a template and it has been used in its current form or in an altered form by a lot of communities. They are seeking more input.

Ms. Duemling stated she wants “more sunshine on the process” and complained that, not just in local government but in state government as well, it is difficult to find things and they are hidden away. She would like to see something implemented where the citizens can look into open records.

Mr. Pearl pointed out in recent years they have added itemized lists of bills, filmed meetings, etc. through input from all the Board members, and they continue to do so.

Mr. Aragona referenced a comment made by Ms. Duemling about “things hidden away”. He questioned whether she had any specifics that Mr. Smith could consider while they are going through this process of establishing an ethics policy.

Ms. Duemling replied she is looking in general at trying to gather information and added there is information that is exempted from the Freedom of Information Act (FOIA). She felt some of that information should not be exempt, but she assured she did not have knowledge of anything specific.

Mr. Aragona noted the State is a lot larger than the Township and it can be a little more closed off, but he urged Ms. Duemling to let the Board know if she sees something on a local level.

Mr. Keys is excited that the residents want more accountability and noted in Item #14 they talked about these disclosure forms being on the webpage. He felt there is no need for a FOIA, assuring that the Board wants to provide that information to the residents. He suggested one of the checks and balances is to review the disclosure forms and look at the bills, which is what he does every

Board meeting to make sure everything is above-board. He expressed his concern that Mr. Pearl had indicated something was taken off the agenda and clarified when something is taken off an agenda, it is still on the agenda but is designated as “deleted”. He stressed they do not hide it from an agenda so that Board members cannot see it. He would have expected on the last agenda to see Mr. Pearl’s item with an indication that it was deleted.

Discussion took place regarding whether the item was submitted to Ms. Meltzer.

Mr. Keys pointed out Ms. Vogel had indicated that she submitted it to Ms. Meltzer.

Ms. Vogel clarified that she made a verbal request to Ms. Meltzer.

Ms. Meltzer stated that is not the same as receiving a written request.

Mr. Keys noted there was obviously a miscommunication on that because Mr. Pearl believed it would be on the agenda. He also stated these lengthy items must be submitted in plenty of time to be reviewed by the Board members and the public prior to the meeting and cannot be added on at the last minute.

Mr. Aragona felt an ethics policy is a good idea, but he issued a plea to the Board members to work together, noting there have been some very political statements made tonight, but they all want to reach an ethics policy. She commended Ms. West for recommending both be combined to come up with a draft they can further review to come up with an ethics policy for the Township, and they can examine the differences. He felt there may be some parts of Item #13 that may need to be improved for the Township, and there may be parts of Item #14 that may not be good. He felt ethics is something learned as a young child, so he questioned the need for a one-hour ethics class for all employees. He reiterated he is glad they are both being looked at and he looks forward to seeing the final product. Mr. Keys interjected regarding ethics no

Mr. Keys interjected regarding ethics not being learned as a young child in Clinton Township and felt an ethics class is very important.

Ms. West agreed that, while ethics should have been learned as a young child, there are many people today who do not know “please and thank you” and they are in a different world. Ms. West viewed an ethics class to be an opportunity, not to teach people ethics, but to outline that “this is what is expected of you if you are going to be an employee of Clinton Township”.

Mr. Gieleghem felt it is creating a mindset that it is a privilege to serve the people of this community, and they want employees to have that mindset, so a training

program is one of the ways they can do this. He felt doing these things and having a webpage is a value-added process.

Ms. Carol Bannister, 18877 Highlite Drive South, Clinton Township, Michigan 48035, applauded the Board for concluding that it is important to have an ethics policy. She urged those who will be formulating this policy to use reasonableness. She stressed it is very important to not go overboard, noting it makes it difficult for an employee to even walk down the hallway if they are worried about doing something wrong.

Ms. West appreciated everyone's input, noting it is a passionate topic and is something they need. She thanked Ms. Vogel for bringing the draft of an ethics policy forward along with Mr. Pearl and Mr. Cannon.

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

15. RESOLUTION URGING THE STATE OF MICHIGAN TO IMMEDIATELY BEGIN WORK ON FIXING THE ROAD FUNDING INEQUITY OF PUBLIC ACT 51 OF 1951

Mr. Gielegem stated this was submitted to the Clerk's Office very late, so he is requesting that the Board vote on placing this item on the next Board meeting agenda for consideration at that time. He indicated it is being introduced this evening, with adoption at the next meeting. He stated they recently asked the residents of Clinton Township to make a tough call to address a problem, where the Township receives \$0 for roads and their share of the road money is diverted to the County, but they were unable to tell the voters what they were going to get for their dollars. Mr. Gielegem stated copies of the proposed Resolution are on the back table and it will be included in the agenda package for the next Board Meeting. He explained that Public Act 51 was adopted by the State of Michigan in 1951 and is the funding formula for road dollars. He reviewed some of the problems, noting that gas tax is subject to diminishing returns. He also noted that Public Act 51 rates a linear mile of road rather than taking into consideration how many lanes that road has, so a two-lane road gets the same amount of dollars as a five-lane road. Mr. Gielegem stressed that formula needs to be changed, and he added that townships need to have more decision-making in the expenditures. The bottom line is that state legislators need to address this issue, and although the Township can tax itself all it wants, they will not be able to raise enough money locally over and above what they already pay and what gets sent out to other parts of the state.

Motion by Mr. Keys, supported by Ms. Meltzer, to introduce the Resolution Urging the State of Michigan to Immediately Begin Work on Fixing the Road Funding Inequity of Public Act 51 of 1951, and to place it and all forthcoming

amendments on the next Township Board Agenda for consideration. Discussion ensued.

Mr. Robert Campbell, 41830 Kentvale, Clinton Township, Michigan 48038, stated he cannot disagree with any of the statements that have been made, feeling they have recognized a lot of the problems of Act 51. He noted that, based on their experience in the State and what happened with Proposal 1 in 2015, he does not share much enthusiasm that they will get much meaningful action out of Lansing before the start of the next decade. He felt the public needs to know and understand that the actions in Clinton Township, both public and private, are out-of-sync with the rest of the state. He explained that in the recent election, there were 168 road millage propositions on the ballot, and 96% of those proposals were approved by the voters. The millage renewals were approved by an average of 70% of the voters. He felt the officials and residents of these other communities are taking a very proactive approach to solving road problems, and they are not waiting for Lansing to revamp Public Act 51. He agreed they need to get that Resolution to Lansing, but felt the roads are in a condition where more positive action is needed at a local level.

Ms. West informed there were a couple of letters received that were in opposition to this item.

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

16. REQUEST APPROVAL TO FILL ELECTION COORDINATOR POSITION IN THE CLERK'S OFFICE

Ms. Meltzer stated this past election was so difficult because they did not have an Election Coordinator in place. The position was filled by someone who had a Clerk's background for many years, but she came from a very small community. She pointed out that Clinton Township has 46 precincts and has a population of over 100,000, with about 76,000 registered voters, so any election is a huge undertaking and extremely complicated and time-consuming. She thanked her deputy, employees and temporary election workers for their work this past election. She noted they had well over 300 employees they had to manage. She stated she is looking forward to having an Election Coordinator for the upcoming election in November.

Motion by Mr. Keys, supported by Mr. Pearl, to receive and file the letter dated August 13th, 2018 from the Human Resources Director, and appoint Ms. Samantha Sipes to the position of Election Coordinator, at a starting salary of \$46,616 as required by the UAW Local 412, Unit 52 collective bargaining agreement, with starting date of August 27th, 2018, subject to successful

completion of a background investigation and a pre-employment medical examination, including drug screen. Roll Call: Ayes – Keys, Pearl, West, Aragona, Gielegghem, Meltzer. Nays – None. Absent – Cannon. Motion carried.

17. REQUEST TO PURCHASE PAVILLION FOR WEBSTER PARK

Ms. Meltzer noted that, because the Department of Public Works is doing the installation of this pavilion, there is a huge cost savings to the Township.

Mr. Miller stated it is over 120 square feet so by code, there is a permit requirement. In the past, he has worked with Public Services Director Mary Bednar and they usually waive those fees, but they still do the inspection of the foundations.

Motion by Mr. Pearl, supported by Mr. Gielegghem, to receive and file the letter dated August 10th, 2018 from the Department of Public Services Director, and approve the purchase of a 14-foot by 14-foot pavilion for Webster Park, which is a budgeted parks capital outlay item, to be purchased from Gametime through the state bid process, US Communities pricing, at a cost of \$11,179.20, with installation to be done by the Department of Public Works; further, that the permit fees be waived. Discussion ensued.

Mr. Keys could see they are using the state bid process for this purchase, but he questioned the model, noting there are about fifteen to twenty different models indicated online. He questioned whether they go online and pick the model they want or is there a bid going out to specify certain requirements.

Ms. Meltzer assured there are certain specifications that go on to MITN and that is what is bid.

Mr. Gielegghem noted the State is not determining the features but approving the vendor as someone who is doing competitive bid pricing and provides quality work and products for a fair and reasonable price.

Mr. Pearl replied to inquiry that it indicates the model.

Mr. Keys claimed when he entered that model on the website, there were about twenty options that came up. He stated he will get in touch with Ms. Bednar, but he just mentioned it this evening to see if anyone knew the specific model.

Mr. Gielegghem felt it was more a function of the budget considerations, space in the park and other factors that determine what is appropriate.

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

18. RECOMMENDATION OF PERSONNEL VACANCY REVIEW COMMITTEE

Motion by Mr. Pearl, supported by Mr. Gielegem, to receive and file the letter dated August 16th, 2018 from the Human Resources Director, concur with the Personnel Vacancy Review Committee, and authorize the creation of a full-time Office Clerk II position in the Clerk's Office to replace the half-time position currently shared with the Building Department, and to authorize the creation of a full-time Office Clerk II position in the Building Department to replace the half-time position currently shared with the Clerk's Office; further, to authorize an \$18,000 budget amendment to both the Clerk's Office and the Building Department for the Fiscal Year 2019 budget. Roll Call: Ayes – Pearl, Gielegem, West, Aragona, Meltzer. Nays – Keys. Absent – Cannon. Motion carried.

19. REQUEST TO AMEND MOTION #1 BY BOARD OF TRUSTEES FROM AUGUST 6, 2018 BOARD OF TRUSTEES MEETING REGARDING SITE DEVELOPMENT PLAN FOR PAULA COURT ESTATES – 5.3 ACRES OF LAND FRONTING THE SOUTH LINE OF MILLAR, EAST OF PAULA COURT (SECTION 20)

Mr. Barry Miller, Superintendent of the Building Department, explained that the site plan as approved at the last meeting did not show sidewalks within the development. It is a private road, but the Planning Commission nor the Planning Director mandated they be included on the plans. The ordinance calls for sidewalks to be installed, even if it is within a private development. He explained the Board has the right to waive that requirement, like what they have done in other gated communities and other areas in Clinton Township where they do not feel sidewalks are necessary. He indicated the applicant still needs to show on the plan a location of a sidewalk along Millar for future development if needed. He recommended that the Board decide what they want to do within the development, and for the sidewalk along Millar, to leave that with the process they currently have in place regarding placing a covenant on that sidewalk. He explained the Building Department starts that process, signing off on the fact there are no other sidewalks in that area and, in the near future, they do not see anything going in. The covenant gets recorded to the property, and any owner associated with that property in the future would be responsible for the installation of the sidewalks if the future Board decides a sidewalk would have to go in. He recommended that would be the best way to handle this, and although he has been aware of talk to take a monetary donation to a Bike/Hike Path Fund in lieu of that, he did not feel that would be the best option in this case. He pointed out if it is decided in the future that sidewalks should be installed along Millar, the Township would then be responsible for paying for it.

Motion by Ms. Meltzer, supported by Mr. Aragona, to amend Motion #1 by the Board of Trustees from the August 6th, 2018 Board of Trustees meeting, with regard to the Site Development Plan for Paula Court Estates, to be located on 5.3 acres of land fronting the south line of Millar, east of Paula Court, to establish a requirement for a recorded sidewalk covenant consistent with the Township's policy for the future installation of sidewalks along Millar Road; and further, to waive the requirement of the sidewalk on the interior of the project. Discussion ensued.

Mr. Keys inquired as to the benefit of waiving the interior sidewalk.

Mr. Miller responded it is generally a private road, and he believed this will be a gated community. He compared it to Cranberry Court. He pointed out there are only nine units going into this development, and anyone moving into a development of this type will understand the dynamic that they do not have sidewalks.

Mr. Pearl pointed out that people from other communities will not be walking through a gated community or driving through.

Mr. Bob Hogan, 36755 Barr Street, Clinton Township, Michigan 48035, could not see the advantage of not having sidewalks in a residential community. He commented that when he jogs along Groesbeck, there are several properties without sidewalks, and joggers and pedestrians are forced to go onto Groesbeck where there is a risk they can be hit by a car, or they are forced to go onto the grass or weeds, where it tends to be muddy.

Mr. Miller replied it is at the discretion of the developer. It is a private road in a private setting and it is gated. It is a matter of allowing the developer to pursue his vision of what he had drawn up. There is no real advantage or disadvantage. If this were on a road within the Township that is public, would agree with Mr. Hogan.

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

APPROVAL OF MINUTES OF AUGUST 6TH, 2018 REGULAR TOWNSHIP BOARD MEETING

Mr. Gielegghem requested the following correction:

Page 5, 2nd paragraph from bottom, Line 4:

Change from: "...that his helpful for residents..."

Change to: "...that is helpful for residents..."

Motion by Mr. Gielegem, supported by Mr. Aragona, to approve the report of the August 6th, 2018 Regular Township Board Meeting, with the correction on Page 5 as noted. Roll Call: Ayes – Gielegem, Aragona, Keys, Pearl, West, Meltzer. Nays – None. Absent – Cannon. Motion carried.

APPROVAL OF BILLS

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

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion by Mr. Pearl, supported by Mr. Aragona, to adjourn the meeting. Roll Call: Ayes – Pearl, Aragona, Keys, West, Gielegem, Meltzer. Nays - None. Absent – Cannon. Motion carried. The meeting adjourned at 9:01 p.m.

Respectfully submitted,

KIM MELTZER, CLERK
CHARTER TOWNSHIP OF CLINTON