

**REGULAR MEETING
LENOX TOWNSHIP BOARD OF TRUSTEES
MONDAY, FEBRUARY 1, 2016**

- 1. CALL TO ORDER:** 7:30 P.M.
MEMBERS PRESENT: Trombly, Kethe, Ottenbacher, Turchi, Boyd
ATTORNEY PRESENT: Steven Joppich
RESIDENTS AND GUESTS PRESENT: 64
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA**

Clerk Kethe requested that the Clerk's Report be removed from the consent agenda.

Supervisor Trombly requested that the Supervisor's Report be removed from the consent agenda as well.

Trustee Turchi requested that the Board Members that attended the MTA Conference give a synopsis of how it was.

Motion by Boyd seconded by Turchi to approve the agenda moving 6j. and 6n. to 7. Items Removed from consent agenda. All Ayes. Motion passes.

4. APPROVAL OF MINUTES

Motion by Boyd seconded by Ottenbacher to approve the minutes as presented. All Ayes. Motion passes.

5. PUBLIC COMMENT

Todd Robinson, I am the new Superintendent for the New Haven Schools starting seven months ago. I want to share some highlights about what is going on in the New Haven School District and Rocket country. I also want to update the Board on the Non-Homestead Renewal Proposal that is on the March 8, 2016 ballot. Senate Bill 571 was signed into law and Public Act 269 has made some restrictions on what can be done 60 days prior to an election. The fact that the Township meetings are televised on cable TV, prevents me from sharing some information, but I do want to tell everyone that they are free to call me if there are any questions on this or anything else. I left some literature in the back that has also been shared with the community. In terms of the Non-Homestead, there is a lot of factual information on the district website. The election is March 8, 2016 and is an 18 mill Non-Homestead Renewal. This District has faced difficult financial times for several years and people are working harder in spite of that. Previously, I worked the past 24 years in the Avondale School District; with the last 12 years as the Middle School Principal there. New Haven High School has shown the single greatest gains in Macomb County in ACT test scores in the last two years, which are hovering around the county average. Students are now getting ready to take the SAT test this year. Students are also getting a double block of Language Arts. The elective program has been improved at the Middle School to include Drama and Year Book classes. At New Haven Elementary, there is a new principal, Jennifer Szlachta; she is doing a lot of things on culture in the building. There are two unique things going on at the Elementary School to get parents more

engaged including, All Pro Dads and Watch Dogs, which allows fathers or significant males to volunteer to spend a full day and help out. I have spent a lot of time working with the Board in restoring the financial health of the organization, which is one of the first steps in this Non-Homestead Renewal. Financial health is priority one for me, I would like to get the district out of deficit.

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 \$235,245.30, M . Trustee's Report.

Motion by Boyd supported by Turchi to approve the consent agenda to include the Order and Bills in the amount of \$235,245.30. 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 explained that the 2016 Notices of Assessment are scheduled to be mailed at the end of February. If there are any questions regarding the 2016 Assessment or a property owner would like an appointment to meet with the Board of Review, a land owner can contact the Assessing Department at (586) 727-2085. Lenox Township Board of Review will meet in the Township Offices to hear appeals on the following dates: Monday, March 14, 2016 from 1:00 PM . 9:00 PM, and Tuesday, March 15, 2016 from 9:00 AM . 5:00 PM. Matters pertaining to the assessment of properties may be brought before the Board of Review. Appointments will be scheduled until 4:00 PM on Tuesday, March 15, 2016. Appeals in writing will be accepted if received by 4:00 PM on Tuesday, March 15, 2016.

N. CLERK'S REPORT

Clerk Kethe stated that as of today, the Township can accept credit cards, debit cards, and bank accounts for any type of payments. The new website is up and running and encourages everyone to check it out, as there are a lot of great things out there. There is a Lenox Township app for smart phone users that is currently being beta-tested.

Trustee Turchi inquired if the Master Plan Survey has been placed on the website.

Kethe explained that the Survey has not been put on the website at this time.

Motion by Boyd supported by Kethe to receive and file 7. N and J from the consent agenda. All Ayes. Motion passes.

8. UNFINISHED BUSINESS

A. PROPOSED POLICY MANUAL UPDATES

Motion by Boyd supported by Kethe to table the proposed policy manual updates until the March meeting.

Attorney Joppich interjected that the Board adopted the Policy Manual in April of 2015, since that time some things have been modified such as the Freedom of Information Act (FOIA) and Credit Card policies. He recommended to bring back an overall updated policy manual at a future meeting, incorporating all the changes since April 2015.

All Ayes. Motion passes.

9. NEW BUSINESS

9a. FIRE DEPARTMENT PROMOTION AND AWARD CEREMONY

Chief Fouchia declared that several people have completed their probationary period. He summoned Firefighters Brown, Radyko, and Grabski, as well as Dispatcher Bagans to the podium.

Fouchia presented Years of Service Awards to Erik Oakes for 10 years of Service and Jason Lockwood for 15 years of Service. Fouchia requested Firefighter Dean Collins to the podium and presented him with the Certificate of Promotion to the Rank of Sergeant.

A round of applause and standing ovation congratulated all the employees honored at this ceremony.

9b. MCLAREN MACOMB MEDICAL OUTREACH CLINIC LEASE RENEWAL

Chief Fouchia requested that the Board approve the renewal of the lease with McLaren Macomb at \$650 per month.

Treasurer Ottenbacher observed that some of the contract dates may be incorrect.

Fouchia indicated that he would make the proper corrections.

Motion by Boyd supported by Kethe to renew the Fire Department Contract with McLaren Macomb Medical Outreach Clinic in the amount of \$650 per month. All Ayes. Motion passes.

9c. TOWNSHIP BUILDING EXTERIOR LIGHT PROPOSAL

DPW Superintendent Cam Trombly stated that he was asked to obtain quotes for exterior lighting for the north side of the building and was able to get four different quotes. He reported that the quote from Phillips Sign and Lighting gives the best value for what equipment would be installed, even though the amount is not the lowest price.

Trustee Boyd asked if the quote included the parking lot or just the sidewalk.

Trombly explained that the quotes included lighting on the north side of the building to the sidewalk.

Kethe recognized that the Lakeview quote is a little lower.

Trombly stated that the Lakeview quote listed just three 500 watt bulbs instead of four. For a comparable bid, the estimate with three fixtures is actually more per fixture than Phillips.

Kethe relayed one quote recommends removing the existing fixture, installing a new one and then adding three.

C. Trombly said that way everything will look more symmetrical and esthetic.

Supervisor Trombly stated that if exiting the building is the concern, possibly one flood on a time could be activated as people leave the building. He does not see the need to light up the whole length of the building.

Boyd explained that there is parking across the entire front of the building.

Trustee Turchi recalled that people could hide in the bushes across the length of the building.

C. Trombly explained that the pole lighting was installed in 2000, at that time LED lighting was very expensive. Before anything is mounted on the building, the lighting in the entire lot on that side could be upgraded. That could include the coverage area for this building. He fears there may be too much lighting if both were upgraded.

Motion by Boyd seconded by Kethe to table 9D. and allow the DPW Superintendent look into quotes on parking lot post lighting for the north side of the building. All Ayes. Motion passes.

Comment from the audience inaudible.

Motion by Boyd seconded by Kethe to amend the motion to get two quotes: one for the north side of the building and one for the north and west side together and separate. All Ayes. Motion passes.

9d. PARK SIGN REPLACEMENT PROPOSAL

DPW Superintendent Cam Trombly explained that everyone is aware that a vendor was awarded the contract to replace the park sign. As of today, that vendor has failed to complete the project. The Township has exhausted every avenue to work with

this contractor to no avail; all ties have now been cut with them. Trombly has started to explore replacement contractors to complete this project. He contacted Phillips Sign & Lighting to put together a quote for the design that was originally approved. Phillips Sign & Lighting had submitted a bid on the initial project, but was not low bidder and was not awarded the job. In the new quote, there is a significant line item to remove the existing structure and reconstruct some of the work that has already been done as that work cannot be guaranteed.

Clerk Kethe asked if anything could be salvaged as the Township paid the other vendor \$6,000 in September 2014.

C. Trombly remarked that probably nothing can be saved; the Township would be better off starting over. If there is any upside to this, the cost of the electronic reader board that is currently placed in the structure, is comparable to what was paid out.

Attorney Joppich said that several notices have been sent to the contractor advising them that the Township reserves the right to go back after them to recoup any cost overruns that are incurred as a result of their failure to perform. He said he would not limit it to just the cost of having to take out the old and restore the site, there could be additional costs, such as if the contract is at a higher amount, and is reasonable, Lenox could potentially make a claim for the difference between the two contracts. It would likely be a district court matter, which is less costly if it is less than \$25,000. He suggested waiting until a new contractor is hired as the new costs are not calculated yet.

Trustee Boyd inquired about the fabricated amount of \$927.52.

C. Trombly explained that the top section is heavier gauge using thicker material. The Township can opt to utilize heavier gauge materials on the middle and lower sections, at a higher cost. Phillips recommended thicker letters if there is a concern of the sign being damaged.

Supervisor Ron Trombly reported that he has concerns about that as the sign is in a public place; one repair bill could add up to thousands of dollars.

Trustee Turchi remarked that it would probably be covered under the Township's insurance.

R. Trombly agreed, however, there would be a deductible attached.

Boyd asked if the total would be \$19,994 plus \$927 if the Board would prefer larger letters.

C. Trombly affirmed the costs, adding that this is pretty much a lifetime sign.

Motion by Boyd supported by Ottenbacher to approve Phillips Sign & Lighting to do the work on the sign in the park, tearing out the old and replacing with the new, in the amount not to exceed \$21,000.00. All Ayes. Motion passes.

9e. A & B CLEANING REQUEST

Deputy Supervisor Jeanette Ventimiglia reported that it was agreed upon at the beginning of December that with the holidays and the Township being closed between Christmas and the New Year, that the cleaning would not need to be done both weeks. The cleaning lady took Christmas week off and was going to clean the building on January 1, 2016. When she arrived on January 1 at 6:00 AM, she could not gain access into the building. She called Ventimiglia, Clerk Kethe, and her boss, Ann for direction, after waiting a few minutes, Ventimiglia told her to just go home.

Supervisor Trombly included that they want the Township to pay the cleaning lady for showing up to work on January 1.

Treasurer Ottenbacher inquired about the email from the owner where it says employees get paid to report to work but are unable to do the work for reasons unforeseen. She does not remember seeing a contract that stated that.

Ventimiglia remarked that the only contract she has is from 2010 and it does not state that in there.

Trombly interjected that in reviewing the contract, there is specific language about a trip charge if the cleaning staff shows up.

Ventimiglia said the owner sent over a contract, but it was not signed by anyone at Lenox. The cleaning lady would not have had access to the entire building on January 1 anyway.

Trustee Boyd inquired if it was in the contract that the Township pay them or if it is in their contract that they pay their employees.

Ventimiglia responded that that is unknown as the last signed contract she possesses was from 2010-2012. She will forward that document to everyone tomorrow.

Clerk Kethe said she thinks the Board should ask her to invoice the Township for the trip charge and not the full cleaning.

Boyd reminded everyone that the building is not open on Fridays, if it is snowy and they cannot get to work and they cannot even get in the building does the Township have to pay again?

Trombly remarked that he thinks so, if the Township is shut down for an emergency, he does not think it is specific to a Friday.

Kethe detailed that the document reads for *any reason any place* that they cannot get in- this is not just specific to Lenox.

Attorney Joppich inquired if trip charges were in prior contracts that were signed.

Ventimiglia reported that she had never seen the wording before.

Joppich questioned if those contracts were single year contracts.

Ventimiglia replied that she thinks it is a two year contract.

Joppich recapped that the contract may have been renewed every two years, however, the Township does not have a current contract. This issue does not appear to be in any contract; without a written contract the Board is under an oral contract. There is probably no clear right to get a trip charge, but then you look at fairness, which might entail mileage and perhaps a minimum hourly wage for the duration of the time to make the trip. Without any specific term, Lenox is probably not required to pay them anything, but if the Board were to pay, they could not go much beyond mileage and an hourly rate.

Trombly said he thinks the Township should be fair because the cleaning lady did show up.

Ottenbacher stated that the Township needs to address the fact that no one holds a contract.

Kethe remarked that there was nothing in the software program that was restricting her from getting into the building. According to the computer program, they have access any time Thursday through Sunday. The cleaning crew should never be scheduled on a holiday.

Boyd asked if someone should call the company and find out how many miles to the building and maybe add two hours.

Trombly recommended that (1) find out if Lenox has a current contract, (2) mileage to the building, and (3) their trip charge.

Ottenbacher inquired if there is not a contract, does the Board have to go out for bids on this?

Joppich stated that if Board is satisfied with the service contract, then renewals could be provided for, or the Board could re-bid, but the Board is not compelled to do so. If they are changing their rates and terms, then they are subjecting themselves for due process.

Motion by Boyd supported by Turchi to authorize Jeanette to contact A & B Cleaning to find out if they have a current contract signed by someone at the Township, the mileage to the Township building, and the trip charge amount. All Ayes. Motion passes.

9f. SET 2016 PUBLIC HEARING AND SPECIAL MEETING DATE FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

Deputy Supervisor Jeanette Ventimiglia stated that a special meeting must be scheduled to hold a public hearing for Community Development Block Grant Funds (CDBG). She understands the public notice must be published 15 days before the hearing. She is looking at the last week of February.

Turchi wondered why the Board would be scheduling a special meeting as she thought this was done at a regular board meeting.

Kethe inquired if the regular March Board of Trustees Meeting was too late.

Ventimiglia responded that the CDBG information must be at Macomb County by March 1, 2016.

Motion by Kethe supported by Boyd to set the public hearing for February 23, 2016 at 4:00PM.

Ventimiglia explained that the 2016 funds are much lower than past years. The total allocation is \$12,278.00 and of that Macomb County allocates \$2,000 to Chore, giving the Board \$10, 278.00 to allocate, which \$1,070 of that is the 15% service amount.

All Ayes. Motion passes.

Richmond Lenox EMS Director Jeff White detailed that there has been a lot of changes to the CDBG Program, there are no more three-year funding cycles. Macomb County will no longer let communities share funds or do a multi-year project. They have tightened up what the money can be used for making many ineligible for most spending options. White received an email that Macomb County would allow a community do a two-year project but the project would have to be done this year and fund it the second year to be reimbursed the following year. The funds were cut by about two thirds in all Macomb County communities.

9g. BOARD OF REVIEW MEMBERS TRAINING REQUEST

Supervisor Trombly explained that the Macomb Assessor's Organization has scheduled continuing education for the Board of Review members at a cost of \$15 each for Dave Marry, Scott Clifford, Jeannette Ventimiglia, and himself, totaling \$60 to be held on Wednesday February 10, 2016 from 9:00 AM to 1:00 PM.

Boyd stated that last year it was determined that it was not beneficial for Jeanette to attend as she is solely taking minutes.

Ventimiglia responded that if the petitioner goes to the tribunal, it is her minutes that they are looking at, if something is lacking because she did not attend the training, then the Township loses.

Boyd wanted to make sure the Board sends her to something that is beneficial and necessary.

Ventimiglia reported that this was discussed with the Assessing Department and they feel it is very important for her to be there. It has been quite a few years since anyone has been to training.

Motion by Boyd supported by Ottenbacher to approve continuing education through the Macomb County Assessor's Organization for a total of \$60 for Dave Marry, Scott Clifford, Jeanette Ventimiglia, and Ron Trombly. All Ayes. Motion passes.

9h. ELECTION INSPECTOR CONTINUING EDUCATION COMPENSATION

Clerk Kethe explained that Macomb County holds continuing education for election inspectors every two years that is mandatory. The Clerk's Office also plans on doing an in-house training this year. The Clerk's Office would like to pay the inspectors to attend the training as it is required that the inspectors are certified to work elections. The chairperson earns \$10.00 per hour and the inspectors make \$9.50 per hour.

Supervisor Trombly believes the workers should be paid if certification is required.

Motion by Boyd supported by Turchi to approve paying the chairpersons and the election inspectors to attend continuing education sessions that are mandatory through Macomb County. The chairperson earns \$10 per hour and election inspectors make \$9.50 per hour. All Ayes. Motion passes.

9i. SENIOR CITIZEN CENTER TRAVEL BUDGET DISCUSSION

Clerk Kethe explained that the Board of Trustees budgeted \$1,500 to cover the Senior Center Travel for the year. The Senior Coordinator attempts to schedule mystery lunches and casino trips together with Chesterfield and Ray Township Senior groups, often renting a chartered bus to transport everyone together. The Lenox portion of the bus rental is \$300; \$1,500 is not enough to cover the mystery lunches. When casino trips are scheduled, she gets money back, however, she may have to cut back on some things if the Board does not raise the budgeted amount.

Trustee Boyd inquired if Kandell could provide the Board with the costs from last year so it could be matched.

Kethe reported that Kandell asked about utilizing SMART funds, however, that that would not save the Township anything.

Trombly inquired if Kandell needs that money to proceed.

Kethe explained that Kandell is ok right now but she is almost at ground zero.

Kethe remarked that \$3,600 would guarantee she provide the mystery lunches.

Richmond Lenox EMS Director Jeff White inquired if the \$3,600 is just to cover transportation as he has additional funding from SMART. The buses are not as large as a chartered bus, but do hold 12 people very comfortably. On any given day they could

probably spare two buses to help out with transportation. They do any trips in Macomb, Oakland, and Wayne Counties. For groups of 24 people or less these vehicles are available with no donation no tips expected from the Seniors.

Motion by Boyd supported by Kethe to increase the Senior Citizen Travel Budget from \$1,500 per year to \$3,600 per year. All Ayes. Motion passes.

9j. MEDICAL MARIJUANA ORDINANCE AMENDMENT SECTION 337

Trustee Turchi remarked that the Medical Marijuana Ordinance needs one minor change, as a reference number within Section 337 was printed in error in Article 1 Paragraph 3. The mention of Section 8.00(7) should be changed to Section 329.

Motion by Kethe supported by Turchi to approve the amendment to Section 337 of the Lenox Township Zoning Ordinance.

Roll Call: Turchi . Aye, Boyd . Aye, Ottenbacher . Aye, Kethe . Aye, Trombly . Aye. Motion passes.

10. PUBLIC COMMENT

No Public Comments were heard at this time.

11. ADJOURNMENT

Motion by Turchi seconded by Boyd to adjourn at 8:55 PM. All Ayes. Motion passes.

Respectfully submitted,

Respectfully submitted,

Jodi Kethe
Clerk

Carol A. Swantek
Deputy Clerk