

**CHARTER TOWNSHIP OF HARRISON  
REGULAR BOARD MEETING  
MARCH 26, 2007**

**PRESENT:** Anthony G. Forlini, Supervisor  
Jan P. Jorgensen, CMC, Clerk  
Darrin S. York, Treasurer  
Sharon Eineman, Trustee  
Michael H. Rice, Trustee  
James A. Ulinski, Trustee

**EXCUSED:** Robert I. Garvin, Trustee

**ALSO PRESENT:** Robert Huth Jr., Township Attorney  
Glenn Spencer, Finance Director  
Carl Seitz, Fire Chief  
Vijay Parakh, Building Official  
Dave Nummer, Township Engineer  
John Gabor, Deputy Treasurer  
Adam Wit, Deputy Supervisor

**BOARD FORUM**

Board Members addressed individual resident concerns.

The meeting opened at 7:30 p.m. with the Pledge of Allegiance.

**APPROVAL OF CONSENT AGENDA:**

Motion by Mr. York, and seconded by Mr. Ulinski to approve the consent agenda as presented with the bills in the amount of \$729,505.45, a correction to the 3/12/07 Minutes to include the Township Engineer and Water & Sewer Superintendent as also attending, to correct item IV. Approval of the L'Anse Creuse Lions Club Annual White Cane Drive, April 27-May 6, 2007 to read Approval of the Harrison Township Lions Club Annual White Cane Drive, April 27-May 6, 2007, and to include addendum from the Building Department approving for two inspectors to attend conference to maintain their certification status in the amount of \$831,00, covering the total cost of conference and lodging. **MOTION CARRIED.**

**APPROVAL OF THE REGULAR BOARD MEETING AND PUBLIC HEARING MINUTES  
OF 3/12/07 AND SPECIAL MEETING & WORKSHOP MINUTES OF 3/16/07**

Motion by Mr. York, and seconded by Mr. York to approve the Regular Board Meeting of 3/12/07 with a correction to include Dave Nummer, Township Engineer and Bill Kinney, Water & Sewer Superintendent as also attending the meeting, and the Special Meeting & Workshop Minutes of 03/16/07 as presented. **MOTION CARRIED.**

**APPROVAL OF THE BILLS IN THE AMOUNT OF \$729,505.45**

Motion by Mr. York, and seconded by Mr. Ulinski to approve the total Bills in the amount of \$729,505.45, representing the approval of open invoices in the amount of \$95,527.73 and other bills in the amount of \$633,977.72 as presented. MOTION CARRIED.

**APPROVAL OF THE FEBRUARY 2007 REVENUE & EXPENDITURE REPORT**

Motion by Mr. York, and seconded by Mr. Ulinski to approve the February 2007 Revenue and Expenditure Report as presented. MOTION CARRIED.

**APPROVAL OF THE HARRISON TOWNSHIP LIONS CLUB ANNUAL WHITE CANE DRIVE, APRIL 27 - MAY 6, 2007**

Motion by Mr. York, and seconded by Mr. Ulinski to approve the Harrison Township Lions Club Annual White Cane Drive April 27 – May 6, 2007. MOTION CARRIED.

**APPROVAL OF THE BEAUTIFICATION COUNCIL OF SOUTHEASTERN MICHIGAN ANNUAL MEMBERSHIP FEE IN THE AMOUNT OF \$20.00**

Motion by Mr. York, and seconded by Mr. Ulinski to approve payment of the Beautification Council of Southeastern Michigan Annual Membership Fee in the amount of \$20.00. MOTION CARRIED.

**APPROVAL FOR FIVE WATER & SEWER UTILITY WORKERS TO ATTEND THE 2007 SPRING REGIONAL MEETING FOR CERTIFICATION, PRESENTED BY THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY AT A TOTAL COST \$300.00**

Motion by Mr. York, and seconded by Mr. Ulinski, to approve for five (5) Water & Sewer Utility Workers to attend the 2007 Spring Regional Meeting for Certification, presented by the Michigan Department of Environmental Quality at a total cost of \$300.00. MOTION CARRIED.

**APPROVAL FOR TWO INSPECTORS FROM THE BUILDING DEPARTMENT TO ATTEND CONFERENCE TO MAINTAIN THEIR CERTIFICATION STATUS IN THE AMOUNT OF \$831.00, COVERING THE TOTAL COST FOR CONFERENCE AND LODGING**

Motion by Mr. York, and seconded by Mr. Ulinski to approve for two inspectors to attend conference to maintain their certification status in the amount of \$831.00, covering the total cost of conference and lodging. MOTION CARRIED.

**APPROVAL OF THE REGULAR AGENDA**

**Motion by Mr. York, and seconded by Mrs. Jorgensen to approve the Regular Agenda with a correction to item D.2 to read \$1,500.00 instead of \$15,000.00, and to remove item J. Discussion on the free shuttle service brochure and to be placed on the agenda for the next regular board meeting. MOTION CARRIED.**

### **SUPERVISOR/BOARD ANNOUNCEMENTS**

Congratulations were offered to Fire Fighter Robert Mlynarek who was awarded Macomb County Fire Fighter of the Year this past weekend. Out of over 1,000 Fire Fighters in Macomb County, Fire Fighter Mlynarek was selected. The Board congratulated him on his award and recognized his contributions to the community over and above his call of duty.

Every Thursday from 7:00 – 9:00 p.m., beginning May 3, through June 26, the Fire Chief will begin CERT training. Interested individuals are directed to contact the Fire Department at 466-1450.

An Easter Egg hunt is planned for Saturday, April 7, at 11:00 a.m. at Waterfront Park for children 12 and under.

Information was presented to the Board regarding grant funding/eighty twenty match, due in two weeks, from the federal government to construct bike paths.

Residence interested in fill dirt, may contact the Water & Sewer Department at 466-1426, for more information and to be placed on a list. The availability of dirt is limited.

**Motion by Mrs. Eineman, seconded by Mr. Ulinski to receive and file the Supervisor and Board announcements. MOTION CARRIED.**

### **FIRE DEPARTMENT**

#### **APPROVAL TO ALLOW THE FIRE CHIEF TO ACCEPT THE 2006 ASSISTANCE TO FIREFIGHTERS GRANT AND PROCEED WITH THE PURCHASE OF THE 800 MHZ RADIO EQUIPMENT IN THE AMOUNT OF \$46,517.00**

Harrison Township was among the first 211 Fire Departments out of 18,000 applicants to receive the “Assistance to Firefighters Grant” from the U.S. Department of Homeland Security. The sum, not to exceed \$79,880.00 will be used to complete the 800 MHz radio projects giving our community interoperability with other emergency response organizations. The Chief requests to purchase 800 MHz radio equipment from Motorola as per the requirements of the Fire Act Grant in the amount of \$46,517.00 and to spend the 10% match, \$4,651.70, as required from line item 851.000. Additional spending will be required to completely implement the 800 MHz system. A resident shared his comment.

**Motion by Mr. York, seconded by Mr. Ulinski to proceed with the purchase of the 800 MHz radio equipment as referenced in the proposal from Motorola for the amount of \$46,517.00**

**and to approve \$4,651.70 from line item 851.000 to be used as the required 10% match, from the accepted Fire Act Grant that was awarded to the our community in the amount of \$79,880.00. MOTION CARRIED.**

**APPROVAL TO ALLOW THE FIRE CHIEF TO PURCHASE THREE STRYKER® STAIR PRO STAIR CHAIRS FROM STRYKER® EMS IN AMOUNT OF \$6,300.00**

The Fire Chief requests to purchase three (3) Stryker® Stair Chairs for a total sum of \$6,300.00. Firefighters/Paramedics must perform a wide array of potentially hazardous emergency rescue procedures that often include the use of specially designed rescue and/or transport equipment. The department's current equipment for this type of transport is over 20 year old and the Chief questions its integrity. The chairs are used to transport individuals usually down the stairs. Stryker® EMS and Ferno Corp. are currently the only two manufactures that produce these types of stair chair. The recommendation is for the Stryker® Stair Pro. These items are budgeted for in line item 977.001.

**Motion by Mrs. Eineman, seconded by Mr. York to authorize the Fire Chief to purchase three Stryker® Stair Pro stair chairs from Stryker® EMS for the total sum of \$6,300.00 from line item 977.001 as requested. MOTION CARRIED.**

**INTRODUCTION OF ORDINANCES 354 AND 355 TO ESTABLISH MINIMUM REQUIREMENTS FOR ALL SALE OF FIREWORKS AND FIRE WORK ROADSIDE STANDS**

The Clerk and Fire Chief recommends to the Board of Trustees to amend Chapters 22 and 38 of the Harrison Township Code of Ordinance, that address Seasonal Sales and Solicitors and Fire Prevention and Protection Standards ordinances, to establish enforcement minimum requirements for all firework sales, inside buildings and at roadside stands. Once Introduced, Ordinances 354 and 355 will be brought back before the board for adoption at the next regularly scheduled board meeting set for 4/09/07. The Township Attorney has reviewed the amendments as presented. Resident offered their comments.

**INTRODUCTION**

**CHARTER TOWNSHIP OF HARRISON  
MACOMB COUNTY, MICHIGAN  
ORDINANCE NO. 354**

**AMENDMENT TO ORDINANCE NO. 311 AND 337 ARTICLE II SEASONAL SALES AND SOLICITORS ORDINANCE HARRISON CHARTER TOWNSHIP, MICHIGAN.**

**AN ORDINANCE TO AMEND ORDINANCE NO. 311 AND 337 TO ESTABLISH MINIMUM REQUIREMENTS FOR ALL SALES OF FIREWORKS AND FIRE WORK ROADSIDE STANDS. THE CHARTER TOWNSHIP OF HARRISON ORDAINS:**

The Township Ordinance No. 311 and 337, being Codified Section 22-64 et. seq. of the

Charter Township of Harrison, Macomb County, Michigan be in the same is hereby amended in the following particulars, numbering being in accordance with Codified Ordinance 311 and 337:

#### DIVISION 2. LICENSE

That Section 22.62. Records and enforcement be amended to read as follows:

(b) Enforcement. This division shall be enforced by the county sheriffs department, harrison township fire department, and the township building department.

That Section 22-64 Types of Licenses be amended to read as follows:

(1) *Three-day license.* A three-day license shall apply to any business activity regulated under this article which the person seeking the license intends to conduct over any period of three consecutive days. The fee for this license shall be, for a single location or area, as established by resolution and if the business shall be conducted in more than one location or area, a sum as established by resolution for each additional location or area. Further, a fee as established by resolution shall be charged for each employee. It shall be renewable within the calendar year in which it is issued for as many successive three-day periods as the licensee may desire upon payment of the prescribed fee for each such license and upon written application on forms to be provided by the office of the township clerk, provided that each of the items of information in the original application and all of the business activity and matters pertaining to such application are substantially identical as originally submitted. If there is any substantial or material change in the information or business activity, a new application shall be made and in the manner and form prescribed in this division for an original application.

(2) *Three-month license.* This type of license shall apply to any business activity for which a license is required under this chapter which is to be conducted in a mobile fashion, traveling by foot, wagon, motor vehicle, truck, bicycle, or any other form of conveyance for a period not less than three months, or more than six months. The fee for this license shall be, as established by resolution, plus an additional sum as established by resolution for each employee. Such license may be renewed for succeeding the application period as the licensee may desire upon payment of the prescribed fee for each such license and upon written application there of on forms to be provided by the office of the township clerk, provided that each of the items of information in the original application and all of the business activity and matters pertaining to such application are substantially identical as originally submitted. If there is any substantial, or material change in the information or business activity, a new application shall be made in the manner and form prescribed in this chapter for an original application.

(3) *Six-month license.* A six-month license shall apply to any business activity for which a license is required under this article which is to be conducted upon a particular parcel of property on a periodic basis in which property the licensee has an interest as owner or lessee under a written lease for a period not less than six months. The fee for this license shall be as established by resolution, plus an additional sum as established by resolution for each employee. Such license may be renewed for succeeding six-month periods as the licensee may desire upon payment of the prescribed fee for each such license and upon written application on forms to be provided by the office of the

township clerk, provided that each of the items of information in the original application and all of the business activity and matters pertaining to such application are substantially identical as originally submitted. If there is any substantial or material change in the information or business activity, a new application shall be made in the manner and form prescribed in this division for an original application.

(4) *Christmas tree and fireworks license.* A Christmas tree and fireworks license shall apply only to the sale of Christmas trees and fireworks and shall be for a period commencing the day following Thanksgiving Day through December 31 and June 15 to July 5 of each calendar year for which a license is issued. This license shall be issued upon written application of forms to be provided by the office of the township clerk and upon payment of the fee for this license in an amount established by resolution for a single location, and if the business shall be conducted in more than one location, a sum established by resolution for each addition location. This license shall not be renewable from year to year and shall be subject to all of the other licensing procedure and regulation provision of this article except as modified by the following special provision application to this particular business:

- a. Upon receipt of a completed application, the clerk shall forward a copy of a firework application to the planning commission, who shall determine whether the proposed activity compiles with the township zoning ordinance, as amended. The planning commission shall endorse approval or disapproval on the application and return it to the township clerk. If no disapproval is received by the clerk within 30 days, the clerk may issue the license to the applicant.
- b. Hours of operation for Christmas trees and fireworks shall be from 8:00 a.m. to 10:00 p.m., Eastern Time.
- c. For Christmas tree and fireworks, a cash bond, as established by resolution, shall be deposited with the township clerk's office, which bond shall be refunded upon presentation of a written certification from the township building department that all Christmas trees and fireworks and debris have been removed from the premises not later than July 6 after the holiday for fireworks and no later than January 10 of the succeeding calendar year for Christmas trees. If the township is required by any circumstance or reason whatsoever to incur any cost in the cleanup of debris and/or removal of trees from the premises, the cost shall be charged against such bond; and only the remaining portion, if any shall be subject to refund upon written application.
- d. Only Michigan legal fireworks may be displayed and sold from approved locations. Approved fireworks are referenced in the State Fire Marshal Bulletin #22.
- e. The location of sales/displays shall not be immediately adjacent to any buildings, sheds, gas stations, or miscellaneous structures.
- f. The maximum weight collectively of all fireworks permitted at a roadside stand shall not exceed 100 pounds.

- g. Not more than 25% of the gross weight of fireworks may be displayed at any time.
- h. Storage of firework in trailers, vehicles, sheds, etc., shall not be permitted.
- i. Fireworks shall be removed from the site/stand each day at the end of the sale period.
- j. The fireworks stand shall be conspicuously posted, "No Smoking", on all sides.
- k. Fireworks may only be displayed in enclosed display cases. GLASS ONLY. The fireworks displayed in the display cases(s) shall not be physically accessible by the public. The sale of fireworks and the transfer of fireworks from the display to a purchaser shall be supervised by an adult, 21 years of age or older.
- l. A portable fire extinguisher shall be provided at each stand. The extinguisher shall have a 4-A and shall be U/L listed.
- m. The fireworks display area shall be secured and supervised at all times.
- n. The site shall be maintained in a neat orderly condition and cleaned each night immediately after the close of sales.
- o. All electrical lines, temporary lighting fixtures, etc., shall comply with all codes and ordinances of Harrison Township.
- p. Fireworks cannot be sold to anyone under the age of 18.
- q. Nothing within these requirements shall limit uniformed Fire Prevention Personnel from exercising sound judgment and strict enforcement of measures necessary for the safety and welfare of Harrison Township and its populace. If any of the above ordinances are not in full compliance, Harrison Township fire Department will seize all fireworks from the violator.

That Section 22-66 Procedure and requirements for issuance of license (a) Minimum requirements be amended to include:

(7) The applicant furnishes to the township clerk a copy of a background check completed by Macomb Count Sheriff/state, police of the applicant's character and any and all employees as submitted on application.

That Section 22-68 Wavier of fees. Be amended to read:

Any bona fide charitable or other nonprofit organization which is not established or operated for political purposes may be issued a waiver of fees required under this article from the township clerk however, the application shall be completed and filed as provided under this article, and the

cash bond deposit may be made as required under this article.

*Resident service personnel and veterans.* Every honorably discharged member of the Coast Guard, soldier, sailor or marine of the military or naval service of the United States who is a resident of this state and who is a veteran of any war in which the United States has been or shall be a participant shall have their right to hawk, vend or peddle his own goods, wares, and merchandise within the township by procuring a license from the township clerk as provided under this article. Upon presentation of a copy of a veteran's license duly issued by the county clerk certifying the application is a veteran entitled to hawk, vend or peddle his own goods, the township clerk shall issue a license without cost to the applicant; however, the applicant shall post the cash bond deposit required under this article.

SECTION III.

REPEALER. All other provisions of codified Section 22-64, 22-66 and section 22-68 together with all other provisions of Ordinance 311 and 337 not herein amended shall remain and be in full force and effect and that Ordinances and parts of the Ordinance in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION IV.

SEVERABILITY. If any article, Section or Subsection, sentence, clause, phrase or portion of this Ordinance is held in valid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision, and such holdings shall not effect the validity of remaining portions of the Ordinance it being the intent of the Township that this Ordinance shall be severable.

SECTION V.

EFFECTIVE DATE. The provisions of this Ordinance shall take effect 30 days after publication.

**It was moved by Mrs. Jorgensen and seconded by Mr. York, that Ordinance 354 to amend Ordinance No. 311 and 337 Chapter 22 Businesses, Article II Seasonal Sales and Solicitors Ordinance, to establish minimum requirements for all sales of fireworks and fire work roadside stands, be Introduced and brought back before the Township Board for Adoption at the next regularly scheduled Board Meeting. A copy of the proposed ordinance may be reviewed in the Clerks Office 8:00 a.m. – 4:30 p.m. Monday through Friday, closing for lunch between the hours of 12:30 a.m. – 1:30 p.m.**

**Roll Call:   Ayes:           Jorgensen, York, Eineman, Rice, Ulinski, Forlini  
              Nays:           None  
              Excused:       Garvin  
              **MOTION CARRIED.****

**INTRODUCTION**

**CHARTER TOWNSHIP OF HARRISON  
MACOMB COUNTY, MICHIGAN  
ORDINANCE NO. 355**

AMENDMENT COMP. ORDS. 1988, 23.005 FIRE PREVENTION AND PROTECTION  
ORDINANCE HARRISON CHARTER TOWNSHIP, MICHIGAN.

AN ORDINANCE TO AMEND CHAPTER 38 FIRE PREVENTION AND PROTECTION  
ARTICLE III. FIRE PREVENTION STANDARDS, SEC.38-76 ENFORCEMENT TO  
ESTABLISH ENFORCEMENT MINIMUM REQUIREMENTS FOR ALL INDOOR SALES OF  
FIREWORKS. THE CHARTER TOWNSHIP OF HARRISON ORDAINS:

The Township Ordinance Chapter 38, being Codified Section 38-76 et. seq. of the Charter  
Township of Harrison, Macomb County, Michigan be in the same is hereby amended in the  
following particulars, numbering being in accordance with Codified Ordinance Chapter 38:

**ARTICLE III FIRE PREVENTION STANDARDS**

That Section 38-76. Enforcement be amended to include firework codes as follows:

(8) Fireworks codes:

- all rules regulation and the existing permit process for the supervised public displays of fireworks shall remain in full effect.
- The manufacture of fireworks of any kind and the storage for wholesale of fireworks of any kind is prohibited within Harrison Township
- Fireworks may be sold at retail in use group's classification M & B only. (Use groups classification described in I.B.C. Building Code) with the exception that fireworks shall not be sold or stored at automobile service stations.
- Fireworks shall be stored in a type 2 indoor magazine. All fireworks in the display case shall be returned to the magazine at the end of the business day.
- The type of magazine shall be constructed in accordance with N.F.P.A. Standard #44A. (Manufacturer, transportation and storage of Fireworks.)
- The magazine shall only be located in a well ventilated area, away from heat sources, and shall not impinge on any means of egress. The area shall be posted "No Smoking". The magazine shall not be located in the retail area. The magazine shall be marked as described in N.F.P.A. Standard #44A.
- Roadside sale of Firework permitted under Seasonal sales and Solicitors.
- Nothing within these regulations shall limit uniformed Fire Prevention personnel from exercising sound judgment and strict enforcement of measures necessary for the safety and welfare of the Township and its populace.
- Bond must be furnished in an amount deemed adequate by the code official for the payment of all damages which may be caused either to a person or persons or to property by reason

of the permitted display and arising from any acts of the permittee, the permittee’s agents, employees or subcontractors.

- Fireworks cannot be sold to anyone under the age of 18.

SECTION III.

REPEALER. All other provisions of codified Section 38-76 together with all other provisions of Chapter 38 not herein amended shall remain and be in full force and effect and that Ordinances and parts of the Ordinance in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION IV.

SEVERABILITY. If any article, Section or Subsection, sentence, clause, phrase or portion of this Ordinance is held in valid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision, and such holdings shall not effect the validity of remaining portions of the Ordinance it being the intent of the Township that this Ordinance shall be severable.

SECTION V.

EFFECTIVE DATE. The provisions of this Ordinance shall take effect 30 days after publication.

**It was moved by Mrs. Jorgensen and seconded by Mr. Rice, that Ordinance 355 to amend Chapter 38 Fire Prevention and Protection Article III. Fire Prevention Standards, Sec. 38-76 Enforcement be Introduced and brought back before the Township Board for Adoption at the next regularly scheduled Board Meeting. A copy of the proposed ordinance may be reviewed in the Clerks Office 8:00 a.m. – 4:30 p.m. Monday through Friday, closing for lunch between the hours of 12:30 a.m. – 1:30 p.m.**

**Roll Call:     Ayes:           Jorgensen, Rice, Eineman, Ulinski, York, Forlini**  
**Nays:           None**  
**Excused:     Garvin**  
**MOTION CARRIED.**

**BUILDING DEPARTMENT**

**ADOPTION OF ORDINANCE 306.29 TO AMEND THE CHARTER TOWNSHIP OF HARRISON ZONING ORDINANCE ARTICLE 9 RESIDENTIAL DISTRICTS, SECTION 9.00 C. CENTRAL AIR CONDITIONING UNITS**

A resident shared his comment to the adoption of ordinance 306.29.

**ADOPTION  
Ordinance No. 306.29**

**AMENDMENT TO ZONING ORDINANCE 306**

**CHARTER TOWNSHIP OF HARRISON  
Macomb County, Michigan**

At a Regular Meeting of the Board of the Charter Township of Harrison, County of Macomb, Michigan, held on Monday, March 26, 2007, at Rosso Memorial Hall, 38255 L'Anse Creuse, Harrison Township, Michigan, the following was Adopted

An Ordinance to amend the Charter Township of Harrison Zoning Ordinance, Article 9. Residential Districts, Section 9.00 C. Central Air Conditioning Units.

**THE CHARTER TOWNSHIP OF HARRISON ORDAINS:**

**SECTION 9.00. Provisions applicable to residential districts.**

**C. Central Air Conditioning Units.**

1. Central air conditioning units that are installed outside of single-family residential dwellings shall be located behind the rear wall of the principal and attached necessary structure and shall be located no less than three feet between the extreme ends (sides) of the entire structure. The unit may also be located in the side yard. All such units installed in a side yard shall meet the minimum side yard building setback requirement for the district. Replacement units, comparable to existing units, may be installed at the same location occupied by the former unit.
2. In all multiple-family developments, all central air conditioning units shall be located behind the rear walls of the structures when such location is feasible and /or practical. When a rear yard location is not determined to be feasible and/or practical by the planning commission, central air conditioning units may be located within a required or non-required side yard setback or side to side/rear building spacing requirement, as long as the existing buildings (so or planned building(s) meet all of the minimum side yard setback and/or spacing requirements of this ordinance. Regardless of the location, air conditioning units shall be screened from view and screened to mitigate any potential negative noise impacts, the appropriate screening shall be determined by the planning commission based on the requirements of Article 5.
3. Installation of any such equipment shall also comply with all other applicable provision of this Ordinance, as amended, and all other applicable provision of any Federal, State and local laws, ordinances and codes.
4. For purposes of this section, open patios and decks shall not be considered apportion of the structure.

This ordinance shall become effective immediately upon adoption and publication in a

newspaper in general circulation within the Charter Township of Harrison.

**It was moved by Mrs. Jorgensen and seconded by Mr. York, that Ordinance 306.29 to amend the Charter Township of Harrison Zoning Ordinance, Article 9. Residential Districts, Section 9.00 C. Central Air Conditioning Units be Adopted and order published in the Macomb Daily. A copy of the Ordinance may be reviewed in the Clerk’s Office 8:00 a.m. – 4:30 p.m. Monday through Friday.**

**Roll Call: Ayes: Jorgensen, York, Eineman, Rice, Ulinski, Forlini  
Nays: None  
Excused: Garvin  
MOTION CARRIED.**

**APPROVAL TO HIRE TEMPORARY, FULL TIME PERSON FOR DEPARTMENT SECRETARY POSITION IN PLANNING/ZONING DEPARTMENT**

Out of approximately sixty (60) applicants who applied for the temporary, full time position in the Planning and Zoning Department, eight (8) candidates qualified in areas of expertise that is needed to fill the position. A two step interview process was conducted, and it is the Building Official’s recommendation that Cynthia Chambos fill the temporary, full time position in the Planning and Zoning department at an hourly rate of \$15.00.

**Motion by Mrs. Eineman, seconded by Mr. Ulinski to approve to hire Cynthia Chambos to fill the temporary, full time Planning and Zoning Department Secretary position at an hourly rate of \$15.00, pending successful completion of a pre-employment physical and drug test, and that the employee begin her assignment two weeks prior to Mrs. Mancini’s maternity leave instead of 1 week, as previously approved by motion on 01/22/07. MOTION CARRIED.**

**ACCOUNTING**

**APPROVAL TO SET UP A NEW CHECKING ACCOUNT FOR EMPLOYEE HEALTH REIMBURSEMENT**

A request that a new checking account be established for Marwil, the new third party administrator, to establish a separate health disbursement account with JP Morgan Chase with an impressed balance of no more than \$30,000.00, for the sole purpose of healthcare reimbursement for employee co-pays and deductibles. Only Marwil staff will have access to the account, although the Treasurer’s Office will be transferring money into the account weekly to maintain the fixed balance. The Accounting Department will have positive pay in place as an internal control.

**Motion by Mrs. Jorgensen, seconded by Mr. York to approve to direct the Treasurer to set up a new checking account with a bank to be determined for the sole purpose of healthcare reimbursements for employee co-pays and deductibles, with authorized disbursements to be made from the account only by staff of the third party administrator, in the amount of up to \$30,000. 00. MOTION CARRIED.**

**APPROVAL OF GABRIEL ROEDER'S INVOICE ADDENDUM IN THE AMOUNT OF \$1,500.00**

January 23, 2006, the Board approved not to exceed \$7,500 for Gabriel Roeder and Smith (GRS) to do a retiree health care actuarial valuation for the purpose of determining the unfunded liability for retiree healthcare benefits. The report was recently received and distributed to the board. The perspective up to this point has been that the Township has only one overall liability for retiree healthcare, but there is a benefit of splitting this obligation into two distinct and separate funds, similar to the regular pension funds, employee and firefighters. One benefit is that it would facilitate administration and another is that the costs could be funded more directly from the source of the liability. The monies that have been set aside to date for retiree healthcare reside in a regular township fund. GRS split the final results into the four separate categories of general vs. firefighter's employees, and Township's rate of return on investments vs. that of the formal pension funds. The extra cost for the actuarial study showing the split is \$1,500.00. Two Board Members spoke to not paying any more than what was originally billed. A resident offered his comment.

**Motion by Mr. York, seconded by Mrs. Jorgensen to approve the additional expenditure of \$1,500.00 over the original proposal for the actuarial study of retiree healthcare costs to Gabriel, Roeder, and Smith.**

**Roll Call:   Ayes:           York, Jorgensen, Forlini  
              Nays:           Eineman, Rice, Ulinski  
              Excused:       Garvin  
              MOTION FAILS.**

Mr. York stated that the extra cost for one actuarial study showing the split is \$1,500.00 vs. \$7,500.00 for each pension fund actuarial study, employee and fire. Mrs. Eineman and Mr. Ulinski stated that they oppose approving the additional cost of \$1,500.00 stating that the Finance Director should have received prior approval from the Board before authorizing the work to be done. Mr. Rice asked for the motion to be reconsidered.

**Motion by Mr. Rice, seconded by Mr. York to reconsider the motion to approve the additional expenditure of \$1,500.00 over the original proposal for the actuarial study of retiree healthcare costs to the Gabriel, Roeder, and Smith.**

**Roll Call:   Ayes:           Rice, York, Jorgensen, Forlini  
              Nays:           Eineman, Ulinski  
              Excused:       Garvin  
              MOTION CARRIED.**

A resident reiterated his prior comment.

**Motion by Mrs. Jorgensen, seconded by Mr. Rice to approve the additional expenditure of \$1,500.00 over the original proposal for the actuarial study of retiree healthcare costs to**

**Gabriel, Roeder, and Smith.**

**Roll Call: Ayes: Jorgensen, Rice, York, Forlini**  
**Nays: Eineman, Ulinski**  
**Excused: Garvin**  
**MOTION CARRIED.**

**COMMITTEE UPDATE/PRESENTATION****ENVIRONMENTAL COMMITTEE PROPOSES STORM DRAIN STENCILING PROGRAM**

Environmental Committee Member, Barbara Bollin, presented a committee update. The committee meets twice a month. They are teaming up with St. Clair Shores and their Nautical Coast Cleanup program on May 12. The Committee is pleased with the Township pursuing a grant to treat phragmites and stated that they are currently reviewing a tree and sanitary sewer ordinance. The Committee is also considering participating in the Macomb County Association for the Environment festival activity to be held at Freedom Hill April 27, 2007 between 1-8:30 p.m. She requests on behalf of the Committee to be updated/and informed to company(s) and chemical applications regarding the proposed weed control SAD for the St. Clair Haven canal systems. The Committee is considering hosting their own forum May 02, 2007 to educate and inform the public on environmental issues as they relate to their homes and immediate surroundings. She stated that Lochmoor Golf Club is hosting a conference this Thursday, in which they hope to have representation there, speaking to their storm water program, which is a model project in the county. The Environmental Committee will meet again on April 14, 2007, and then again April 28, 2007. The Board offered comment and thanks to the committee and to their commitment to the community. The Board also questioned about the stenciling program and requested that it be considered for our community. Residents offered comment.

**Motion by Mrs. Eineman, seconded by Mr. Ulinski to receive and file the Committee update as presented. MOTION CARRIED.**

**CONSIDERATION FOR FINAL PLAT APPROVAL FOR SUNKIST SUBDIVISION IV**

The petitioner is seeking final plat approval for Sunkist Subdivision IV. On March 6 the contract service providers for engineering, planning and legal were forwarded a copy of the final plat information for review and for a technical recommendation to be forwarded to the Board relevant to compliance regarding the approved preliminary plat, policies, code of ordinances, and master plan. Outstanding issues from the Engineer, Planner and Attorney were noted in memos to the Board. The Petitioner stated that he believes that he is in compliance with those outstanding issues as reported and requests action from the Board for final plat approval. He also offered that his taxes have not been paid because he is in the process of appealing them. With regards to outstanding engineering fees, he states he will only pay for plat reviews. The Board offered an extension to the Final Preliminary plat approval process to allow the necessary time for the petitioner to address the issues outlined in the Planner's and Attorney's memos of 3/15/07 and the Engineer's memo of

3/22/07. The Petitioner also agreed to meet with the Supervisor once again to resolve all outstanding issues for consideration for a final plat approval for Sunkist Subdivision. Residents offered comment.

**Motion by Mrs. Eineman, seconded by Mr. Rice to grant a six (6) month extension for the Final Preliminary Plat approval process for Sunkist Subdivision No. IV, to allow the petitioner to address all of the outstanding issues as outlined in each of the memos received from the Planner and Attorney on 3/15/07, and the Engineer on 3/22/07, and that the Board notice on the agenda to discuss the requirement of the 20' landscape buffer zone between the back yards of nautical lane homes and Rivercrest homes, as part of the tentative preliminary plat approved 10/15/2002. MOTION CARRIED.**

### **APPOINTMENTS**

#### **ONE REAPPOINTMENT TO THE BUILDING BOARD OF APPEALS -TERM TO EXPIRE 2/05/09**

The Supervisor recommends Mr. Robert Buchman for reappointment to the Building Board of Appeals. He has been a member since 1996 and has served as chair during his term(s).

**Motion by Mrs. Jorgensen, and seconded by Mrs. Eineman to reappoint Robert Buchman to the Building Board of Appeals with his term to expire 02/05/09 as recommended by the Office of the Supervisor. MOTION CARRIED.**

#### **ONE APPOINTMENT TO THE ENVIRONMENTAL COMMITTEE -TERM TO EXPIRE 9/25/09**

The Supervisor recommends Mr. Herbert Lorentz for appointment to the Environmental Committee to fill the remaining term of the resident position vacated by Mrs. Smiley through 9/25/09. A resident offers comment.

**Motion by Mrs. Eineman, and seconded by Mr. Ulinski to appoint Herbert Lorentz to the Environmental Committee to fill the remaining term of resident position vacated by Mrs. Smiley through 9/25/09, as recommended by the Office of the Supervisor. MOTION CARRIED.**

#### **ONE REAPPOINTMENT TO THE CABLE COMMITTEE - TERM TO EXPIRE 11/20/08**

The Supervisor recommends Mr. William Servial for reappointment to the Cable Committee. He has been a member two years and has served as chair during his term.

**Motion by Mr. Ulinski, and seconded by Mr. Rice to reappoint William Servial to the Cable Committee with his term to expire 11/20/08 as recommended by the Office of the Supervisor. MOTION CARRIED.**

**SUPERVISOR'S OFFICE****RESOLUTION  
TOWNSHIP OF HARRISON  
STATEMENT OF FACTS**

- A. Effective January 1, 2007, the Uniform Video Service Local Franchise Act, Act. No. 480 of the Public Acts of 2006 ("Uniform Act") preempted as unreasonable and unenforceable many provisions of municipal franchises and ordinances regarding companies offering cable television services over lines and other facilities located in the public right-of-way.
- B. The Uniform Act required the Michigan Public Service Commission ("MPSC") to issue an order establishing the standardized form for a uniform local franchise agreement to be used by each municipality in this state. On January 30, 2007, the MPSC issued an order doing so along with a standardized application form.
- C. Section 5 of the Uniform Act renders all provisions of existing franchises that are inconsistent with or in addition to the provisions of the uniform video service local franchise agreement unreasonable and unenforceable. Among other provisions of existing franchises changed by section 5 of the Uniform Act is the definition of gross revenues set forth in subsections 6(4)-(7) of the Uniform Act upon which companies pay annual video service provider fees and fees for the support of public, educational and governmental ("PEG") access channels.
- D. Subsection 6(8) of the Uniform Act requires that such companies pay to the municipality as support for the cost of PEG access facilities and services a fee equal to the fee paid by the incumbent video provider with the largest number of cable service subscribers in the municipality.
- E. Subsection 4(14) of the Uniform Act provides that if municipalities seeks to utilize capacity designated on a cable system to provide access for video programming over 1 or more PEG channels that the municipality shall give the provider a written request specifying the number of actual channels in actual use in the municipality.
- F. Subsection 6(1)(b) of the Uniform Act provides that at the expiration of an existing franchise agreement or if there is no existing franchise agreement, the video service provider shall pay an annual video service provider fee in an amount equal to the percentage of gross revenues as established by the municipality not to exceed 5 percent and which shall be applicable to all providers unless otherwise agreed under section 13 of the Uniform Act.

**NOW THEREFORE IT IS RESOLVED**

- 1. Effective January 1, 2007, the Uniform Act required companies paying franchise fees and fees for the support of PEG channels based on a percentage of gross revenues do so based upon the definition of gross revenues set forth in subsections 6(4)-(7) of the Uniform Act.

- 2. Effective January 1, 2007, the Uniform Act required companies offering cable television services to pay to the municipality as support for the cost of PEG access facilities and services a fee equal to the fee paid by the incumbent video provider with the largest number of cable service subscribers in the municipality.
- 3. The following PEG channels in actual use on January 1, 2007, shall be provided as required by subsection 4(14) of the Uniform Act.

<u>WOW</u>	<u>Comcast</u>
10 – Government Access	6 – Government Access
15 – Educational Access	12 – Local Programming
18 – Public Access	19 – C-Span
54 – C-Span	98 – C-Span 2
55 – C-Span 2	105 – C-Span 3
205 – Public Access	240 – Public Access

- 4. All applications and any other correspondence for a uniform video service local franchise agreement or to terminate or amend an existing franchise agreement shall be sent by mail (certified, registered or first-class return receipt requested or by nationally recognized overnight delivery service) to the Clerk and to Cable Television Attorney, Neil J. Lehto, Six North Elk Street, Sandusky, Michigan 48471.
- 5. At the expiration of an existing franchise agreement or if there is no existing franchise agreement, all video service providers shall pay an annual video service provider fee in an amount equal to 5 percentage of gross revenues which shall be applicable to all providers unless otherwise agreed under section 13 of the Uniform Act.
- 6. The Clerk is directed to send a copy of this Resolution to Comcast, WOW, or other local cable television company and AT&T or other local telephone exchange carrier serving the Township by first-class mail, return receipt requested.

**Motion by Mr. York, and seconded by Mrs. Jorgensen, to adopt the above and foregoing Resolution Statement of Facts as presented.**

**Roll Call:   Ayes:           York, Jorgensen, Eineman, Rice, Ulinski, Forlini  
               Nays:           None  
               Excused:   Garvin  
**MOTION CARRIED.****

**APPROVAL TO ADVERTISE AND INTERVIEW FOR ADDITIONAL BUS DRIVERS FOR SUMMER SHUTTLE PROGRAM**

In preparation for the upcoming Summer Shuttle program, it is necessary to hire additional bus drivers to cover the shifts, at the same rate as our current drivers, \$8.49 per hour. It is recommended that the township hire a pool to cover 6-8 anticipated shifts. Only one of our regular

drivers is interested. Posting for help will be noticed in the bus terminals in the school system as well as on the Township's website and in the newspaper.

**Motion by Mrs. Jorgensen, seconded by Mr. Rice to approve to advertise in the C & G Newspaper and on the Township's website for the part time positions and bring back a list of qualified candidates for Board approval at a future date. MOTION CARRIED.**

**APPROVAL TO APPLY FOR ENVIRONMENTAL PROBLEMS LAKE/RIVER FUND GRANT**

The Supervisor's Office recommends applying for the Environmental Lake/River Fund Grant for phragmites control. Submittal requirement from last year, now require a local match cash or in-kind of 25%. The total grant amount that can be received is \$25,000.00 per municipality. Grant is due at the end of the month. The Township will need to match \$6,250.00 from line item 275-297.000.810-000. The plan is that this grant will assist the township in establishing a program to control phragmites over a three year time frame. A resident offers his comment.

**Motion by Mrs. Jorgensen, seconded by Mrs. Eineman to approve to apply for \$25,000.00 for phragmites control through the Environmental Lake/River Fund Grant and for the Township to fund \$6,250.00 for a match from line item 275-297.000.810-000. MOTION CARRIED.**

**BUILDING OFFICIAL YEARLY REVIEW**

A yearly performance review was recently conducted for the Building Official, and as part of the Supervisory Union contract, all progression up the levels must be approved by the Board of Trustees based upon the recommendation of the Supervisor. After conducting the yearly review and examining the operations of the Building Department, both financially and logistically, it would be the recommendation of the Supervisory Office that the board approve moving Mr. Parakh from a Level 3 to a Level 4 Building Official and Code Enforcement Officer. Residents offer comments.

**Motion by Mr. Ulinski, seconded by Mr. Rice to approve moving Mr. Parakh from a Level 3 to a Level 4 Building Official and Code Enforcement Officer. MOTION CARRIED.**

**CLERK'S OFFICE**

**APPROVAL TO ADOPT RESOLUTION FOR CHARITABLE GAMING LICENSE FOR THE MERMAID AUXILIARY OF HURON POINTE YACHT CLUB**

**Local Governing Body Resolution  
for  
Charitable Gaming Licenses**

At a regular meeting of the Charter Township of Harrison Board of Trustees called to order by the Chairperson on March 26, 2007 at 7:30 p.m. the following resolution was offered:

Moved by Mrs. Jorgensen and supported by Mr. Ulinski that the request from the Huron Pointe Yacht Club Ladies Mermaid Auxiliary, Harrison Township, County of Macomb, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for approval.

A resident offers comment.

**Roll Call: Ayes: Jorgensen, Ulinski, Eineman, Rice, York, Forlini**  
**Nays: None**  
**Excused: Garvin**  
**MOTION CARRIED.**

**PUBLIC COMMENTS**

1. Resident, Sam Buschell responds to the personal comments made about him by a Board Member. He also speaks to what he recognizes as ordinance violations, and stated that those issues should be addressed.

Mr. Rice and Mr. Ulinski excuse themselves at 11:03

2. Resident, Richard Rapp, presents the Board with a copy of a letter for file regarding allegations against a Board Member from a resident.

Mr. Rice and Mr. Ulinski return at 11:12

3. Resident, James Senstock, states that he wants the Board to discuss the property purchase in open session and shares his opinion with the Township Board in how he believes a property purchase should be made.

**BOARD COMMENTS**

1. Mr. Ulinski requests that the community understand the Board’s commitment to our job responsibilities and to improving the quality of life in our Township. He also spoke to his conflict of interest with a certain individual regarding a law suit.
2. Mrs. Eineman states that she will not comment to a certain litigation because she feels it is inappropriate. She reiterated that she will respond if someone is saying untruthful statements about her, and qualified that she voted no in raising fees. She still feels that the Township should do an audit of trees that exist in the Township, and that it is appropriate for the Board to discuss a potential property purchase in close session and not in open session.
3. Mr. York offers a good evening.
4. Mrs. Jorgensen has no comment.
5. Mr. Rice offers condolences to Judge McDevitt’s family to her passing.
6. Mr. Forlini offers congratulations again to Fire Fighter Mlynarek, for being the recipient of the Fire fighter of the Year Award.

**CLOSED SESSION**

**CLOSED SESSION DISCUSSION FOR UPDATE ON UNION NEGOTIATIONS AND**

**POTENTIAL PROPERTY PURCHASE**

**Motion by Mr. Ulinski, seconded by Mr. York to enter into closed session for the purpose of receiving an update on a potential property purchase and on AFSCME 1103 Negotiations, at 11:25 p.m.**

**Roll Call: Ayes: Ulinski, York, Eineman, Rice, Jorgensen, Forlini  
Nays: None  
Excused: Garvin  
MOTION CARRIED.**

**OPEN SESSION**

**Motion by Mrs. Eineman, seconded by Mr. Ulinski to enter into Open Session at 1:15 a.m.**

**Roll Call: Ayes: Eineman, Ulinski, Rice, York, Jorgensen, Forlini  
Nays: None  
Excused: Garvin  
MOTION CARRIED.**

A resident offered his comment with regards to a potential property purchase.

**Motion by Mr. Rice, and seconded by Mr. York to spend up to \$4,000.00 for the appraisal for property in question as discussed in closed session. MOTION CARRIED.**

**Motion by Mr. York, and seconded by Mr. Ulinski to retain the Fishman Group for their services regarding the unfair labor practice, subject to the terms found and approved by the Township Board.**

**Roll Call: Ayes: York, Ulinski, Eineman, Rice, Forlini  
Nays: Jorgensen  
Excused: Garvin  
MOTION CARRIED.**

**ADJOURNMENT**

**Motion by Mr. York, seconded by Mr. Ulinski to adjourn. Meeting adjourned at 1:20 a.m. MOTION CARRIED.**

**Prepared & Submitted by,**

**Approved by,**

**Jan P. Jorgensen, CMC, Clerk  
Charter Township of Harrison**

**Anthony G. Forlini, Supervisor  
Charter Township of Harrison**