

**CHARTER TOWNSHIP OF HARRISON
REGULAR BOARD MEETING
AUGUST 27, 2007**

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

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

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. Rice to approve the consent agenda with the following changes as discussed, to amend the Bills from \$617,141.31 to \$617,291.31, to ratify the actions taken by the Clerk in submitting the amendment to the DEQ to revise the Township's SAD dredging application to include the removal of 4,851 vs. 4,000 cubic yards to cover the homeowners project to dredge personal boat wells in the Venice Shores Subdivision, and to include the Supervisor's emergency consent addendum item – Removal of State Pre-approval Requirement for Crack Sealing as IV. MOTION CARRIED.

APPROVAL OF THE REGULAR BOARD MEETING MINUTES OF 8/13/07

Motion by Mr. York, and seconded by Mr. Rice to approve the Regular Board Meeting Minutes of 08/13/07 as presented. MOTION CARRIED.

APPROVAL OF THE BILLS IN THE AMOUNT OF \$617,291.31

Motion by Mr. York, and seconded by Mr. Rice to approve the Bills in the amount of \$617,291.31 as presented, which includes the \$150.00 check not included in the original bill

run. MOTION CARRIED.

APPROVAL OF THE JULY, 2007 REVENUE AND EXPENDITURE REPORT

Motion by Mr. York, and seconded by Mr. Rice to approve the July 2007 Revenue and Expenditure Reports as presented. MOTION CARRIED.

APPROVAL OF GRS INVOICE FOR ACTUARIAL ATTESTATION FOR THE RETIREE DRUG SUBSIDY FOR PLAN YEAR ENDING DECEMBER 31, 2008 IN THE AMOUNT OF \$2,500.00

Motion by Mr. York, and seconded by Mr. Rice to approve the expenditure of \$2,500.00 for Gabriel Roeder service fees for an annual actuarial review for the Medicare D Employer subsidy program as presented. MOTION CARRIED.

SUPERVISOR'S EMERGENCY CONSENT AGENDA ITEM – REMOVAL OF STATE PRE-APPROVAL REQUIREMENT FOR CRACK SEALING

Motion by Mr. York, and seconded by Mr. Rice to approve to remove the requirement for the vendor, ASH CON Pavement Maintenance, Inc., to be on the state pre-qualified vendor list and move forward with the crack sealing on the 2.3 mile section of the bike path. MOTION CARRIED.

APPROVAL OF THE REGULAR AGENDA

Motion by Mr. York, and seconded by Mr. Ulinski to approve the Regular Agenda with the following changes: to reposition G.3- Discussion on letter from Building Inspector to Harrison Township Industrial Corridor Dated July 19, 2007 up on the agenda to C.2; to include emergency addenda, Treasurer's Office Emergency Agenda Item, Temporary Salary for New Deputy Treasurer as F.3 and two Closed Session issues; Performance Review of Fire Fighter B. Smith and Consult with Township Attorney regarding Cierra Litigation. MOTION CARRIED.

SUPERVISOR/BOARD ANNOUNCEMENTS

It was announced that the Summer Shuttle has been a very successful program and is under budget. Buses are transporting 50 to 120 riders a weekend to over 43 destinations. Originally the Board motioned to end the shuttle program Labor Day.

Mr. Garvin arrives at 7:40 p.m.

Motion by Mr. Rice, and seconded by Mr. York to continue the Summer Shuttle for the next two months (September and October) and revisit the Summer Shuttle program's progress at that time at a Board Meeting. MOTION CARRIED.

It was announced that the Kite Day event was a nice event with 250 attending. Rosco the Clown and Dan Dan the Choo Choo Man also entertained the kids. Kite Day will be hosted again next August because of its success. Mr. Rice expressed caution and distributed to the board an article regarding an out of state air base leasing property to an air freight company and offered to residents that he would send a copy of same to them if they were interested.

Motion by Mrs. Eineman, and seconded by Mr. Ulinski to receive and file the Supervisor and Board Announcements as presented. MOTION CARRIED.

FIRE DEPARTMENT

APPROVAL TO PURCHASE A PIERCE ARROW XT PUC FIRE ENGINE DEMO UNIT TO REPLACE THE 1992 DARLY PUMPER IN THE AMOUNT OF \$486,242.00

The Fire Chief stated as directed by the Board and because of the condition of the '92 Darley, he began looking for a replacement, and found a Pierce demonstration unit. The unit was built for the FDIC (Fire Department International Conference) show for the purpose of introducing Pierce's new Ultimate Configuration design. The engine incorporates the same Arrow XT chassis design and compartment configuration as the engine previously purchased. To secure a firm quote, a list of modifications specific to our community's needs was submitted. The total cost of the unit is \$486,242.00, which includes a \$20,000.00 discount for giving Pierce until January 9, 2008 to make the modifications and show the vehicle and an additional \$13,289.00 for purchasing the unit by August 30, 2007. The price also includes \$40,000.00 of new fire equipment. A 100% performance bond would be issued with the upfront payment and the new vehicle warranty would start from the time the vehicle was actually placed into service in Harrison Township. It is recommended that the following allocations are \$100,000.00 from Equipment Reserve (Fire Fund Line item 980.000), \$40,000.00 from Fire Equipment (Fire Fund Line item 977.002), and \$346,242.00 from the Fire Fund Balance (Currently at \$861,389.00). The old unit is requiring costly repairs and the down time is 14% annually and/or 3-4 days a month. To sell the old apparatus would bring around \$25,000.00. If approved, the next scheduled replacement is for a ladder truck in Y2014. The Fire Department's fleet repairman, Mr. Kulich concurred with the Fire Chief's recommendation. Residents offered their comments.

Motion by Mr. Garvin, and seconded by Mrs. Eineman to direct the Fire Chief to accept the proposal from Pierce Manufacturing for the purchase of a Pierce Arrow XT PUC Pumper Stock #18130 for the amount of \$486,242.00 payable on August 30, 2007 and allocate from the Fire Fund \$100,000.00 from Equipment Reserve (Fire Fund Line item 980.000), \$40,000.00 from Fire Equipment (Fire Fund Line item 977.002), and \$346,242.00 from the Fire Fund Balance. MOTION CARRIED.

RECOMMENDATION ON PROPOSED REZONING REQUEST FOR PROPERTY #0001-0048-00, SIDWELL #11-36-227-011 FROM R-1-C (SINGLE FAMILY RESIDENTIAL) TO RM-3 (MULTIPLE FAMILY RESIDENTIAL) 13.86 ACRES – ROSECROFT SHORES SUBDIVISION, SHOOK AND JEFFERSON AVENUE

Per the petitioner's request, this item was removed at the 07/23/07 regular board meeting to be brought back at the 08/27/07 regular board meeting. The petitioner submitted to the Clerk's Office on August 27, 2007 at 4:10 p.m., a letter withdrawing the petition to rezone. The Planning Commission has heard the case and recommends to deny Case #03-07-RZ proposed rezoning request for petitioner, Mr. John Champagne/Entity to be formed, R-1-C (Single Family Residential) to RM-3 (Multiple Family Residential) 13.86 acres – Described property – Rosecroft Shores Subdivision – Shook and Jefferson Avenue – Property No. 0001 0048 00 Sidwell No. 11-36-227-011, based on the following:

1. There has been no reasonable proposal submitted indicating that the property cannot be developed as R-1-C.
2. The development is inconsistent with the Master Plan designation of lower density single family residential.
3. The density of the development exceeds the Master Plan designation of 2.5 dwelling units per acre.
4. The current zoning of R-1-C is consistent with the Master Plan
5. The proposed zoning designation of R-M-3 is inconsistent with the surrounding building designations.
6. The proposed land use is inconsistent with the established land use patterns in characteristics in the surrounding area.
7. There will be a greater impact on the surrounding infrastructure if the land is developed as R-M-3.
8. The proposed zoning of R-M-3 will not reasonably advance a legitimate governmental interest in the protection of the health, safety and welfare of the general public.
9. There is no identifiable public economic need of a rezone at this time.

A resident spoke on behalf of the Rosecroft Shores Subdivision concurring with the Planning Commission's recommendation to deny the rezoning request and requested that the Board of Trustees stay constant to the Master Plan and be mindful to the effects of traffic and density issues to the Township when considering new developments.

Motion by Mr. Garvin, and seconded by Mrs. Eineman to concur with the Planning Commission's recommendation and deny the rezoning request for P.C. Case #03-07-RZ, petitioner, Mr. John Champagne, from R-1-C (Single Family Residential) to R-M-3 (Multiple Family Residential) 13.86 acres – Described Property – Rosecroft Shores Subdivision – Shook and Jefferson Avenue – Property No. 0001 0048 00 Sidwell No. 11-36-227-011 for the reasons as stated by the Planning Commission as follows:

1. **There has been no reasonable proposal submitted indicating that the property cannot be developed as R-1-C.**
2. **The development is inconsistent with the Master Plan designation of lower density single family residential.**
3. **The density of the development exceeds the Master Plan designation of 2.5 dwelling units per acre.**
4. **The current zoning of R-1-C is consistent with the Master Plan**

5. The proposed zoning designation of R-M-3 is inconsistent with the surrounding building designations.
6. The proposed land use is inconsistent with the established land use patterns in characteristics in the surrounding area.
7. There will be a greater impact on the surrounding infrastructure if the land is developed as R-M-3.
8. The proposed zoning of R-M-3 will not reasonably advance a legitimate governmental interest in the protection of the health, safety and welfare of the general public.
9. There is no identifiable public economic need of a rezone at this time.

MOTION CARRIED.

DISCUSSION ON LETTER FROM BUILDING INSPECTOR TO HARRISON TOWNSHIP INDUSTRIAL CORRIDOR DATED JULY 19, 2007

Mrs. Eineman stated that she requested this item because she has concerns with the Township requiring compliance of moderate screening of dumpsters where there is no record of Planning Commission approval during the site plan review process, and questions the future of site plans. She stated that she has since spoken with the Building Official and understands the Township's motive for compliance and requests that a policy be considered to seek compliance. A resident offered his comment.

Motion by Mrs. Eineman, and seconded by Mr. Garvin to receive and file the report and for the Building Official to continue discussion for a policy to seek compliance in requiring moderate screening of dumpsters under the Environmental and littering ordinance. MOTION CARRIED.

APPOINTMENTS

TWO REAPPOINTMENTS TO HOUSING BOARD OF APPEALS – TERMS TO EXPIRE 9-11-07

Two appointments to the Housing Board of Appeals are to expire 09/11/07. Mr. Vijay Parakh currently fills the Building Official role on the board and Mr. Bill Servial fills the licensed builder seat. The Housing Board has been running very well and has accomplished its main goal of ensuring safe housing in our community. It is the Supervisor's recommendation to reappoint Mr. Parakh and Mr. Servial for 3 year terms each to expire September 11, 2010.

Motion by Mr. Garvin, and seconded by Mr. Ulinski to reappoint to the Housing Board of Appeals, Mr. Vijay Parakh to fill the Building Official position and Mr. Servial to fill the licensed builder position on the Housing Board of Appeals with their terms to expire September 11, 2010 as recommended by the Supervisor's Office. MOTION CARRIED.

SUPERVISOR'S OFFICE

APPROVE WADE TRIM TO CONDUCT A STORM WATER PLAN NOT TO EXCEED \$27,500.00

It was stated that on March 23, 2007 the Supervisor, Water and Sewer Superintendent, Township Engineer, County Commissioner, and Representatives from the County Public Works Commission met to discuss the current conditions of the county drains in Harrison Township and what upgrades might be required. It was reported that the Public Works Commissioner stated that they are not willing to put forward any grant money unless the Township has a master plan. Wade Trim has drafted a proposal to conduct a drainage plan that will satisfy the needs of the county and allow the Township to be eligible for more county funds. The proposal will inventory the 17 miles of county drains and evaluate what their current condition is, and provide a recommendation and cost estimates for how to correct any deficiencies. Deficiencies would be identified as large projects and/or maintenance. The cost to conduct this proposal will not exceed \$27,500.00 and will be funded from 101.999.000.963.007 Storm Drains line item. The work will begin in October with the final report issued in November, if approved. Board Members discussed at great length their positions in support and in opposition in paying for a proposal to satisfy the county in cleaning and maintaining the Township's drains that fall under the County's jurisdiction. Board members agreed that the drains need to be addressed but differed in opinions to where the responsibility lies. Residents shared their comments.

Motion by Mr. Rice, and seconded by Mr. York to direct the Supervisor to get a commitment from the Public Works Commissioner stating that they will support the Storm Water Plan findings financially before accepting Wade Trim's proposal to not exceed \$27,500.00 to inventory the 17 miles of county drains, evaluate what their current condition is and provide a recommendation and cost estimates for how to correct any deficiencies.

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

TREASURER'S OFFICE

APPROVE TO HIRE TWO NEW TEMPORARY CABLE OPERATORS FOR THE CABLE ROOM

Due to the resignation of cable operator, Patrick Linabury, two individuals, Angela Slayton and Joseph Poth were interviewed by the Treasurer's Office and both are available for training and assignments. Both applicants have broadcast field experience, and it is the recommendation of the Treasurer's Office that Ms. Slayton and Mr. Poth be hired as Cable Technicians/operators (part time employment) at a rate of \$10.00 per hour. Mr. Servial, Cable Committee Chair concurs with recommendation and suggested that the two new hires be considered to be trained to update the cable message board as well.

Motion by Mr. York, and seconded by Mr. Rice to hire Mrs. Angela Slayton and Mr. Joseph Poth as Cable Technicians/Operations, each at a rate of \$10.00 per hour. MOTION CARRIED.

ANNUAL TREASURER'S REPORT FOR Y2006

The Treasurer presented the Y2006 Treasurer's Report, reporting that the total amount of Y2006 investment interest earned \$715,603.00 which is a 108% improvement over the year 2005 investment strategy. He reported that the Y2006 passbook interest earned \$195,763.00 which is an 81% improvement over Y2005. The total Y2006 taxes levied were \$32,672,041.64 with Harrison Township's portion for operations being \$6,890,952.55. The remaining balance makes up the school and county taxes. Delinquent personal property collections are \$98,766.51 which is a 166% improvement over Y2005. It was stated that the Treasurer's Office has taken an aggressive approach in collecting these taxes, while still offering payment programs and open dialogue on timelines. In Y2006 upgrades were completed to the cable station equipment in the area of video switching and editing equipment. In Y2006 over 375 public service announcements were posted and 30 special programs were aired. The goals and objectives for the Treasurer's Office for Y2007 are to continue to leverage new bank technology to reduce and free up resources, to automate account reconciliation, to launch lock box processing to reduce handling of water and tax bills, to launch ACH billing options for both tax and water bills, to meet all budget and manning requirements and improve collection methods of personal property taxes. A resident offered his comment.

Motion by Mr. Garvin, and seconded by Mr. Ulinski to receive and file the Y2006 Treasurer's report as presented. MOTION CARRIED.

EMERGENCY AGENDA ITEM – TEMPORARY SALARY FOR NEW DEPUTY TREASURER

Mr. Gabor, Deputy Treasurer has accepted the city managers position in Marine City, and in order to facilitate a smooth transition, the Treasurer is requesting up to 50 hours, at the current Deputy Treasurer's rate of pay to train the new deputy, Mr. Jared Maynard. Mr. Maynard is from Congresswomen Miller's office and will begin training on August 29, 2007 from 8 a.m. to 12 p.m. Mr. Maynard's first full day as Deputy Treasurer will be September 19, 2007. Mr. Gabor thanked the board and stated that he was looking forward to his new assignment. A resident shared his comment.

Motion by Mr. Rice and seconded by Mr. York to allocate up to 50 hours at an hourly rate of pay equal to the current Deputy's salary to train the new deputy. MOTION CARRIED.

TRUSTEE REQUEST**APPROVAL OF ROOF REPLACEMENT QUOTES FOR ROSSO HALL**

At the prior board meeting the Board discussed that the Supervisor's Office should evaluate the quotes and brings back a recommendation for the metal roofs at the next meeting. Three quotes with pricing ranging from \$25,800.00 to \$29,685.00 to replace the roof on Rosso Hall were presented for consideration. The scope of the work includes removing two layers of existing shingles, inspect wood and replace as required (additional costs), install polypropylene underlayment, ice guards,

traffic guards, ridge caps and vents, all flashing and edging and haul away all debris. The Supervisor's Office concurred with Mr. Rice's recommendation to contract with American Metal Roofs, Inc. to replace the Rosso Hall roof at \$29,685.00 with an additional \$2,500.00 project contingency fund to cover the costs of any wood replacement to be funded from the contingency fund. Forest green was suggested for the color of the roof and American Metal Roofs, Inc. offers a twenty year warranty on their product. The board discussed other repairs that were needed such as gutters, siding on the building, and the need to address water concerns inside the building. A resident offered his comment.

Motion by Mr. Rice, and seconded by Mr. Garvin to contract with American Metal Roofs, Inc. in the amount of \$29,685.00 to replace the roof on Rosso Hall as presented in their proposal and to establish a contingency fund in the amount of \$2,500.00 to cover any wood replacement. Funds will be allocated from the Fund Balance to cover the cost of the project. MOTION CARRIED.

REQUEST THE TOWNSHIP ATTORNEY TO DRAFT A NEW ORDINANCE AND NEW POLICY THAT ADDRESSES RETIREMENT AND BENEFITS FOR ELECTED OFFICIALS AND THEIR DEPUTIES

It was requested that the Township Attorney be directed to review the Township code of ordinance regarding elected officials and deputies retirement and compare it to the current union contract(s) for differences and contradictions and bring back to the board his findings. It was also requested that the Township Attorney define the terms "wage", "salary", "benefits", and "compensation" with a true definition of each. Board members offered comments with regards to current wages and pension plan. The Attorney estimated the cost to perform such task will be between, \$3,500 - \$5,000. A resident offered a comment.

Motion by Mr. Garvin, and seconded by Mrs. Eineman to direct the Township Attorney to review the current ordinance relative to retirement to the union contract(s) and find out where they differ and come back to the Board with his findings and definitions at the first regular board meeting in October. MOTION CARRIED.

PUBLIC COMMENTS

1. Resident, Bill Servial, thanked the Board for reappointing him to the Housing Board of Appeals Committee and shared his disappointment that the Board did not consider his recommendation of product for Rosso Hall roofing project.
2. Resident, Jim Senstock, requested that the board bring the topic of the Parkway Parcel for discussion back to the Board and draft deed restrictions to protect the selling of the Parkway Parcel property in the future.
3. Resident, Rich Rapp, stated that he opposes that the Township approved Wade Trim to conduct a storm water plan for the county. He also spoke to other issues, the Cierra litigation, Mr. Rice's court sanction, the Supervisor's chairing style and to the tree cutting investigation.

Mr. Huth responded to Mr. Rapp question regarding the tree cutting investigation, stating that there is no update at this time.

BOARD COMMENTS

1. Mr. Rice has no comments to share.
2. Mr. Garvin clarifies a rumor regarding who picked the arbitrator.
3. Mrs. Jorgensen has no comments to share.
4. Mr. York wished everyone a good evening.
5. Mrs. Eineman stated that she is researching deed restrictions for the Parkway Parcel, and that the property will be protected and not sold. She also spoke to what she recognized as natural benefits of the property. She spoke to the tree cutting investigation and that she has not heard any response from the Prosecuting Attorney's office regarding same. She wished everyone a good rest of the week and to be safe.
6. Mr. Ulinski reminded that when he was running for State Representative he was interested in co-op programs and have since learned that rural communities are developing alternative choices for fuel. He also responded that this is the first he has heard regarding the tree cutting investigation. He wished everyone a good day.
7. Mr. Forlini announced that he obtained a DEQ permit for the clean out of Murdock Ballard Drain/Rivera Street and that Michigan Marine Salvage can do the work. He announced a budget workshop was needed and suggested Friday morning, August 31, 2007 beginning at 8:00 a.m. to 12:30 p.m.

CLOSED SESSION

CLOSED SESSION REGARDING THE PERFORMANCE REVIEW OF B. SMITH AND TO CONSULT WITH TOWNSHIP ATTORNEY REGARDING CIERRA LITIGATION

Motion by Mr. Garvin, and seconded by Mr. Ulinski to enter into closed session regarding the performance review of B. Smith and to consult with Township Attorney regarding Cierra Litigation at 10:50 p.m.

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

OPEN SESSION

Motion by Mr. Ulinski, and seconded by Mr. Garvin to enter into Open Session at 12:15 a.m.

Roll Call: Ayes: Ulinski, Garvin, Eineman, Rice, York, Jorgensen, Forlini
Nays: None
Excused: None

MOTION CARRIED.

Motion by Mr. Garvin, and seconded by Mr. York to authorize the Supervisor to proceed as discussed in closed session with respect to Firefighter B. Smith. MOTION CARRIED.

ADJOURNMENT

Motion by Mr. York, and seconded by Mr. Garvin to adjourn. Meeting adjourned at 12:20 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**