

**REGULAR MEETING
LENOX TOWNSHIP BOARD OF TRUSTEES
TUESDAY, SEPTEMBER 6, 2016**

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| 1. CALL TO ORDER: | 7:30 PM |
| MEMBERS PRESENT: | Trombly, Kethe, Ottenbacher, Boyd, Turchi |
| ATTORNEY PRESENT: | Steven Joppich |
| RESIDENTS AND GUESTS PRESENT: | 26 |

- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING AGENDA**

Motion by Turchi seconded by Boyd to approve the agenda as printed. All Ayes. Motion passes.

- 4. APPROVAL OF MINUTES**

Motion by Boyd seconded by Turchi to approve the minutes from the Regular Meeting of 8-1-2016 as presented. All Ayes. Motion passes.

- 5. PUBLIC ANNOUNCEMENTS**

Clerk Kethe: I have two, first, my house was broken into this weekend, and I just want everyone to be aware that this kind of thing is happening. We are not even quite sure what was taken yet, we are still in the process of going through everything. It is a bad feeling, we feel violated, and I am sure anyone that has experienced that would completely understand. I want everyone to be aware and take precautions.

During the election, we had some issues with two of the tabulating machines. These issues are going to continue to happen until the State of Michigan decides which machine is worthy to replace the current machines. They were going to replace them two years ago, however with the red tape with the State of Michigan, we are still waiting. The election inspectors did not finish until quite late because we had to rerun two of the precincts completely, by taking the machines back to zero starting all over. It is what it is for this election cycle, we have to baby the machines to get through the General Election. I brought that up during the Budget Meetings so, it should not be a surprise to any of the Board Members.

- 6. PUBLIC COMMENT**

Trustee Turchi: Thank you to the residents and my fellow Township Employees and friends for the encouraging words and prayers since the passing of my husband. A special thank you to Jeff White, who was there with us, Paramedic Rob who was very supportive, the Richmond Police Officer Tony, and the Richmond Fire Department for their help and understanding with Ken. For all of you who texted, called, Facebooked, and sign the card from my Township family, Thank you. Thank you very much.

7. 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.

Trustee Turchi stated that she would like the Trustees Report removed from the Consent Agenda.

Motion by Turchi seconded by Kethe to approve the Consent Agenda removing m. Trustees Report from the Consent Agenda and to include the Orders and Bills in the amount of \$764,135.42.

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

8. ITEMS REMOVED FROM CONSENT AGENDA

m. Trustee's Report

Trustee Turchi explained that at the next Planning Commission Meeting, there are three Public Hearings scheduled for Ordinance Amendments that are being worked on being, Section 1840 Crematoriums, Section 1701, Bulk, Height, Density, Area and Setback Requirements, regarding allowable home sizes, and Section 1807 Commercial and Private Kennels. These items will be discussed at the September 26, 2016 Planning Commission Meeting beginning at 7:30 PM.

9. UNFINISHED BUSINESS

There was no Unfinished Business to conduct at this meeting.

10. NEW BUSINESS

a. RICHMOND LENOX EMS NEW EMPLOYEE SWEARING IN CEREMONY

Richmond Lenox EMS Director Jeff White reminded everyone that on Sunday, September 11, 2016, the United States will observe the 15th Anniversary of the tragedies of 9-11-2001, he thought it would be appropriate to take a moment of silence to recognize the first responders and civilians who lost their lives on that terrible day.

He remarked that this is one of the most enjoyable parts of his job is when he gets to recognize the employees that have made it through the training process to receive their badges and sworn in as members of the Richmond Lenox EMS Ambulance Authority. He thanked everyone for being present- the family members as well as one of White's mentors from years of public safety work, Retired Chief Pat McGuffin, who is the Father of one of the new hires.

The three employees were asked to come forward with a member or two of their families to assist with the pinning of their badges. As EMS professionals, the employees are regarded as important of a time-honored profession, and as such, the employees take an oath at the conclusion of their probation to ensure the citizens that they will conduct themselves in a manner that would be a credit to the Township and Ambulance Authority.

Philip Olczak, EMT, is a member of the National Guard, has been scheduled to deploy in October 2016.

Christopher McGuffin, Paramedic, is a resident of New Haven, has served 10 years of emergency medical service in the Warren area before coming to Richmond Lenox.

Anthony Calappi, Paramedic, is a resident of Macomb Township, is a paid on-call firefighter with the Ray Township Fire Department, has 10 years of experience before coming to Richmond Lenox EMS.

A round of applause was held for the sworn professionals that have been fully prepared to serve the community and its citizens.

b. FIRE DEPARTMENT APPARATUS PURCHASE PROPOSAL

Fire Chief Denny Fouchia explained that he was able to meet with the majority of the Board of Trustees over the last week to cover this request. The Department has been budgeting for the last five years planning to replace Engine II, which is a 1989 apparatus. According to the National Fire Protection Association (NFPA), that apparatus should have been retired several years ago. An apparatus committee was reformed, consisting of Chief Fouchia, Asst. Chief Marty Hartway, Captain Cam Trombly, Senior Firefighter Rob Meyersieck, and Mechanic John Ziats. The vehicle specifications were sent to five different companies; three of those companies provided bids, being:

KME Fire Apparatus, a 40 year old family owned company out of Pennsylvania,

Purchase price- \$563,951

Trade-in of old vehicle \$12,000

Discount for pre-payment- 25% \$3,525, 50% \$7,049, 75% \$10,574, 90% \$12,689

E-1, out of Ocala, Florida,

Purchase price- \$641,461

Trade-in of old vehicle \$5,000

Discount for pre-payment- 25% \$4,153.25, 50% \$8,306.50, 75% \$12,459.75

Spartan/Spencer, out of Grand Ledge, Michigan

Purchase price- \$599,409

Trade-in of old vehicle \$11,000

No discount for pre-payment

The truck is going to need approximately \$12,000 in loose equipment to bring it up to current 2016-2017 standards. After all the meetings and discussion, as well as communicating with the vendors to manage additions and deletions, the apparatus committee recommends that the bid be awarded to KME at a final cost of \$551,262.

Treasurer Ottenbacher understood that the current truck should not be used in Lenox Township, but up north as well as in the Upper Peninsula, it can still be used as a secondary vehicle, just not as a primary apparatus.

Fouchia explained that another department may want to use it and not follow the standards that are accepted nationwide. In the event that something fails on the apparatus and it is deemed no longer able to be in service by the NFPA, and someone was either hurt or worse, the owner of the vehicle could be held civilly or criminally liable because they did not follow the internationally accepted standard. In the past, a broker has been used to sell two Lenox vehicles, who may sell the vehicle to a refurbishing company, who renovate and bring it up to the current NFPA standards, and then try to re-sell it.

Fouchia asked for approval to purchase the vehicle and to award the bid to KME at the cost of \$551,262. In addition, he requested approval of \$12,000 for loose equipment, 10% pre-approved change order, and to permit him to sell or broker the current 1989 GMC Engine II.

Trustee Turchi asked for clarification on the \$12,000 loose equipment total, and whether this total was included in the \$551,262.

Fouchia explained that the loose equipment amount is not included in the \$551,262.

Motion by Boyd seconded by Turchi to authorize the Fire Department to purchase a fire engine through KME at the price of \$551,262, pre-paying 90%, to include an additional \$12,000 for loose equipment, and 10% pre-approval for any change orders that may occur during construction. This authorizes the sale or trade-in of the 1989 GMC Engine that is being replaced.

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

Boyd noted that this apparatus is being paid for with cash, it has been budgeted for, there is no loan, and there would be no interest paid.

c. RICHMOND AREA CHAMBER OF COMMERCE WELCOME BASKET PROPOSAL

Jill Albin, Director for the Richmond Area Chamber of Commerce, said that Lenox is part of the area that uses their services on occasion and she would like to expand and embrace the communities that surround the City of Richmond. Over the years, when new people move into the city, they register and we send out a welcome basket. The basket includes whatever items our members choose to put in and up until now we have been delivering most of them. About a year ago, Casco Township came on board and recently we have been in contact with Columbus and Richmond Township to try and work out a different approach. When we get a name of a new resident we send out a welcome letter and advise them that a basket will be delivered to them. In order to make this program work, she would like to include a little card in the welcome letter that would be redeemable at the Township Offices so people could come in and gather their basket if they desire. She does not plan on inundating anybody with 15-20 baskets all at once, but would like for Lenox to join the Chamber in this project. By doing this, it allows them greater coverage than they have had before.

Trustee Turchi inquired if the Chamber gives the new residents information packets about the city? That might be an idea that Lenox could start doing, including such things as what day garbage pickup is, recycling, and what is allowed.

Albin remarked that the Chamber would embrace that idea, presently a brochure from the city and a map are included.

Clerk Kethe wondered if they pick up the basket at the Township, the miscellaneous information could be included in it. She asked what is meant by ~~when~~ when they register.

Albin commented that Richmond usually notifies the Chamber when a new resident requests to have water turned on, however, she is not familiar with the procedure Lenox has for tracking new residents.

Supervisor Trombly stated that a property transfer affidavit may be a good indicator, as water is not available to the entire Township.

Albin explained that there is no cost to Lenox, the items are all donated by area businesses; the Chamber would be more than happy to promote whatever Lenox wishes to include in the baskets.

Attorney Joppich clarified that there would be some effort necessary for the staff to assist. A motion would be good to have in the record.

Motion by Boyd seconded by Kethe to approve joining the Richmond Area Chamber of Commerce to present gift baskets to new residents.

Trombly clarified that the Township would not be joining, just are supplying the baskets.

Joppich stated that is correct, as becoming a member would involve the expenditure of money. The motion is acceptable as long as the minutes are clear that Lenox is not becoming a member.

Albin thanked the Board for their support. She added that their fourth Annual Scarecrow Contest would begin soon, so as a Township, or individual, if anyone would like to join, it's an opportunity to advertise for the month of October. It will start on the 1st weekend in October until Halloween.

d. MILLAGE RATE APPROVAL

Treasurer Ottenbacher explained that the Assessor Tom Monchak, gave us some information at the June Budget Meeting. The millage rates that will be used for the Township in 2016 were posted, and it is always published in the newspaper, but Tom has asked the Board to make a motion that as the Board of Trustees, approved the 2016 Property Millage Rates as follows: General Fund .8199, Library 1.2737, Special Assessments including Fire 3.2239 and Road which is .9211 for a total of 6.2386 mills to be authorized. A copy of the 4029 has to go to the County from our Township by the end of September which will be signed by Supervisor Trombly and Clerk Kethe. During the Budget Hearings, there are not a lot of people present, so Tom wanted this to be on an agenda as well as in the minutes.

Motion by Kethe supported by Boyd to approve the 2016 property tax millage rates as presented by Karon Ottenbacher. All Ayes. Motion passes.

e. STREET LIGHT PROPOSAL

Supervisor Trombly detailed that this was a request from a resident, Louis Kincaid. There has been numerous accidents at the intersection of 27 Mile and Gratiot, it is very dimly lit and there is a lot of foot traffic from the manufactured communities. There is a sidewalk on the Rite Aid side but nothing on the other side so people end up walking in the street with no lights covering that street. A young lady lost her life about two years ago, when she was hit and killed coming from her job at Subway one night on her bicycle, someone went through the intersection and hit and killed her. He contacted Village President Dilbert, they contacted Detroit Edison and a survey was started. New Haven Public Works Superintendent Marcuz Dilbert and Lenox DPW Superintendent Cam Trombly were included in this project to determine who would be responsible for the lights.

President Dilbert reported that DTE would upgrade some lights that are currently on Gratiot. The new modern LED lights going down Gratiot and going East down 27 Mile, they would install three lights with super extended arms to get them out to the center of the roadway. There would be four new lights and there will be upgrades on three existing lights.

Supervisor Trombly interjected that one of the locations is a shared location.

Dilbert remarked that one light, #6, is in the Township and #5 could be a shared location.

C. Trombly said that according to the map that was provided location #6 would be the only shared light.

Trustee Boyd said that none of them are actually in the Township.

R. Trombly stated that #6 is half and half.

C. Trombly responded that that is correct because on the north side it is Lenox Township.

Boyd interjected that it is the responsibility of the Township because it's on our side of the road?

C. Trombly said yes.

Clerk Kethe commented that this agreement is stating that it is between the Township and DTE; it does not say anything that the Village is paying for any of this.

Dilbert explained that the contract has to be changed; he believes it was worded like that because the original contact was through the Township Supervisor.

R. Trombly interjected that this is why Dilbert is present to let everybody know what has taken place and what is on the table. He believes that this has already been taken to the New Haven Village Board.

Dilbert detailed that the Village Council pretty much agreed to the cost and are waiting to hear what the Township is going to do. It comes up for formal approval next Tuesday.

R. Trombly said based on that, we know there is one that is shared with the Village that he recommends that we would share that cost with the one light and the other one that is just outside the Township boundary, New Haven would be picking up the cost of the other four lights and there might be two lights that could be half shared.

Comment from the audience: How do you share the cost of lights?

R. Trombly answered just like Lenox does in other communities that it benefits both sides of the road when there are two communities.

Boyd said the cost is literally split in half.

Kethe said that Casco Township pays Detroit Edison and once a year and Lenox pays Casco for a portion.

R. Trombly said that both parties would benefit from the illumination, so it is only fair that there should be some shared cost.

C. Trombly said there is a flat monthly charge per light. They have a formula they base it on, type and wattage. He believes DTE would bill the Township on a monthly basis. As far as the inter-communities sharing cost he believes they have been squaring up once a year.

R. Trombly said that the benefits for us is: (1) New Haven is the gateway to our community, they would be lighting up our corridor and paying the bulk fee of that, and (2) two of the lights would be more than reasonable. New Haven would be paying for the majority of the lights and Lenox would share in the costs of two. When it comes to safety and spending dollars like that, he does not know how the Township could go wrong, especially on a heavily trafficked area like the Gratiot and 27 Mile Road. Trustee Turchi clarified that lights 1, 2, and 3 are existing and being paid for already, so the light fixture is the only change.

C. Trombly said that 1 and 2 are existing and will be upgraded to an LED fixture. Location 3, 4, 5 and 6 will be the new light locations and those would be LED light as well.

Boyd asked Joppich if we can legally pay for lights to go into a different community.

Joppich acknowledged that is accurate if they are on a border and if there is some benefit being received by the Township. Those are circumstances, lighting is a public service, it is something that is provided, and it is contemplated in the Township Act. It sounds like Casco has an agreement with DTE and the Township has an agreement with Casco to pay a part of that. Casco then sends the Township an invoice for its share of the Edison cost.

C. Trombly believes the Treasurer Ottenbacher receives something once a year from them.

Joppich remarked that this seems like a good arrangement, since the bulk of the lighting is

R. Trombly interrupted asking Dilbert what he would like to see as Lenox's participation in this project.

C. Dilbert commented that primarily he would like to get the Township to share with the installation cost of the lights that are in the Township; he is not really concerned about the cost going forward.

Kethe clarified that one half of one light is.

C. Dilbert said that one of them is in the Township.

R. Trombly detailed that Dilbert is asking for participation with one installation.

Kethe added that the breakdown on the installation is not per light, and because they are all different, the service is not the same. She would prefer to see exactly what the cost to the Township would be.

Boyd remarked that since it would be the Township's and the Village would have their part of the project, Lenox could just agree to put that one light there and then we can research what that cost is.

Kethe reported there is a quote from DTE.

C. Trombly has a quote for the whole project and they are all the same light and same wattage.

Kethe stated that the Township would be participating in one sixth of the project, and some of them are brand new installs and some are bulb replacements.

C. Trombly said he can't believe that there would be much difference between retro fitting two existing lights versus putting the other ones up on poles. The electricity is already there.

Kethe explained that she is trying to give them more money because the one Dilbert is talking about is a new install which she believes would be more expensive.

~Tape turnover break~

Joppich inquired if that means one quarter of \$4,441, which is on Exhibit A, Master Agreement, the first page, item #7.

C. Dilbert agreed.

Boyd said the Township cost would be \$1,110.30 for the installation plus the annual fee which is estimated to be \$179.90 per light per year.

R. Trombly inquired if Dilbert would want to capture any monthly fees from Lenox for the lighting.

C. Dilbert said he has not given that any consideration at this point. New Haven pays street lighting already and the amount is not enormous.

Turchi thinks this is a good idea and would prefer that the attorney rewrite the contract and make sure all the wording is correct.

Boyd stated that the Township would need an agreement for one light and the Village would need an agreement for their five lights through DTE.

Comments from audience inaudible.

Motion by Boyd seconded by Turchi to approve the cost of one street light, which is #6 on the illustration. The installation would be in the amount of \$1,110.30, approximately \$179.90 per year for annual lamp charges. Lenox Township must have a separate contract agreement with DTE for the one light.

Trombly said that he wanted to address that another one is a border light that there might be some shared cost if the Board would be willing to pay for that upgrade. The light is in the Village, but did you want to share cost on the lighting with us on that one too, #5?

Kethe remarked that Lenox Township would be paying the full cost of one light that is shared, so the cost balances out.

C. Dilbert reported that the Village would be assuming the responsibility for #5.

Joppich inquired if this would need to come back to the Board, it would be subject to his approval of the legal documents with these numbers.

C. Trombly said the language in the agreement comes from DTE. They will not execute another agreement other than what this language is. The only change would be the name of the customer.

Kethe remarked that the motion would need to say that the Supervisor's Office has the ability to sign the agreement as long as it mirrors what was discussed- the current document does not say that.

Boyd will support that statement. So moved.

Joppich explained that when he says subject to attorney approval of the legal documents, there are a couple different ways to accomplish this (1) there can be two agreements from DTE, one with the Township and one with New Haven, the Township agreement would be for one light, the Village would be for five lights. If prices hold, that may be the best way to go. If the prices do not hold, the second route could be (2) to have a short agreement with New Haven between the Township and New Haven that Lenox would pay this amount for one light under their agreement with DTE. New Haven would enter into the agreement much like Casco Township and Lenox would have a sub-agreement with New Haven.

Motion by Boyd seconded by Turchi. All Ayes. Motion passes.

11. PUBLIC COMMENT

J. Hartway: there was a lot of excitement last month with our election. We are losing some beloved people on our Board and we have spaces for new ones. We have two winners here, but again as I stated in June, we have people who were running at that time who never come to the Township meetings that are held just once a month. I come as much as I can. I try to get here once a month and I am just a resident. These people ran for our local government and they do not show up. That makes me very upset. I can only hope they make it for the Township Meetings now that they are elected. The two people that we are losing- Jodi and Karon, we are going to miss you a lot, but congratulations everybody else. I cannot wait to see what is going to happen with the new Board. Thank you.

M. Ludeman: two things: (1) I would like to back her on what she just said and (2) thank you to everyone that is on the Board. We do appreciate it, sometimes I guess maybe it seems like we don't but at least we can complain and give you our comments, thirdly (3) I would like to thank the Fire Department, again this year, I attended the dance and party that they had, the Steak Out, at the Sportsman's Club, and once again it was phenomenal. Everybody there was friendly, the guys couldn't do enough for me. I would have liked to have seen a few more people in our Township show up just to support them, but I want them to know I appreciate all the work that they did. Food was great, the band was good, even if I did not win a prize this year, but I did

win last year, which was awesome. Just tell them I said it was phenomenal and I look forward to it again next year. It's a lot of work that's put into that, and I know that.

Turchi wanted to add to Mickey's comment that you and I were probably the only two people that didn't win anything.

12. CLOSED SESSION

1. FOR THE PURPOSES OF DISCUSSING CONFIDENTIAL ATTORNEY CLIENT PRIVILEGED COMMUNICATION FROM THE ATTORNEY'S OFFICE AND FOR THE PURPOSES OF DISCUSSING LITIGATION

Motion by Boyd supported by Turchi to go into Closed Session for purposes of discussing confidential attorney client privileged communication from the Attorney's Office and for purposes of discussing litigation.

Clerk Kethe suggested that property acquisition be added to the motion.

Attorney Joppich wanted to clarify that litigation was not going to be discussed, but property acquisition will be discussed.

Trustee Boyd amended the motion to say communication from the Attorney's Office and for purposes of discussing property acquisition.

Trustee Turchi inquired if the motion was legal because the agenda reads discussing litigation

Joppich said it is acceptable as long as the motion reads that way and it is done in a meeting open to the public.

Kethe suggested that Boyd to add the time to the motion.

Boyd added that the Board went into Closed Session at 8:32 PM.

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

Motion by Boyd supported by Turchi to return to Open Session at 8:51 PM. All Ayes. Motion passes.

Property Acquisition

Motion by Boyd supported by Turchi to authorize the Township Attorney to proceed with the discussion that was held in Closed Session to move forward with an appraisal of the properties. All Ayes. Motion passes.

13. ADJOURNMENT

Motion by Turchi supported by Boyd to adjourn the meeting at 8:52 PM. All Ayes. Meeting adjourned.

Respectfully submitted,

Respectfully submitted,

Jodi Kethe
Clerk

Carol A. Swantek
Recording Secretary