

**REGULAR MEETING**  
**LENOX TOWNSHIP BOARD OF TRUSTEES**  
**WEDNESDAY, JANUARY 10, 2018**

- |                                      |  |
|--------------------------------------|--|
| <b>1. CALL TO ORDER:</b>             | 6:30 PM                                    |
| <b>MEMBERS PRESENT:</b>              | Trombly, Kandell, Honold, Clifford, Gurley |
| <b>ATTORNEY PRESENT:</b>             | Steven Joppich                             |
| <b>PLANNER PRESENT:</b>              | Stephen Cassin                             |
| <b>RESIDENTS AND GUESTS PRESENT:</b> | 18   |
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING AGENDA**

Clerk Kandell explained that it was necessary to amend the agenda, it was posted and dispersed before the meeting. Motion by Kandell supported by Clifford to accept the agenda removing **13. Closed Session**. All Ayes. Motion passes.

**4. APPROVAL OF MINUTES**

Motion by Clifford supported by Gurley to approve the minutes from December 4, 2017, December 5, 2017 and December 21, 2017 as written. All Ayes. Motion passes.

**5. PUBLIC ANNOUNCEMENTS**

There were no Public Announcements at this meeting.

**6. PUBLIC COMMENT**

There were no Public Comments at this time.

**7. PUBLIC HEARING**

**1. 2018 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG)**

Motion by Kandell supported by Honold to open the Public Hearing at 6:31 PM.

Roll Call Vote: Kandell- Aye, Honold- Aye, Trombly- Aye, Gurley- Aye, Clifford- Aye. Motion passes.

Presentations were given by C. Wald, Turning Point Shelter Program, S. Westphal, Lenox Township Senior Center Director, and N. Pittman, Forensic Interviewer/Crisis Counselor at Care House.

Motion by Kandell supported by Honold to close the Public Hearing at 6:44 PM.

Roll Call Vote: Kandell- Aye, Honold- Aye, Clifford- Aye, Trombly- Aye, Gurley- Aye. 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. 9, 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 Report, b. Fire Department Report, c. EMS Report, d. DPW Report, e. Code Enforcement Report, f. Assessing Department Report, g. Engineer Report, h. Planner Report, i. Library Report, j. Senior Center Report, k. Supervisor Report, l. Treasurer Report, m. Order and Bills, n. Trustees Report, o. Clerk Report.

Clerk Kandell reported that the Bills List consists of previously paid bills totaling \$292,909.91, bills scheduled to be paid, \$81,288.19, along with one other invoice for \$203.30, for a total bill approval request of \$374,401.40.

Motion by Honold supported by Gurley to approve the Consent Agenda with the Orders and Bills in the total amount of \$374,401.40. Roll Call: Honold- Aye, Gurley- Aye, Clifford- Aye, Kandell- Aye, Trombly- Aye. Motion passes.

## **9. ITEMS REMOVED FROM CONSENT AGENDA**

There were no items removed from the Consent Agenda at this meeting.

## **10. UNFINISHED BUSINESS**

Motion by Honold supported by Clifford to table the Zoning Board of Appeals appointment until time allows discussion with the members that are up for re-appointment. All Ayes. Motion passes.

## **11. NEW BUSINESS**

### **a. FISCAL YEAR 2017 AUDIT REPORT**

Paul Bailey, CPA and Karen Shafik, CPA from the firm of Stewart, Beauvais & Whipple presented a summary of the Audit Report for Fiscal Year 2017. Bailey explained the Independent Auditor Report, which is an opinion whether the financial statements were presented in accordance with the Generally Accepted Accounting Principles. Lenox Township was granted an unmodified or clean opinion, which is the best judgement a community could receive and one that every municipality strives for. Motion by Kandell supported by Honold to accept the Fiscal Year 2017 Audit Report as presented. All Ayes. Motion passes.

### **b. 2018 CDBG FUND ALLOCATION**

For 2018, \$1,100.00 is available to allocate for services. Three organizations were asking for financial assistance, being Care House, Turning Point, and the Lenox Township Senior Center.

Motion by Kandell supported by Clifford to allocate CDBG Funds in the amount of \$550.00 to the Lenox Township Senior Center, with the remaining balance to be split between the Care House and Turning Point.

Roll Call Vote: Kandell- Aye, Clifford- Aye, Honold- Aye, Gurley- Aye, Trombly- Aye. Motion passes.

Township Planner Stephen Cassin recommended that the funds that are available for brick and mortar projects should go to Emergency Housing Repair Program that is administered by Macomb County. County representatives detailed that those funds would be appropriated to Lenox Township residents, with a priority to senior citizens, low and moderate-income individuals, and those people living in manufactured homes. They anticipate serving approximately 16 Lenox Township families this year.

Motion by Kandell supported by Honold to allocate the remaining \$9301.00 in CDBG Funds to the Emergency Housing Repair Program. Roll Call Vote: Kandell- Aye, Honold- Aye, Trombly- Aye, Clifford- Aye, Gurley- Aye. Motion passes.

### **c. ANNUAL FIREFIGHTER PHYSICALS REQUEST**

Fire Chief Denny Fouchia detailed that physicals for the firefighters have been quoted by the on-site health care provider, Bio-Care totaling \$9535.00. There is an addition to this request as currently there is a serious outbreak of Hepatis A in southeastern Michigan, with Macomb County being the number one county in the state. Therefore, is requesting Hepatis A series shots to the fire department personnel to protect them and their families, at the cost of \$43.00 each, as the cost must be covered by the department themselves. The cost of the physicals and the vaccines equals \$10,309.00, which is less than the \$12,000.00 that he set aside \$12,000.00 for this project.

Motion by Clifford supported by Honold to accept Chief Fouchia's physical proposal at the cost of \$9535.00, adding the Hepatitis A series shots costing \$43.00 each, totaling \$10,309.00. All Ayes. Motion passes.

Fouchia expressed his gratitude for the support and care that he and his family received after the recent death of his Mother.

**d. MEDICAL MARIHUANA LICENSING ORDINANCE AMENDMENT AND RESOLUTION**

Township Attorney Joppich explained that the Medical Marihuana Licensing Ordinance was adopted in December 2017. Understanding that this is a new Ordinance that would need to be changed along the way, issues arose rather quickly, which led to this amendment request. The first Ordinance would be repealed upon the approval of the amendment, which includes several changes:

- The application numbering and sequencing was altered to create a 30-day window in the first licensing round for persons to apply, beginning February 12, 2018, running until March 12, 2018. Subsequent licensing rounds would be established if necessary.
- A clearer method to determine when applications have been received.
- Lenox Township does not have a person designated as a fire marshal, the person responsible would be the fire chief or his designee.
- 15 grow licenses would be granted, removing the restriction of five of each Class A, Class B, and Class C Licenses.

Motion by Clifford supported by Honold to adopt the amended and restated Medical Marihuana Facilities Licensing Ordinance as written and explained by Attorney Joppich.

Roll Call Vote: Clifford- Aye, Honold- Aye, Trombly- Aye, Gurley- Nay, Kandell- Nay. Motion passes.

Clerk Kandell detailed the Medical Marihuana Licensing Ordinance Fee Schedule. The licensing fee has been set at \$5,000.00, renewable annually. The application fee would be at \$4,000.00, taking into consideration the amount of time that has been devoted by the Township Attorney in putting the Ordinance together, and the Township Planner and Engineer for the time that has been dedicated to making sure that the zoning and engineering portions were taken care of. This would be for the first year, as there are many aspects of the ordinance in implementation that have yet to be experienced and may become time consuming as well. The application fee would be reviewed following the first year's implementation and adjusted accordingly.

Motion by Honold supported by Kandell to accept Resolution 2018-1.

Roll Call Vote: Honold- Aye, Kandell- Aye, Clifford- Aye, Trombly- Aye, Gurley- Nay. Motion passes.

**e. CODE ENFORCEMENT APPOINTMENTS**

Supervisor Trombly reported that this item is two-fold.

Township Planner Stephen Cassin has agreed to be the Medical Marihuana Code Enforcement Officer for Medical Marihuana Facilities with Trustee Scott Clifford as a second person.

Due to the Code Enforcement Officer's resignation, Mr. Cassin has agreed to take over that position temporarily as part of his existing planning duties.

Supervisor Trombly explained that there would be a two-man team going to all inspections at the facilities.

Motion by Kandell supported by Honold to accept the appointment of Steve Cassin as the Code Enforcement Officer and the appointments of Mr. Steve Cassin and Scott Clifford as the Medical Marihuana Code Enforcement Officers. All Ayes.

**f. PLANNING REVIEW FEE SCHEDULE PROPOSAL**

Township Planner Stephen Cassin explained that he has reviewed the Lenox Township Planning Fees to determine if the Township has been subsidizing development fees or if the costs were too high. He found that the fees are not in line with current costs; he researched surrounding communities and found others are considerably higher. Recognizing that communities must

justify the costs, he undertook an analysis of the following priority fees, Rezoning, Special Land Use, Site Plan Review, Planned Unit Development, and Variances. He expects to return to the Board for additional fee adjustments at a later date.

Motion by Kandell supported by Clifford to approve the Planning Fee Schedule as presented with the notation that resubmittals would be collected at 75% of the original cost, per the current Lenox Township practice. All Ayes. Motion passes.

**g. ENGINEERING FEE SCHEDULE PROPOSAL**

Township Engineer Sermed Saif remarked that he is proposing a schedule of fees related to Engineering Site Plan Reviews and Engineering Construction Plans. This proposal had been discussed several times in the past, and he would recommend Board approval setting the fees as well as the mechanism to recover collections that the Township has been experiencing.

Motion by Kandell supported by Honold to accept the Engineering Fee Schedule as presented. All Ayes. Motion passes.

**h. RESOLUTION ADOPTING SANITARY SERVICES DISTRICT POLICY**

Township Engineer Sermed Saif detailed that this item was reviewed by the Township Board in 2004 with a motion passing, however, there was no formal adoption of the policy. The Resolution would be put in place in order to address the issue dealing with District Studys and Public Water and Sewer Extension Design.

Clerk Kandell stated that a copy of the Resolution would be available from the Clerk's Office upon request.

Motion by Kandell supported by Honold to adopt the Resolution adopting the Sanitary Sewer Service District Policy, Resolution 2018-2 as presented.

Roll Call Vote: Kandell- Aye, Gurley-Aye, Trombly- Aye, Clifford- Aye, Honold- Aye. Motion passes.

**i. RESOLUTION AFFIRMING POLICY FOR THE DESIGN AND CONSTRUCTION ENGINEERING OF THE TOWNSHIP WATERMAIN AND SANITARY SEWER SYSTEMS**

Township Engineer Sermed Saif remarked that this item was also passed by the Board of Trustees in 2004, although a formal policy was not put in place.

Clerk Kandell stated that this would be identified by Resolution 2018-3 and if approved, copies would be available in the Clerk's Office upon request.

Motion by Honold supported by Clifford to adopt Resolution 2018-3, Affirming a Policy for the Design and Construction Engineering of the Township Watermain and Sanitary Sewer Systems.

Roll Call Vote: Honold- Aye, Clifford- Aye, Trombly- Aye, Kandell- Aye, Gurley- Aye. Motion passes.

**j. TOWNSHIP PARK RESTROOM ENGINEERING APPROVAL REQUEST**

Township Engineer Sermed Saif remarked that this item has been discussed several times, with options explored but nothing progressing. If the Board would like to move forward, location, size, construction ideas and materials could be agreed upon. An architect would be able to come up with an estimated construction cost, plans, and specifications for bidding.

Trustee Clifford inquired if any studys or reviews were done regarding this proposal.

DPW Superintendent Cam Trombly explained that they could never get an approval to even start the process, that is what he would like to do, is start the process to move forward. The Township developed infrastructure to accommodate improvements by the proximity of the watermain, and where the sewer main was stopped, which were done to service a structure.

Supervisor Trombly reported that having no restrooms in the park is the number one complaint every year.

Motion by Clifford supported by Honold to proceed with an engineering study on a community park bathroom building to see what is proposed and start the process.

Clerk Kandell reported that this is something that has been budgeted for quite some time, there are Capital Outlay Funds in the budget to cover this. All Ayes. Motion passes.

**k. DPW CONTINUING EDUCATION CONFERENCE REQUEST**

DPW Superintendent Cam Trombly detailed that a Continuing Education opportunity has come up at the end of the month, this is a one-day workshop to be held in the City of Richmond, he would like approval for he and John to attend at the cost of \$300. Motion by Honold supported by Clifford to allow Cam and John to go to the Workshop on January 29, 2018 in Richmond at the cost of \$300. All Ayes. Motion passes.

**l. SOUTHEAST MICHIGAN BUILDING OFFICIALS & INSPECTORS ASSOCIATION (SEMBOIA) MTG. REQUEST**

Clerk Kandell explained that the Building Inspector has requested that the Building Department Manager, Amy Flood, be able to attend the SEMBOIA Medical Marihuana Regulation Meeting in anticipation of the Rules and Regulations that they will have to follow regarding Medical Marihuana.

Motion by Kandell supported by Honold approve the expenditure of \$50.00 for Amy Flood to attend this meeting. All Ayes. Motion passes.

**m. BUILDING DEPARTMENT BS & A TRAINING**

Clerk Kandell explained that in anticipation of the Engineering Fees, the Planning Fees, the Building Department Fees, as well as everything commercial that is going to be coming up with Medical Marihuana, the Building Department Manager, Amy Flood telephoned BS & A to investigate software training that would educate her as to what is going to be required of the Building Department. Flood was unable to get a quote before the end of today, however Kandell would recommend approval.

Motion by Kandell supported by Gurley to approve up to \$1,100.00 for onsite BS & A training that would include the Building Department Manager, Amy Flood, the Building Inspector, Dennis LeMieux, and Veronica Chrostowski, who is the backup for the Building Department for on-site training. All Ayes. Motion passes.

**n. BOARD OF REVIEW CONTINUING EDUCATION REQUEST**

Motion by Honold supported by Kandell to allow the Board of Review to attend this workshop at no charge to the Township. All Ayes. Motion passes.

**o. MICHIGAN TOWNSHIPS ASSOCIATION (MTA) CONFERENCE REQUEST**

Clerk Kandell detailed that this request is for the Township Officials and the Township Planner to attend the Michigan Township Association Conference and Expo, that is scheduled in Traverse City on April 23-26, 2018. The cost of the conference is \$329.00 per person. There would be six attendees, however the Township would be only paying for five people as there is a credit from last year, when one official was unable to go after registering.

Motion by Clifford supported by Gurley to allow the Officials and the Planner attend the MTA Conference at the cost of \$329.00 each, allowing lodging and food.

Kandell remarked that there is no way to figure lodging costs, as housing reservations cannot be made until January 23, 2018. All Ayes. Motion passes.

**p. EMPLOYEE HEALTH CARE COVERAGE RENEWAL**

Motion by Kandell supported by Gurley to approve the Employee Health Care through Blue Cross Blue Shield this year with an increase in cost of .96%. All Ayes. Motion passes.

**q. SOUTHEASTERN MICHIGAN GAS COMPANY (SEMCO) ENERGY, INC. GAS FRANCHISE AGREEMENT**

Attorney Joppich detailed that in 1988, SEMCO received a 30-year Franchise from Lenox Township to locate its gas lines and mains in the public Rights of Way in the Township. SEMCO has requested that a new Franchise be approved under a new Franchise Ordinance. This allows them to repair their lines and do business in the Township.

Motion by Clifford supported by Kandell to renew the Franchise with Southeastern Michigan Gas Company.

Clerk Kandell remarked that this agreement would be known as FA 1-2018, as it becomes an appendix in the Lenox Township Book of Ordinances.

Roll Call Vote: Clifford- Aye, Kandell- Aye, Honold- Aye, Gurley- Aye Trombly- Aye. Motion passes.

**r. PROPERTY TRANSFER AFFIDAVIT RESOLUTION**

Clerk Kandell reported that this Resolution was presented by the Assessing Department to waive the interest and penalty that is associated with untimely and not filed Property Transfer Affidavits.

Motion by Kandell supported by Clifford to accept Resolution 2018-4 to waive the interest and penalty associated with untimely and not filed Property Transfer Affidavits.

Roll Call Vote: Kandell- Aye, Clifford- Aye, Honold- Aye, Trombly- Aye, Gurley- Aye. Motion passes.

**s. CHARITABLE GAMING NEW HAVEN COMMUNITY BOOSTERS ASSOCIATION**

Deputy Supervisor Jeanette Ventimiglia stated that she was contacted by Jason Walker, New Haven Community Boosters Association President, regarding a Charitable Gaming License. As he resides in Lenox Township, Walker must gain approval from the Lenox Township Board of Trustees as one step in the approval process.

Attorney Joppich explained that he reviewed the document, confirmed that it is a non-profit corporation in good standing with the State of Michigan, and is located at the address that was represented on the application.

Clerk Kandell stated that for filing and retention purposes, the Resolution would be identified as 2018-5.

Motion by Clifford supported by Gurley to approve the Charitable Gaming License for New Haven Community Boosters Association.

Roll Call Vote: Clifford- Aye, Gurley- Aye, Trombly- Aye, Kandell- Aye, Honold- Aye. Motion passes.

**12. PUBLIC COMMENT**

*J. Serra: My only Public Comment is that I think that the Board answered all the questions about the Medical Marihuana and what was formally called a possible lottery for a golden ticket. I think in their wisdom they solved that question and the fees are in line with other fees throughout the state that are somewhere around \$5,000-6,000, \$4,000 seems fair. I look forward to submitting my applications and I hope to do business here.*

*Supervisor Trombly thanked the Board for its efficiency in getting through this long agenda, the Attorney, the Planner, and the other staff members.*

**13. ADJOURNMENT**

Motion by Gurley supported by Clifford to adjourn the meeting at 7:59 PM. All Ayes. Motion passes.

Respectfully submitted,

Respectfully submitted,

LuAnne Kandell, Clerk

Carol A. Swantek, Recording Secretary