

**CHARTER TOWNSHIP OF HARRISON
REGULAR BOARD MEETING
OCTOBER 22, 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
Carl Seitz, Fire Chief
Dave Nummer, Township Engineer
Mark A. Hackel, Macomb County Sheriff

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:

Board Members and residents requested items to be removed from the Consent Agenda and placed in the Regular Agenda for discussion. It was clarified that all fees, if any, would be waived in regard to erecting a tent for St. John's Hospital event scheduled October 25, 2007.

Motion by Mrs. Eineman, and seconded by Mr. York to approve the Consent Agenda with the Bills in the Amount of \$721,439.17 and to remove the following items for discussion; Approval of the Regular Board Meeting Minutes of 10/09/07, Approval of Six (6) Hours Of Overtime for the Deputy Clerk's Attendance at the 10/09/07 Board Meeting in the Amount of \$181.00, Approval to Reimburse Legal Fees Incurred by a Board Member to Serve Personal Protective Orders in the Amount of \$87.00, and Approval to Bring Back Mr. R. Yeagley for Temporary Part Time Help in the Elections Department for the January 2008 Presidential Primary Election Beginning November 2007 Through January 2008. MOTION CARRIED.

APPROVAL OF THE BILLS IN THE AMOUNT OF \$721,439.17

Motion by Mrs. Eineman, and seconded by Mr. York to approve the Bills in the Amount of \$721,439.17. MOTION CARRIED.

APPROVAL OF THE SEPTEMBER, 2007 REVENUE AND EXPENDITURE REPORT

Motion by Mrs. Eineman, and seconded by Mr. York to approve the September 2007 Revenue and Expenditure Report as presented. MOTION CARRIED.

APPROVAL OF THE HIKE/BIKE PATH MAINTENANCE AGREEMENT WITH METRO BEACH FROM NOVEMBER 1, 2007 TO OCTOBER 31, 2008

Motion by Mrs. Eineman, and seconded by Mr. York to approve and direct the Supervisor to execute the Hike/Bike Path Maintenance Agreement with Metro Beach from November 1, 2007 to October 31, 2008 as presented. MOTION CARRIED.

APPROVAL FOR ST. JOHN HOSPITAL TO ERECT A TENT FOR AN EVENT SCHEDULED OCTOBER 25, 2007 AND DIRECT THAT THE NECESSARY TENT INSPECTIONS BE COMPLETED BY THE BUILDING DEPARTMENT AND FIRE CHIEF

Motion by Mrs. Eineman, and seconded by Mr. York to approve for St. John Hospital to erect a tent for an event scheduled October 25, 2007 and direct that the necessary tent inspection be completed by the Building Department and Fire Chief at no charge to St. John Hospital. MOTION CARRIED.

APPROVAL OF THE REGULAR AGENDA

Resident offered his comment.

Motion by Mr. York, and seconded by Mr. Forlini to approve the Regular Agenda with the following changes; to include as A.1 the Fire Department’s Emergency Addendum – Approve to Hire Firefighter Benedict Bongiorno Jr., to remove Request Policy Change to Record and Air all Board Meetings and Workshops and Closed Session Discussion Regarding IAFF 1737 Firefighters Negotiations, and place from the Consent Agenda for discussion Approval of the Regular Board Meeting Minutes of 10/09/07 as A.1, Approval of Six (6) Hours Of Overtime for the Deputy Clerk’s Attendance at the 10/09/07 Board Meeting in the Amount of \$181.00 as A.2, Approval to Reimburse Legal Fees Incurred by a Board Member to Serve Personal Protective Orders in the Amount of \$87.00 as A.3, and Approval to Bring Back Mr. R. Yeagley for Temporary Part Time Help in the Elections Department for the January 2008 Presidential Primary Election Beginning November 2007 Through January 2008 as A.4.

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

Motion by Mr. Garvin, and seconded by Mr. Ulinski to add to the Approved Agenda for Discussion as D.1 - Discussion on Health Care Coverage for all Union Contracts.

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

SUPERVISOR/BOARD ANNOUNCEMENTS

The Supervisor gave a brief description to the Jefferson/Shook Water main project going on in the Township's south end. He also announced that the County Public Works Department will commit money to cleaning drains out within the Township, that the Weekend Shuttle Bus program is still running strong, that the Parkway Parcel clean up project recently held was successful, that two special meetings have been scheduled, tomorrow, Tuesday, October 23, 2007 a Budget Workshop from 6:30 p.m. to 8:30 p.m., and on Monday, October 29, 2007 a Workshop to discuss the 155 Acre Parkway Parcel at 6:30 p.m., that a Grand Opening for the Waterfront Park is in the planning stages, and on Saturday, October 27, 2007 Fire Station #2 will be open from 8-11 a.m. to administer free flu shots to Seniors, and the Fire Department will be visiting shut ins on Friday by appointment only to administer free flu shots. Mrs. Eineman announced that this Saturday, October 26, 2007 is the 3rd annual Zoo Day. The fee to attend is \$10.00 which includes admission and transportation, with a free prize to kids. Children under 2 are free, 17 years of age and younger must be accompanied by an adult. Two buses are available, leaving Rosso Hall at 10:00 a.m., returning 4:00 p.m. She stated that she visited the Parkway Parcel clean up event and stated that they did a great job. The Clerk announced that the Township is seeking to expand their list of election workers and asked for interested candidates to call her office to fill out an application for consideration. She stated that the candidate must be 18 years of age and the salary is between \$150.00 - \$200.00 a day. There are up to three elections scheduled for 2008, January, August and November. She also reminded residents that the discount annual season stickers to Metro Beach will be available beginning 11/19/2007 at a cost to Harrison Township residents of \$13.00. She announced that notices are currently running on the cable station as well as the Township's web site. She announced that she will be working with the Homeowners/Condo Associations in selling the discounted annual stickers and referred anyone to her office if they had questions concerning same. Mr. Rice announced that Jared Fleming, a local attorney, recently passed away and also asked for any information regarding the dumping of tires on Parkway Parcel property.

Motion by Mrs. Eineman, and seconded by Mr. Rice to Receive and File the Supervisor and Board Announcements as presented. MOTION CARRIED.

FIRE DEPARTMENT'S EMERGENCY ADDENDUM – APPROVE TO HIRE FIREFIGHTER BENEDICT BONGIORNO JR.

The Fire Chief requests permission to extend a conditional offer of employment to Benedict Bongiorno Jr. to fill the vacant position as a result of Mr. Smith's resignation. Mr. Bongiorno served in Washington as a part paid fire fighter, prior to serving as a Firefighter in Rochester Hills for the past two years. Mr. Bongiorno graduated from Macomb County Fire Academy in 2000 and comes highly recommended by both Chiefs that he served under. Mr. Bongiorno will serve in Platoon #1 after successfully passing his physical with a one year probation period.

Motion by Mrs. Jorgensen, and seconded by Mr. Garvin to authorize the Fire Chief to extend a conditional offer of employment to Benedict Bongiorno Jr. as Firefighter. MOTION CARRIED.

Mr. Saladine from the Environmental Committee announced names and thanked those that participated in the Parkway Parcel clean up efforts and for the great job that they did.

Motion by Mrs. Eineman, and seconded by Mr. Garvin to Receive and File. MOTION CARRIED.

Motion by Mr. York, and seconded by Mr. Garvin to move Sheriff Hackel's Update up on the Agenda for discussion now. MOTION CARRIED.

SUPERVISORS' OFFICE

UPDATE FROM SHERIFF MARK HACKEL

Sheriff Hackel provided a hand out with regard to Harrison Township's police activity report and statistical information showing comparison with other communities to the current number of officers contracted, current ration of officers per 1,000 inhabitants, and average ratio per 1, 000 inhabitants by region and size by population group. Sheriff Hackel stated that his purpose is to report to the residents based on their level of service contracted for. He stated that the services provided are very basic, and that the Sheriffs in Harrison Township spend more time in responding to resident complaints, which is considered not part of the non-contractual service, therefore taking away from their officer initiated procedure, whereby an officer would monitor for speeders, which he also identified as the number one resident complaint, as well as monitor for suspicious activity within neighborhoods. Sheriff Hackel stated that Harrison Township is not contracting for what statistically supports adequate Sheriff protection. He stated that he is not here to tell the Township that they need to increase their Sheriff protection but instead to report to residents what they are paying for. He stated that the quality of service is good, but the level of service is lacking, and spoke to the costs associated with the level of service received. He spoke to Harrison Township providing their own police service, and stated that contracting with the Macomb County Sheriff is a cost savings. He offered two different service proposals, first for 10 deputies for years 2008 at \$1,406,648 and 2009 at \$1,457,446, and a second proposal for 13 deputies for years, 2008 at \$1,828,642 and 2009 at \$1,894,679. The Board discussed the proposals as presented and stated that further discussion will be held at the budget workshop regarding same. Sheriff Hackel responded to Board and Resident questions and comments.

Motion by Mr. Garvin, and seconded by Mr. York to Receive and File Sheriff Hackel's update as presented. MOTION CARRIED.

APPROVAL OF THE REGULAR BOARD MEETING MINUTES OF 10/09/07

Some Board Members stated that the motion to approve the 09/24/07 Minutes with the corrections that were discussed at the 10/09/07 Meeting should have included to reflected "also present" at the

9/24/07 meeting the Honorable Mary A. Chrzanowski. The Clerk stated that the motion made, did not include that correction. A Board Member stated that the “intent” was to include the Honorable Mary A. Chrzanowski as “Also Present”, and that the Minutes be corrected to reflect that she was there. A resident offered their comment.

Motion by Mr. Ulinski, and seconded by Mr. Garvin to approve the Regular Board Meeting Minutes of 10/09/07 with correcting the 09/24/07 Minutes to include the Honorable Mary A. Chrzanowski as “Also Present”. MOTION CARRIED.

APPROVAL OF SIX (6) HOURS OF OVERTIME FOR THE DEPUTY CLERK’S ATTENDANCE AT THE 10/09/07 BOARD MEETING IN THE AMOUNT OF \$181.00

Board Members stated that they would not approve overtime for the Deputy Clerk for the October 09, 2007 Regular Board of Trustees Meeting or for any future meetings. It was discussed that the 2006 Supervisory Contract does not allow for overtime pay for Department Heads and the appointed Deputies fall under that Supervisors Contract for benefits. The Clerk reminded the Board of the Policy and Procedure that is in existence and was amended by this Board to allow for compensatory time in lieu of paid overtime compensation for appointed deputies. The Clerk also stated that this Board has approved overtime compensation for the Deputy Clerk in the past to attend meetings in the absence of the Clerk and stated that during the workshops for the 2007 budget this board removed all overtime from the Clerk’s Department with the understanding that if there was the need for the Deputy to serve in an overtime situation to bring the request before the board and it would be approved. Residents offered comment.

Motion by Mr. Ulinski, and seconded by Mr. Garvin to deny the payment of six hours of overtime for the Deputy Clerk’s attendance at the 10/09/07 Board of Trustees Meeting in the amount of \$181.00 as Deputies are not to receive overtime compensation as stated in the 2006 Supervisory Contract that they’re under.

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

APPROVAL TO REIMBURSE LEGAL FEES INCURRED BY A BOARD MEMBER TO SERVE PERSONAL PROTECTIVE ORDERS IN THE AMOUNT OF \$87.00

Residents stated that they opposed the Board approving the reimbursement of this personal matter between this Board Member and Residents. A Resident spoke in support of reimbursing the \$87.00. Mr. Ulinski defended his position and his request for reimbursement. Some Board member offered comments in support to Mr. Ulinski.

Motion by Mr. York, and seconded by Mr. Rice to approve to reimburse Legal Fees incurred by Mr. Ulinski to serve Personal Protective Orders in the amount of \$87.00.

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

APPROVAL TO BRING BACK MR. R. YEAGLEY FOR TEMPORARY PART TIME HELP IN THE ELECTIONS DEPARTMENT FOR THE JANUARY 2008 PRESIDENTIAL PRIMARY ELECTION BEGINNING NOVEMBER 2007 THROUGH JANUARY 2008

Motion by Mr. Garvin, and seconded by Mr. Ulinski to deny to hire for temporary part time help in the election department for the January 2008 Presidential Primary Election beginning November 2007 through January 2008.

Board Members had a lengthy conversation regarding whether to offer their support in hiring for any temporary part time help for the upcoming January 2008 Presidential Primary Election. It was suggested by one Board Member that the Clerk and the Deputy Clerk work all the needed necessary hours themselves to run the election. Residents offered their comments.

Motion by Mr. Garvin to offer an amendment to his above motion, and continued support was offered and seconded by Mr. Ulinski to approve to hire Mr. Robert Yeagley for Temporary Part Time help in the Elections Department beginning November 1, 2007 through January 31, 2008, for the January 2008 Presidential Primary Election. MOTION CARRIED.

TREASURER'S OFFICE

APPROVE TO HIRE A NEW TEMPORARY CABLE OPERATOR FOR THE CABLE ROOM

Due to the resignation of cable operator Angela Slayton, Mr. Darin Roberts Jr. is available for the training and assignment. Mr. Roberts has broadcast field experience, and it is the recommendation of the Treasurer's Office that Mr. Roberts be hired as Cable Technicians/operators (part time employment) at a rate of \$10.00 per hour. The Treasurer stated that he is seeking more candidates to fill at least one more temporary cable operator position.

Motion by Mrs. Eineman, and seconded by Mr. Ulinski to hire Mr. Darin Roberts to fill the part time vacant position of Cable Technicians/Operations, at a rate of \$10.00 per hour. MOTION CARRIED.

TRUSTEE'S REQUEST

DISCUSSION ON HEALTH CARE COVERAGE FOR ALL UNION CONTRACTS

Mr. Garvin stated because of the discrepancy discovered in our current health care coverage and until the Township is able to work it out, it is his recommendation that all three unions are offered time line extensions with regard to filing a formal grievance against the Township. Mr. Garvin

stated if an extension is right for one union, it is right for another. The Supervisor offered his reason to offering an extension only to the Firefighters and not to AFSCME.

Motion by Mr. Garvin, and seconded by Mr. Ulinski to direct the Supervisor to grant extensions to all three Unions regarding health care coverage.

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

DISCUSSION REGARDING A DEED RESTRICTION OF THE 155 ACRE PARKWAY PARCEL

Mrs. Eineman presented to the Board a proposed deed restriction to be attached to the 155 acre Parkway Parcel. In the deed restriction she proposes that the Parkway Parcel not be sold without at least a 60% or better vote of a general election of the residents of the Township, and if approved for sale, said property then must be sold by a closed bid process. Board Members offered comments in support of and opposing a deed restriction to the 155 acres. Board Members discussed that the understanding of the proposed deed restriction is to preserve the parcel intact, yet some Board Members stated that they were concerned that a recording for any restrictions to the property may cause a concern with the property. Board Members and residents shared comments with regard to selling the outside parcel to create a nature boarder, and other residents and Board Members opposed selling any portions of the property. It was also discussed that placing a deed restriction on the property at this time is premature, and should wait at least until after the scheduled October 29, 2007 workshop to discuss the 155 Acre Parkway Parcel takes place. It was also stated that Federal and State grants have been applied for regarding this property. Questions and concerns were brought to the Township Attorney attention regarding verbiage in the deed restriction, and direction was given to him to research and offer his opinion regarding same.

Motion by Mr. Ulinski, and seconded by Mrs. Eineman to adopt the deed restriction as presented (regarding the 155 acre Parkway Parcel) conditional that the Township Attorney reviews the deed restriction language and the legality of such a deed restriction.

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

PUBLIC COMMENTS

1. Resident, Bill Servial, spoke to protecting the 155 acre Parkway Parcel, and that creating a natural boarder is a good idea. He also spoke to his concern with the Board bumping scheduled committee meetings from the Board Room for special board meetings.

2. Resident, James Senstock, spoke in support of protecting the 155 acre Parkway Parcel and to never selling any portions of the property. He also spoke about wanting a copy of a public document that the Board of Trustees spoke about at a Board Meeting and stated that he believes he should not have to pay for the document because he claims that the document should have been in the Board Packet but was not. He is therefore appealing his FOIA fee of \$2.01 and requests that the Board approve for him to have the public record at no cost.
3. Resident, Linda Karczewski, question why the board did not allow the Township Attorney to investigate ways to protect the 155 acre Parkway Parcel from being sold off, and stated that she believes that there is a hidden agenda to this issue.
4. Resident, Richard Rapp, Jr., spoke to Mr. York publicly admitting that he feared Mr. Rapp, yet Mr. York choose to enter into Mr. Rapp's Board of Review meeting at his own will. Mr. Rapp also spoke to the taxable value on his property and that he was waiting for information that he requested under FOIA that was one day past due.
5. Resident, Ken Verkest, stated that he thinks protecting the 155 acre Parkway Parcel is a good idea, and commented to the Board's "nasty" behavior towards one another, and asked that they control themselves.

BOARD COMMENTS

1. Mrs. Eineman, again shared her opinion about the 155 acre Parkway Parcel use, and reminded residents to come and share ideas at the workshop scheduled for October 29, 2007 at 6:30. She reminded that October is Breast Cancer Month and to get yourself checked, as well as to be mindful with the bacteria strain that is going around.
2. Mr. York responded to a resident's comment stating that the board of review meetings are open meetings. He also offered the following motion.

Motion by Mr. York, and seconded by Mr. Garvin to direct and authorize the Township Attorney to answer the questions posed by Board Members whether or not we can do a deed restriction in protecting the 155 acres Parkway Parcel from being sold. MOTION CARRIED.

3. Mr. Forlini, reminded everyone that tomorrow is the Budget Workshop beginning at 6:30 p.m. and stated that the shuttle bus will cease running at the end of October, and stated until the numbers requesting service fall to 40 runs in two consecutive weeks, that the service be continued.

Motion by Mrs. Jorgensen, and seconded by Mr. York to authorize the weekend shuttle bus to continue operations until the Supervisor cancels administratively as discussed. MOTION CARRIED.

4. Mrs. Jorgensen, requested that the Board deny Mr. Senstock's FOIA appeal requests made under public comments and deny waving the fee of \$2.01 for the information that he requested, allowing him, if he wants the information, to pay for it as others requesting the same information have done.

Motion by Mrs. Jorgensen, and seconded by Mr. Forlini to deny Mr. Senstock's appeal and not waive the FOIA fee in the amount of \$2.01 as requested.

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

Motion by Mr. York, and seconded by Mr. Rice to waive the FOIA fee of \$2.01 for Mr. Senstock for the information that he requested under the Freedom of Information Act and to refund the other party that requested the same information their costs. MOTION CARRIED.

Motion by Mrs. Jorgensen, to discontinue charging fees to anyone for information requested under the Freedom of Information Act.

Mrs. Jorgensen asked the Board how could she could possibly continue to do her job and follow policies, operating procedures, and the law, and then come to a Board meeting and for the board, without cause, to determine that one individual more than another was worthy to not pay for a freedom of information request, merely because the board was making the motion not on practice but because they could. Mrs. Jorgensen asked the Township Attorney if it would be legal to not charge for FOIA requests. Mr. Huth responded that he could not for sure state that is would not be legal, but offered his concern in adopting such a policy.

Mrs. Jorgensen withdrew her motion.

Mrs. Jorgensen also commented to the Board's blatant practice of double standards and to Mr. York's hypocrisy in sending out his "politician" press release, when just weeks before he took a stand to not have the a Clerk's name on a precinct sign because he alleged that, that action to be political, even though the Clerk stated that it was not political, but there for a point of contact on election day.

5. Mr. Garvin responded to a resident's comment and to a FOIA requested by that resident regarding tax information on Mr. Garvin's home.
6. Mr. Rice stated that he would like the residents that come to the meetings to "agitate", to discontinue coming to the Board meetings.
7. Mr. Ulinski stated that a tree and sewer ordinance was forwarded to the Clerk's Office some time ago and would like those ordinances to be distributed to the board. The Clerk responded that she does not have them and stated to forward the ordinance copies from the Environmental Committee and she will make distribution of same to the Board. Mr. Ulinski also presented weather proof stickers (\$2.50 each) for the Board's review and consideration to mark water and sewer drains for public awareness. He announced that he will drop off in the Treasurer's Office firearm locks that residents can pick up free of charge. He also spoke to the minutes of 9/10/07 claiming that the meeting minutes reflect an adjournment time of 12:23 a.m., and it should read 12:26 a.m., as confirmed by the alarm company's record. He reminded the Board that it is important to be accurate. The Clerk requested that when adjourning that the time be announced so that everyone will be aware of the same time.

ADJOURNMENT

Motion by Mr. York, and seconded by Mr. Ulinski to adjourn. Meeting was announced adjourned at 12:18 a.m. MOTION CARRIED.

Prepared and Submitted by,

Approved by,

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

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