

**REGULAR MEETING
LENOX TOWNSHIP BOARD OF TRUSTEES
MONDAY, JUNE 6, 2016**

- 1. CALL TO ORDER:** 7:30 PM
MEMBERS PRESENT: Trombly, Kethe, Ottenbacher, Turchi
ATTORNEY PRESENT: Steven Joppich
RESIDENTS AND GUESTS PRESENT: 8
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING AGENDA**

Supervisor Trombly requested that one item be added to the Agenda under New Business, g. Backup Electrical Inspector Request.

Motion by Clerk Kethe seconded by Ottenbacher to approve the agenda as amended. All Ayes. Motion passes.

4. APPROVAL OF MINUTES

Motion by Ottenbacher seconded by Turchi to approve the minutes of the Budget Workshop 5-26-2016 and the Regular Meeting of 5-2-2016. All Ayes. Motion passes.

5. PUBLIC ANNOUNCEMENTS

Clerk Kethe reminded everyone that there is a big election coming up in August and plans are well underway.

Supervisor Trombly announced that the park pathway is paved and usable at this time.

DPW Superintendent Cam Trombly concurred that the path surfaces have been paved and he has met with the contractor for areas that need final corrections. However, it is premature to say the path is open and ready for use until some of those areas are restored. He stated that he would like to see the public refrain from using the path to give it more time to set.

6. PUBLIC COMMENT

Jan Pachnik: I have not been here for some time, I have made some mistakes in the past because of my proud soul. The Good Lord has impressed upon me to come and apologize to Mr. Trombly and Mr. Joppich for how I have handled myself regarding my property. I have made statements in public here that offended you and just wanted to make that right. It's not the first time that my proud, or fat head, has gotten me in trouble. I have spoken to my pastor and found a different individual who was also a retired pastor and found out that the way I was going with my legal matter here in Lenox, without representation and going with some groups that gave me ideas that hammered on the system, and I didn't know. I let go of my old attorney and was flailing around by himself, and my wife, so I wanted to apologize. We did hire, today, an attorney to help resolve this case in a peaceful manner as quickly as possible. It did take some time to get the things accomplished on my property as there's just a lot of things that need to be addressed and hopefully we can resolve this, like I said, in a peaceful manner as quickly as possible. Neighbors have come by and said my place looks like a park. Even a police officer to another police officer. No one is perfect and again I apologize to you folk. Our property looks great. My wife is especially happy, she has been praying for a while.

Because of the accident I had in 1999, my thought process is not right and so I built myself a retirement. My place wasn't a place to keep my retirement there and live off of. No one has a perfect place and I've been in the news, and I guess for the first time, in the Bay Voice and the Macomb Daily and like I said, I'd just like to end this so we can get back on track, trying to get our garden back going and try to live peaceably. I'm not looking to make complaints against people and hurt people, it's just not my thing. My mouth did get me in trouble, so Supervisor Trombly I hope you do accept my apology.

Jan Pachnik: It's nothing I planned, it's something that I came to a conclusion with one pastor and another pastor and another and said 'hey, you need to make things right, and this way we can sleep a lot better'. Thank you very much.

Attorney Joppich thanked him and confirmed that his firm has indeed been contacted by Mr. Pachnik. Attorney, his office has asked him to file an official appearance with the court so it becomes of record. Then Joppich's office will be in touch with his Attorney. He stated that it is not scheduled until toward the end of the month to go back before the judge, so there is time to have that discussion and it will be had and we will report back to the Board.

Janet Hartway: I know the election is coming up and we are losing some very important people on our Township Board. Sorry to see you guys go...gals. I know there's new people who are running for your positions. I don't know the one, I know there is Mr. Marino and Ickes and I forgot what the third one is. I have to say I've been trying to come to the meetings as much as I can and I'm very dismayed not to see these people here. For people who want to run for our Township and don't take the time to come to the Township meetings is pretty sad. Out rightly sad. I hope people remember that when they vote, not that I'm for or against these people, but I think that should be taken into consideration when they vote. Thank you.

7. PUBLIC HEARING

1. 2016-2017 BUDGET

Clerk Kethe explained that the Public Hearing portion of the budget is for those in the audience to ask questions or make comments about the budget.

Motion by Turchi seconded by Kethe to open the Public Hearing for the 2016-2017 Budget at 7:43 PM. All Ayes. Motion passes.

Motion by Turchi seconded by Kethe to close the Public Hearing at 7:45 PM. All Ayes. Motion passes.

8. 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, d. DPW Report, e. Code Enforcement Report, f. Assessing Department Report, g. Engineers Report, h. Library Report, i. Senior Center Report, j. Supervisor's Report, k. Treasurer's Report, l. Order and Bills in the amount of \$196,372.33 m. Trustees' Report.

Motion by Turchi seconded by Ottenbacher to approve the consent agenda and to include the Orders and Bills in the amount of \$196,372.33. Roll Call: Turchi . Aye, Ottenbacher . Aye, Kethe . Aye, Trombly . Aye. Motion passes.

9. ITEMS REMOVED FROM CONSENT AGENDA

c. RICHMOND LENOX EMS REPORT

Richmond Lenox EMS Director Jeff White reminded everyone there is a Blood Drive scheduled at the Lenox Township Hall on July 7, 2016 from 9:00 AM . 9:00 PM and the public is encouraged and welcomed to participate. He excitedly announced the purchase of a new piece of equipment with the help of fundraising from the Richmond Chamber of Commerce, the EMS was able to purchase a LUCAS 2 Chest Compression System. He explained that the device ensures mechanically very high quality

CPR for very long periods of time. EMS personnel will still start CPR, and this device is intended to take over when rescuers tire out a bit. Even the best fit rescuers get tired and chest compressions become less effective. The purchase price was approximately \$14,000, through fundraising, memorial contributions, and a significant contribution from Waste Management, the device was ordered and delivered today; training has already begun at the station. He acknowledged Waste Management's contribution of \$2,000.

Waste Management presented a check for \$2,000 toward the LUCAS 2 Chest Compression System to the Richmond Lenox EMS Department. Jeff thanked Waste Management on behalf of the entire community.

10. UNFINISHED BUSINESS

There was no Unfinished Business to conduct at this meeting.

11. NEW BUSINESS

a. 2016-2017 BUDGET

Trustee Turchi inquired if the changes were the ones in bright yellow, being the EMS Loan and the contract reimbursement. It also looks as if there was a change in Fund 681.

Supervisor Trombly thanked everyone for participating and for their cooperation during this process.

Turchi asked the audience if there are any questions regarding the budget.

Clerk Kethe mentioned that the Line Item Adjustments and the Budget must be two separate motions.

Turchi acknowledged that this is a lot for everyone to look at in such a short period of time; the Board of Trustees did not have the final clean copy for very long either. The budget is a living document that can be changed at any time at a public meeting. If there are changes that need to be made, that can happen later on.

Motion by Turchi seconded by Kethe to approve the 2015-2016 Line Item Adjustments.

Roll call: Turchi . Aye; Ottenbacher . Aye; Kethe . Aye; Trombly . Aye. Motion passes.

Motion by Turchi seconded by Ottenbacher to approve the 2016-2017 Budget.

Roll call: Turchi . Aye; Ottenbacher . Aye; Kethe . Aye; Trombly . Aye. Motion passes.

b. FIRE DEPARTMENT FLOOR SCRUBBER PURCHASE REQUEST

Chief Fouchia explained that a substantial amount of money has been invested in the apparatus bay floors at both stations. All the companies recommended continual maintenance of the floor surface in order to get the maximum life expectancy, suggesting the purchase of a floor scrubber machine. Fouchia acquired quotes from several different companies being:

Minute Man International	\$9,845
Granger Industrial	\$10,840
Southeastern Equipment	\$5,450
Clean Freak	\$5,011.19

Clean Freak supplied references with no negative comments. Fouchia recommended the floor scrubber machine from Clean Freak at the cost of \$5,011.19, which is less than what was budgeted.

Clerk Kethe inquired if this machine could be used at the other Township buildings as well.

Fouchia imagined it could, but he would have to research that as the weight of the unit is substantial. He reported that it should not be a huge issue, the machine could be utilized at any time.

Trustee Turchi inquired if all the companies proposed the same size machine and do any provide warranties.

Fouchia explained that they were all the same size units and all offer a one year warranty. The machine is powered by battery and comes with the battery charger, and the charger operates off of a regular 110 receptacle.

Turchi commented that it is a great thing to have but knows that they are expensive to get repaired. She wondered if they have a service plan.

Fouchia explained that they have Michigan Service Technicians in Southeastern Michigan. The machine would be shipped from Appleton, Wisconsin and the entire department would be instructed how to use it.

Motion by Turchi seconded by Kethe to authorize Chief Fouchia to purchase a floor scrubbing machine through Clean Freak at the cost of \$5011.19. All Ayes. Motion passes.

c. FIRE DEPARTMENT 2016 STEAKOUT GAMING LICENSE

Chief Fouchia said that it was brought to his attention that when a 50/50 raffle is held in the State of Michigan, a gaming license is mandatory. He contacted the State and completed all the paper work for a raffle license. He explained that part of the application process is that a resolution must be adopted and approved by the local governing body, everyone except non-profit groups would be required to come before the Board of Trustees. He provided a copy of the resolution and is requesting Board approval.

Treasurer Ottenbacher wondered if the Fire Department would have to complete this every year.

Fouchia responded that it was not real clear whether this would have to be done yearly.

Turchi remarked that she believes each organization must have a resolution for every event.

Comment from the audience: Do churches have to have a license when they do bingo or 50/50?

Fouchia stated a license is mandatory however, bingo is a complete separate license.

Attorney Joppich added that he has no issues with this license proposal.

Motion by Ottenbacher seconded by Kethe to allow the Lenox Fire Department to approve the Resolution for Charitable Gaming License for 2016. All Ayes. Motion passes.

Comment from the audience: does the license cost \$50?

Fouchia remarked yes, the license cost is \$50.

Joppich clarified that this license is being obtained by the Lenox Township Firefighters Association.

d. SMART CONTRACT RENEWAL REQUEST

Richmond Lenox EMS Director Jeff White explained that the Board of Trustees is considering the transfer of the annual SMART Municipal and Community Credits to Richmond Lenox EMS for the SMART fiscal year of 2017. These funds are used to operate the small shuttle vehicles that provide transportation for various medical treatments and other community related needs. Anyone can utilize the SMART Shuttle, there are no exclusions to anyone using the service. It can be used by people who have medical needs and appointments, but it can also be used by people who need to get to work. It is public transportation, and not private transportation which means there may be more than one person on the bus at a time, this it is not a chauffeured operation. The SMART Shuttle Service is for the greater good of all citizens to use. He requested the Board to approve the transfer of the SMART Funds to Richmond Lenox EMS to continue that service. A report was done and the number of Lenox Township riders was 1,380; the total riders in all communities that were transported was 30,285 on the shuttle buses last year.

Comment from the Audience: what is the charge to ride the bus?

White explained that everyone who lives in Macomb County pays a millage to SMART that is approximately 1 mill in total. The money is paid to SMART, who gives that money back to our communities because there are not big buses here. The communities give it to EMS to operate the small busses. There is no cost to ride the bus.

Comment from the Audience: would they pick us up at my door?

White remarked that the SMART Bus does pick citizens up at their doorstep.

Motion by Kethe seconded Turchi to approve the transfer of Municipal Credits in the amount of \$5,738 and in Community Credits in the amount of \$11,620 to Richmond Lenox EMS for 2017.

Supervisor Trombly interjected that the motion should include authorizing him to sign it.

Kethe amended her motion to approve the contract.

All Ayes. Motion passes.

e. 2016-2017 WATER SUPPLY USER RATES

Township Engineer Sermed Saif reported that he has reviewed the water rates set by the Great Lakes Water Authority (GLWA), it is no longer Detroit Water and Sewerage Department (DWSD). He is recommending an increase of 3% for 2016-2017, plus an additional 10% for the Lenox portion, from \$51.30 to \$52.90 per thousand cubic feet (tcf).

Comment from the Audience: are the rates increasing 3% or 10%?

Saif explained 3% from GLWA and 10% for the Township portion, which is the same as in the past.

Trombly remarked that Lenox typically has done pass-through costs and do not tack on extra money.

Motion by Kethe seconded by Ottenbacher to approve the water increase from \$51.30 to \$52.90 per tcf for the fiscal year 2016-2017. All Ayes. Motion passes.

f. 2016-2017 WASTEWATER DISPOSAL USER RATES

Township Engineer Sermed Saif explained that there is a slight decrease in the wastewater disposal rate, however, he is recommending that the same rate be maintained to cover the funding deficiency in the sewer system.

Clerk Kethe inquired what the deficiency is.

Saif replied the deficiency is from the loans that the Township is still paying for the North Gratiot Interceptor construction.

Kethe stated that she has a problem not decreasing the rate, as the North Gratiot Interceptor is paid for from the Pine Tree Acres Fund. It is not being paid for by the residents.

Saif disclosed that is one portion of the deficiency, however, there is also not enough users on the system. That is why he is trying to keep a little reserve in the rates. He explained that presently the rate is \$114.10 per thousand cubic feet (tcf), if the Board considers a decrease, it would go down to \$102.00 per thousand cubic feet.

Supervisor Trombly remarked that he would hate to decrease the rate and then surprise the residents with a large increase down the road.

Saif stated that Lenox normally gets hit with an increase every year, however, because the Lookback fee was eliminated from DWSD, that portion of the rate dropped and it is less than 10%. Next year there could an increase, and if the Board approves a decrease this year of 7%, then next year an increase could be 14% rather than half of that.

Kethe stated that she would rather see the residents have \$120 in their pocket for the year.

Trustee Turchi commented that the Board would not have to lower it to \$102, possibly somewhere in the middle, would give the residents who use the sewers some kind of break.

Saif would not recommend splitting it . either go with the full decrease or maintain the same rate.

Supervisor Trombly asked the total number of users on the sewer line.

DPW Superintendent Cam Trombly detailed that there are 170 accounts, including a few large user accounts that count for one . namely the Manufactured Home Communities. The residential portion is four or five users.

R. Trombly believed there were 15 total users.

~~~interruption due to tape changeover~~~

Turchi remarked that there are approximately 15 residents using the sewer line, of that how many residents use the water.

C. Trombly detailed that because of how the system is sized, the Township must account for the inmates at the Macomb Regional Prison, so approximately 3,200 . 3,400 population on the system. Of the 15 sanitary connections, there are 4 or 5 residential connections. All the other ones are commercial connections.

Turchi commented that she is trying to find a way to give the users a break in sewer, however, if it is not used by residents, then it is not saving any residents money. It would be saving the businesses money.

R. Trombly explained that there are management programs in place to keep peak and off peak numbers down. This is basically 15 customers, 3%. He does not want people to have false expectations.

*Comment from the audience – inaudible.*

C. Trombly explained that Riverbrook is on the New Haven system. Roughly two miles on 26 Mile Road and then everything on Gratiot are the only areas that have sanitary service at this time.

Treasurer Ottenbacher commented if the Board wanted to give them a break, they should either go with the lowest one or the current cost and wondered why it should be all or nothing.

Saif explained that those rates can be calculated, there is no justification for splitting them in the middle. It should be one rate for everybody.

Kethe said she would like to see the North Gratiot Interceptor be excluded in the formula, as it is not being paid for by the water sewer and it is not being paid for by the residents. It is being paid for from funding that was set aside and agreed upon when it was run up Gratiot.

Saif said that this setup has been followed for years, which is the cost for the sewer divided by how much the Township is getting charged for by the County. All these components, divided by how much water or sewage Lenox is being charged for, computes the rate. If the Board would like that removed, it can be done.

R. Trombly stated that the largest customer is budgeted through the State of Michigan, they have very strict budgetary requirements and for them to make a 10% shift in their budget could be pretty drastic. He would not want to lose that customer or have them relocate or shutdown.

C. Trombly remarked that he has heard some discussion in news articles, where they have talked about eliminating and condensing specific sites, and even turning sites over to private firms to run. He has not heard of anything being discussed as far as the Township location.

Saif said that in his personal opinion the residents will not be affected that much, but that the commercial ones would be.

Kethe said that maybe the difference between the two should be transferred over to the PTA fund for payment back to the North Gratiot Interceptor if the rate is not going to be reduced.

Turchi asked if the Board could do what Jodi suggested in having the money start going back to the PTA fund because that will be decreasing too, and at some point in time it will not be there anymore.

Saif stated that even if the debt is exhausted, a reserve fund should be built up. There is no mechanism right now to reserve funds for emergency issues.

Kethe interjected that that needs to be corrected as well.

Saif responded that as part of the SAW Grant Budget Allocation, there is a portion that the state is paying the Township to look at rate methodology for the next 20-25 years how Lenox is going to pay for the sewers and for any improvements on the system. Part of the rate would be reserved.

Turchi asked if that money would be put into a reserve fund or is it just in the Water/Sewer Budget. She asked if the Township is not paying it out, would it be held in reserve?

Saif remarked that normally it would be in the Water/Sewer Fund; it should be worked out internally on how this fund is managed.

Kethe detailed that she has brought this up for several years, that part of the money should be going into what is called "reserved". Which means it can only be used for repairs. There is some work that needs to be done on the Sewer Ordinance in order for the Township to do that.

Turchi suggested that as Lenox may have that little bit of surplus, it should start with that.

Kethe explained that the Township cannot just set it up, it has to be done properly.

Saif detailed that it is part of the SAW Grant, it will be done this year, but the Township has not gotten to that point yet. His recommendation to the Board, is to retain the same rate as last year at \$114.10 per thousand cubic feet.

Motion by Turchi seconded by Ottenbacher to make the motion to retain the same sewer rate as last year, at \$114.10 per thousand cubic feet.

Turchi - Aye; Trombly . Aye; Ottenbacher . Aye; Kethe - Nay. Motion passes.

#### **g. BACKUP ELECTRICAL INSPECTOR REQUEST**

Supervisor Trombly reported that this request is from the Building Department with the input of Electrical Inspector Osterman and Building Inspector Lemieux.

Motion by Kethe supported by Ottenbacher to approve Greg Furtaw as the backup Electrical Inspector for Lenox Township.

All Ayes. Motion passes.

#### **12. PUBLIC COMMENT**

*Kirby Strauch, 27 Mile: We've had a lot of problems in the last two months with truck traffic. I understand they are working at the trailer park at the end of the road, but these trucks are gravel trains and everything and they are running every day, even on the weekend. It seems like it took forever to get the road bladed and chlorided and everything and they are just pounding it to death. There is a lot of gravel trains hauling. One of the problems is that a couple of commercial businesses, as far as I'm concerned, that bought down there and they are landscaping and those trucks and trailers are in hauling out all the time. I think it should be looked at. It is happening at all hours, even on Saturdays. It seems like it is really happening Saturdays with the trailer park on the end of the road there.*

Trombly stated that he would contact the Sheriff Department and get back with Mr. Strauch.

#### **13. ADJOURNMENT**

Motion by Ottenbacher supported by Kethe to adjourn at 8:35 PM. All Ayes. Meeting adjourned.

Respectfully submitted,

Respectfully submitted,

Jodi Kethe

Carol A. Swantek

Clerk

Deputy Clerk