

**REGULAR MEETING
LENOX TOWNSHIP BOARD OF TRUSTEES
MONDAY, MARCH 7, 2016**

- 1. CALL TO ORDER:** 7:30 P.M.
MEMBERS PRESENT: Trombly, Kethe, Ottenbacher, Turchi, Boyd
ATTORNEY PRESENT: Steven Joppich
RESIDENTS AND GUESTS PRESENT: 13

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

Supervisor Trombly requested to add under **9.d.**, The WRAP Program and to remove the Supervisor's Report from the consent agenda.

Motion by Turchi seconded by Kethe to approve the amended agenda, removing **j.** Supervisor's Report from the consent agenda and putting in under **7.** and also adding **9.d.** WRAP Program. All Ayes. Motion passes.

4. APPROVAL OF MINUTES

Motion by Boyd seconded by Turchi to approve the minutes of 2-1-2016 and 2-23-2016 as presented. All Ayes. Motion passes.

5. PUBLIC COMMENT

Trustee Karen Turchi asked for the resident's help by going online and completing the survey for the Lenox Township Master Plan. Hard copies are available at the Township Office if someone does not have access to the internet; surveys done on the internet get tallied immediately. The Planning Commission would like a lot of input from many different residents.

Clerk Kethe reminded everyone of the election tomorrow, if they have not done so already, please come out and vote.

6. CONSENT AGENDA

All items listed under this Consent Agenda are considered routine by the Township Board and will be enacted by one motion. According to established Township meeting rules, there will be no separate discussion of these items, unless a member of the Board or public so requests at or prior to the meeting, in which event the chair of the meeting may remove such item(s) from the Consent Agenda for discussion and consideration under Agenda Item No. 7, below. Approval of the Consent Agenda shall be by a majority roll call vote of those present and voting. Under the consent agenda are items A . Sheriff's Report, B . Fire Department Report, C . EMS Report, D . DPW Report, E . Code Enforcement Report, F . Assessing Department Report, G . Engineers Report, H . Library Report, I . Senior Center Report, K . Treasurer's Report, L . Order and Bills in the amount of

\$1,704,374.69 which includes payment to EMS, M . Trustee's Report.

Motion by Turchi to approve the consent agenda minus j. supervisors report including the Order and Bills at \$1,704,374.69. Roll Call: Boyd . Aye, Turchi . Aye, Ottenbacher . Aye, Kethe . Aye, Trombly . Aye. Motion passes.

7. ITEMS REMOVED FROM CONSENT AGENDA

J. SUPERVISOR'S REPORT

Supervisor Trombly reported that he received a call from DTE to inform the residents that they plan to trim trees in Lenox Township this year as part of their commitment to deliver safe and reliable electric service. Trees growing near and into powerlines create public safety hazards and outages. More than 2/3 of the time customers spend without power is caused by trees. The tree program was executed successfully in many communities last year resulting in fewer outages. Some may have concerns about tree-trimming but everyone wants reliable power. Trombly has a map of where they plan to trim this year if anyone would like to see it. Customers will be informed about trimming/removals on their property before work begins; they will not remove trees without written permission. If there are any questions or concerns, contact DTE directly at 586-412-3206. Residents may see arborists in their yards or neighborhoods inspecting powerlines and trees to determine whether trimming is needed. They will be wearing yellow DTE Energy vests and carrying ID badges. If they need to go onto your property, they will knock on your door and if you are not home they will leave a tree work schedule door card. If you have any questions about the work intended for your property please call the number on the door card. If a tree poses a serious hazard to power lines or if trimming will put the tree's health at risk, they may need to remove it. They will make every effort to work with property owners before removing any trees.

Trustee Chris Boyd interjected that if a property owner allows them to go on their property to tell them what they can and cannot trim, try to be there to watch them trim. DTE trimmed way more than what was agreed to because no one was there watching them. The person that signs the paper is not the same crew that comes out and does the cutting.

8. UNFINISHED BUSINESS

A. PROPOSED POLICY MANUAL UPDATES

Attorney Joppich stated that this has been on the agenda to make some updates and revisions to the personnel policy manual and operations of the Township. He provided the Board with a memo that summarizes everything. Section 4.1B, is a section that covers confidentiality of personnel policies. The prior version indicated that all that information would remain confidential, however under certain laws, it is not always to be kept confidential and some of it may be released. A change was made to recognize that. Section 4.3 regarding a requirement that employees work 30 hours in order to maintain their medical benefits. This was modified to make the changes discussed by the Board regarding Paid Time Off. 4.3K was to address the overtime issue that has been discussed by the Board. Section 6.7 is a change in a heading to differentiate two sections. Section 6.7F & G and 7.2B are regarding issues relating to emergency purchases. The prior policy left it up to \$1,000 and this clarifies that the Supervisor can approve emergency repairs and expenditures up to \$1,000 and two Board members can agree outside of having to come to the Board for an emergency repair expenditure between \$1,000 and \$5,000. Lastly, there are two sections which are updates to the policy. The first is the Freedom Of Information Act Policy that was adopted by the Board about nine months ago and Section 6.12 Credit Card Payments Policy that was adopted several months ago. This policy manual is a living document which is set up to incorporate changes as needed.

Trustee Boyd questioned 6.7, if the Supervisor is not available, can two Board members approve up to \$1,000?

Joppich answered that the Deputy Supervisor has the power, in the absence of the Supervisor, so that would be covered.

Trombly stated that he still has a problem understanding 4.3, that an employee must work 30 hours to maintain medical benefits. He questioned that if an employee does not work 30 hours are their medical benefits extinguished?

Joppich said the intent is to avoid any abuses of the benefits by using other benefits to achieve a 30 hour work week. The idea is that it is not a single week that would render someone not to get benefits but if it becomes a pattern, than this provision would kick in.

Trombly explained that his issue is that it clearly states that it's made to specify that an employee must work 30 hours. Kethe believes this one needs to be worked on a little bit.

Boyd suggested that it needs to read so that the Board could choose not to enforce it.

Joppich reads the policy %employees may not flex their work schedule outside the established standard work week. Except for certain instances of overtime or as approved by the Supervisor and Township Board. Employees receiving medical benefits provided by the Township are required to work a minimum of 30 hours to keep their medical coverage as an employee benefit+. It is not saying that if one week an employee fails to work 30 hours their medical benefits will be revoked.

Trombly said in the first sentence it states it clearly ~~to~~ to maintain medical benefits they must work 30 hours and he thinks that statement overrides the other part of it.

Joppich stated that the intent is that you are a 30 hour per week employee not that you work every single week 30 hours.

Trombly said that his argument . it says %to specify that an employee must work 30 hours to maintain medical+.

Joppich explained that it doesn't say %must+it says %employees receiving medical benefits provided by the Township are required to work a minimum of 30 hours to keep those benefits+. Joppich thought that it read fine, but if the Board wants to adjust the wording, a modification could be made.

Turchi suggested the addition that they are a 30 hour work week employee and that qualifies them for medical coverage. Insurance coverage does not go week to week.

Boyd said that his point of this whole thing was that if an employee takes a day off, they must use Paid Time Off (PTO) and if an employee takes a Monday off, they do not come in on a Friday to make up those hours. That is what PTO is for.

Joppich remarked that the last sentence says if an employee is ill or requests time off during the Townships working hours, PTO hours must be used. He wondered if that satisfies the Board's intent and asked if we can remove the prior sentence to avoid any confusion as long as that sentence is in there in 4.3b.

Boyd stated that he would be OK with that because it's still in there that if they are taking the time off they have to use PTO.

Joppich said to eliminate any issue he could remove the sentence that appears before it which is the sentence about 30 hours per week.

Kethe said that instead of removing it, it could replace 30 hours with the classification.

Boyd interjected that if an employee does not have PTO than that is an exception including those that have not earned it yet.

Resident comment from the audience— all you have to do is replace the word 'must' with 'should'- which opens it up to interpretation of if the person is being habitual or not and if you are going to take action or not.

Kethe agreed with the resident but said the actual wording does not say ~~must~~ that was just in the memo.

Joppich said that another alternative would be to revise the sentence to say employees receiving medical benefits provided by the Township are required to be classified as and maintain status as a 30 hour per week or more employee.

Motion by Boyd supported by Turchi to approve the proposed Policy Manual updates with the amendment proposed by Attorney Joppich. All Ayes. Motion passes.

B. TOWNSHIP BUILDING EXTERIOR LIGHT PROJECT

DPW Superintendent Cam Trombly was unable to be present at this meeting to give an update.

Trustee Boyd reported that Cam had given a recommendation and he trusts what he had given them. The cost is not nearly as much as he thought it would be and he was thinking to do them both at the same time to make the entire area safe.

Motion by Boyd supported by Kethe to follow DPW Superintendent Cam Trombly's recommendation to award Philips Sign & Lighting the contract to update the north lot at the cost of \$5,390.01 and the west lot at the cost of \$7,611.99 for a total cost of \$13,002.00. All Ayes. Motion passes.

C. A & B CLEANING CONTRACT – ADDITIONAL INFORMATION

Deputy Supervisor Jeanette Ventimiglia stated that Attorney Joppich worked on the contract revisions and then sent it to A & B Cleaning.

Clerk Kethe stated she did not see any problems with the revisions, reminding everyone that there would be no cleaning on any holidays. She feels the trip charge was not out of line.

Trustee Boyd conferred that the trip charge is a flat \$60 fee.

Motion by Kethe supported by Ottenbacher to approve the contract with A&B Commercial Cleaning for the term of March 1, 2016 thru March 1, 2018 as presented in the contract. All Ayes. Motion passes.

9. NEW BUSINESS

9a. FIRE DEPARTMENT I AND II EXTERIOR PAINTING PROJECT

Chief Fouchia detailed that neither Fire Station has had any exterior painting since they were built. The overhead doors and the entry doors are both in dire need of paint. He recommended that the project be awarded to Michigan Specialty Coatings as they are a great company to work with and they have done a phenomenal job in the past.

Motion by Boyd supported by Ottenbacher to approve the painting of the outside of both Fire Stations I & II, at the cost of \$3,860.00 by Michigan Specialty Coatings. All Ayes. Motion passes.

9b. FIRE DEPARTMENT STATION II FLOOR RESTORATION PROJECT

Chief Fouchia stated that the floor is the original floor and the building is 17 years old. The floor was never properly sealed and never received a proper coating on it. He recommended that the restoration project for Station II be awarded to Michigan Specialty Coatings out of Marysville. Fouchia explained that the third company is a semi-national company covering more area with more resources so maybe they can bid projects, but they would be coming out of Ohio.

Motion by Boyd supported by Turchi to approve awarding Michigan Specialty Coatings this project at the cost of \$21,725.00 for doing the floors at Fire Station II. All Ayes. Motion passes.

Chief Fouchia added that in his Month-end Report, the Fire Department assisted Macomb County Sheriff Department with a heroin addict missing in the Salt River at 3:30 in the morning. The Sheriff Department thought that due to the Fire Department training and the equipment the Fire Department has purchased over the years, they could assist. After an hour and a half, the victim was found and subsequently arrested. The point is that the training that the Fire Department does went right by the numbers. The Sheriff Department was in awe.

9c. TEJA ENTERPRISES, LLC – ANNUAL RENEWAL FOR MINING PERMIT

Mr. Terry Pieprzak detailed that they are still plugging along with the project and had a better year last year than in previous years. It is difficult to determine how many more years the mining will continue, it will be a few more years.

Trustee Turchi explained that at the Planning Commission level, the Members agreed to renew the Special Land Use Permit as no complaints were heard. They looked over the figures and reviewed the general area of the development.

Motion by Boyd seconded by Ottenbacher to renew the Annual Mining Permit for TeJa Enterprises, LLC for another year. All Ayes. Motion passes.

9d. WRAP PROGRAM

Attorney Joppich explained that the Township learned about this Water Residential Assistance Program (WRAP) last week. The material was sent to the Township to fill out a survey and be opted in. Additional information has been discovered with a memorandum agreement that the Township needs to sign in order to opt in.

Supervisor Trombly detailed that this is a universal service delivery model to help residential customers of the Great Lakes Water Authority (GLWA) access bill assistance, water conservation measures and navigate resources in support on a pathway towards self-sufficiency.

Township Engineer Sermed Saif added that program is for residents to get assistance who have trouble paying their water bills. The funds are allocated through the GLWA. There is a maximum \$1,000 allowed per household and they have to apply annually. They have to stay current by paying their bills. The Township has to opt in the first year and the memorandum must be adopted by the end of the month. As a first year applicant, the residents will call directly and set up all the details. Everything is listed on the website at www.waynemetro.org and the number to call is (313) 386-9727. There are income restrictions and eligibility requirements.

Trustee Boyd asked (1) where the funding comes from and (2) who is %they+when referencing the utility biller?

Saif explained that this program is totally funded by the GLWA and the utility biller is Lenox Township.

Boyd understood that according to their paperwork, the Township would need to designate somebody that would be responsible for information including, but not limited to, confirming payment history, verifying enrollment in other payment plans, alerts, reporting on enrolled recipients, client payment status on an ongoing basis and that Lenox would be the point of contact.

Deputy Supervisor Jeanette Ventimiglia stated that the thought is that it should be her because she does the water billings. The resident applies to the program; the Township is not involved in the approval process.

Joppich remarked that from a legal standpoint, agreeing to freeze arrears and agreeing not to shut off a water service based on this agreement would be contradictory to existing Township Ordinances. It would be necessary to amend these Ordinances.

Clerk Kethe stated that if a resident is in need, she does not have a problem freezing everything, but how long does the Township let it go.

Joppich stated he is not completely familiar with the agreement, but remembers something about a one year period.

Saif interjected that one year is correct. They must apply annually, are allowed two strikes and they are out, but can re-apply.

Kethe inquired at that point they are out of the program, the arrears begin again covering the Township.

Joppich stated that the agreement can be terminated by either party with 30 day written notice and has a blank space for the period of effectiveness. That is something the Township and the organization would agree upon.

Ventimiglia said that the deadline is March 31, 2016, if the Board lets them know that the Township is interested, a spot would be held for Lenox.

Joppich reported that the Board could postpone this decision until the April Board of Trustee Meeting, expressing an interest in proceeding subject to getting these additional items of information.

Motion by Kethe supported by Boyd to postpone until the April Board of Trustees Meeting in order to gather additional information recognizing that the Board is interested in opting in after the added information is received. All Ayes. Motion passes.

10. PUBLIC COMMENT

No Public Comments were heard at this time.

11. ADJOURNMENT

Motion by Boyd supported by Turchi to adjourn at 8:23 PM. All Ayes. Motion passes.

Respectfully submitted,

Respectfully submitted,

Jodi Kethe
Clerk

Carol A. Swantek
Deputy Clerk