

**CHARTER TOWNSHIP OF CLINTON**  
**REGULAR MEETING OF THE BOARD OF TRUSTEES**  
**MONDAY, JULY 1, 2019**

<b>PRESENT:</b>	<b>ROBERT J. CANNON</b>	<b>SUPERVISOR</b>
	<b>KIM MELTZER</b>	<b>CLERK</b>
	<b>PAUL GIELEGHEM</b>	<b>TREASURER</b>
	<b>JOE A. ARAGONA</b>	<b>TRUSTEE</b>
	<b>MIKE KEYS</b>	<b>TRUSTEE</b>
	<b>KENNETH PEARL</b>	<b>TRUSTEE</b>
	<b>JENIFER WEST</b>	<b>TRUSTEE</b>

**ABSENT: NONE**

The Regular Meeting of the Board of Trustees was called to order at 6:30 p.m. in the Township Board Chambers, Clinton Township Civic Center. Also in attendance was Mr. Jack Dolan, Township Attorney. The Pledge of Allegiance was recited.

**APPROVAL OF AGENDA**

Ms. Meltzer stated there are two (2) deletions to tonight's agenda;

10. Adoption of Township Ordinance #457 – Regulating and Requiring Permits for the Keeping of Chickens
11. Adoption of Resolution to Amend Fee Schedule

Ms. Meltzer stated there are three (3) additions to tonight's agenda:

14. Appointment to Library Commission
15. Appointments to Historical Commission
16. Closed Session: Pending Litigation – Clinton Township et al v Purdue Pharma et al

Motion by Mr. Pearl, seconded by Mr. Aragona, to approve the agenda as amended, with the deletion of Items #10 and #11, and the addition of Items #14 through #16. Discussion ensued.

Mr. Keys inquired as to why Item #10 is being deleted from tonight's agenda.

Mr. Dolan explained he had a temporary employee replacing his regular secretary and she did not meet the publication deadline after the introduction of

the ordinance at the last meeting in order for it to be placed on tonight's meeting. He assured it will be able to be fully adopted at the next meeting.

Ayes: Pearl, Aragona, West, Keys, Cannon, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

**1. 41B DISTRICT COURT 2018 COMMON FUND REVIEW AND EXPENSE STATEMENT**

Judge Jacob Femminineo, of 41B District Court, stated he is here on behalf of Chief Judge Carrie Fuca and Judge Sebastian Lucido. He explained he was recently appointed by Governor Whitmer to take the place of former Judge Linda Davis, who stepped down. He stated he grew up in Clinton Township, knows the community very well and is proud to be a part of it. He spoke highly of the court and its staff, and he stated the finances of the court seem to be in very good shape. He noted the 41B District Court building on Groesbeck continues to be paid down and is anticipated to be fully paid in 2030. He stated the court has returned to the three communities, including Clinton Township, Mount Clemens and Harrison Township, over \$2.7 million. He explained that former Judge Linda Davis was very much about the court being in good financial shape, and they want to be self-sufficient. He stated he is proud of the history of this court and is looking forward to serving the people of this community, noting he will be knocking on doors and meeting a lot of people as he runs for reelection next year. He presented a check to the Township in the amount of \$52,843.48, which includes the police reimbursement amount of \$1,073.48.

Mr. Cannon stated this check is going into the Police Fund because a lot of police monies are spent on overtime in court, so this provides a little bit of that expense back.

Motion by Mr. Pearl, seconded by Mr. Aragona, to receive and file the letter dated June 12<sup>th</sup>, 2019 from the Township Treasurer and the 41B District Court 2018 Common Fund Review and Expense Statement, as presented. Roll Call: Ayes – Pearl, Aragona, West, Keys, Cannon, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

**2. REQUEST TO HOLD THIRD ANNUAL QUINN ROAD COMMUNITY FUN WALK – AUGUST 3, 2019**

Police Chief Posavetz replied he has no problem with the proposed route.

Mr. Cannon stated they have never had a problem in the past with this event.

Motion by Mr. Keys, seconded by Mr. Pearl, to receive and file the letter dated June 20<sup>th</sup>, 2019 from Cordell Lucas, President of Quinn Road Community Club,

and approve their request to hold the Third Annual Quinn Road Community Fun Walk on August 3<sup>rd</sup>, 2019, beginning at 8:30 a.m., as outlined in the correspondence. Roll Call: Ayes – Keys, Pearl, West, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

**3. REQUEST FOR APPROVAL TO HOST ANNUAL CLINTONDALE HIGH SCHOOL PARADE ON OCTOBER 18, 2019**

Chief Posavetz replied to inquiry that he has no objections to the proposed route.

Motion by Mr. Gielegghem, seconded by Mr. Pearl, to receive and file the letter dated June 14<sup>th</sup>, 2019 from Alexander Taylor, Clintondale High School Student Congress Advisor, and approve the Annual Clintondale High School Homecoming Parade on Friday, October 19<sup>th</sup>, 2019, with the line up at 3:30 p.m. and the parade starting at 4:00 p.m., as outlined in the correspondence. Roll Call: Ayes – Gielegghem, Pearl, West, Keys, Cannon, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

**4. PUBLIC HEARING: RENEWAL OF SPECIAL ASSESSMENT POLICE AND FIRE MILLAGE**

Mr. Cannon stated this is a public hearing, and he opened the floor for comments from the audience.

There were no comments from the general public.

Mr. Dolan replied to inquiry that it has been announced that this is a public hearing, so it would be appropriate for two motions: one to close the public hearing, and a second to approve.

Motion by Mr. Aragona, seconded by Ms. West, to close the Public Hearing on the Special Assessment Police and Fire Millage for 2019. Roll Call: Ayes – Aragona, West, Keys, Pearl, Cannon, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

Motion by Ms. Meltzer, seconded by Mr. Keys, to receive and file the letter dated June 18<sup>th</sup>, 2019 from the Township Assessor, and approve the renewal of the Police and Fire Special Assessment Millage for 2019 to be levied on Real Property in the amount of 5.00 mills for Police and 4.00 mills for Fire, and to be levied on Industrial Facility Real Property in the amount of 2.50 mills for Police and 2.00 mills for Fire, resulting in revenue generation of approximately \$14,198,761 for Police and \$11,359,009 for Fire, subject to Board of Review, Michigan Tax Tribunal, Michigan Department of Treasury and State Tax Commission adjustments. Roll Call: Ayes – Meltzer, Keys, West, Pearl, Cannon, Aragona, Gielegghem. Nays – None. Absent – None. Motion carried.

**5. APPROVAL OF APPOINTMENT TO EQUIPMENT OPERATOR POSITION – PUBLIC SERVICES**

Motion by Mr. Pearl, seconded by Ms. West, to receive and file the letter dated June 19<sup>th</sup>, 2019 from the Human Resources Director and appoint Mr. Christopher Knapp to the budgeted and authorized position of Equipment Operator in the Public Works Division, Department of Public Services, with starting annual salary of \$48,298, as specified in the AFSCME Local 1103.12 collective bargaining agreement, with appointment date on July 1<sup>st</sup>, 2019, subject to successful completion of a background investigation and a pre-employment medical examination, including drug screen. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

**6. APPROVAL OF APPOINTMENT TO OFFICE CLERK II POSITION – PLANNING DEPARTMENT**

Motion by Mr. Gielegghem, seconded by Mr. Pearl, to receive and file the letter dated June 17<sup>th</sup>, 2019 from the Human Resources Director and appoint Ms. Lisa Wolfe to the budgeted position of Office Clerk II in the Department of Planning and Community Development, which constitutes a lateral move within the Township at an annual salary of \$41,642, effective July 2<sup>nd</sup>, 2019. Discussion ensued.

Mr. Keys inquired as to whether this is a union position.

Ms. Meltzer replied affirmatively, noting it is a lateral move.

Roll Call: Ayes – Gielegghem, Pearl, West, Keys, Cannon, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

**7. ADOPT RESOLUTION TO REVOKE IFT – DYNAMIC METALS**

Mr. Cannon explained this IFT was approved in October 2018 but the company is currently out of business. Mr. Dolan has provided the proper paperwork to remove the IFT.

Motion by Mr. Pearl, seconded by Mr. Keys, to receive and file the letter dated July 1<sup>st</sup>, 2019 from the Township Attorney and adopt the Resolution to Revoke the Industrial Facilities Tax Exemption Certificate No. 2017-094 granted to Dynamic Metals LLC in the Clinton West Industrial Subdivision Development District at 33620 Lipke Road for a total amount of \$4,212,900. Discussion ensued.

Mr. Gielegthem clarified that the Resolution is being adopted tonight to revoke the IFT, although he indicated it was already removed by the State Tax Commission, so the Township is asking them to review this and make that ruling.

Roll Call: Ayes – Pearl, Keys, West, Cannon, Aragona, Gielegthem, Meltzer.  
Nays – None. Absent – None. Motion carried.

**8. RESOLUTION TO ACCEPT THE MICHIGAN NATURAL RESOURCES TRUST FUND LAND ACQUISITION PROJECT AGREEMENT FOR GEORGE GEORGE PARK LAND ACQUISITION (TF18-0217)**

Mr. Cannon stated the Township's engineering consultant, Mr. Scott Chabot, is also very involved in this project. He stated this is a great project, and there are a number of them they will be talking about in the near future that will make this a much better community.

Motion by Mr. Pearl, seconded by Ms. West, to receive and file the letter dated June 26<sup>th</sup>, 2019 from the Director of Public Services and the Director of Parks & Recreation, and adopt the Resolution to accept the Trust Fund grant for the George George Park Land Acquisition (TF18-0217) from the Michigan Department of Natural Resources (MDNR), as presented. Roll Call: Ayes – Pearl, West, Keys, Cannon, Aragona, Gielegthem, Meltzer. Nays – None. Absent – None. Motion carried.

**9. RESOLUTION TO ACCEPT THE MICHIGAN NATURAL RESOURCES TRUST FUND LAND ACQUISITION PROJECT AGREEMENT FOR CLINTON RIVER SPILLWAY PARK ACQUISITION (TF18-0218)**

Mr. Dana Dugger, 37852 Suburban, Clinton Township, Michigan 48036, thanked the Board and employees of Clinton Township for the work on this project. He felt the goal of the Spillway Board was to sell this property to the highest bidder, and they could have ended up with very large homes. He is pleased they can secure this property for the Township's enjoyment. He appreciated the work of the Township and is looking forward to the Township's assistance in getting the Spillway Board to maintain the remainder of the property in a manner that would enhance the appearance of the Township.

Mr. Cannon assured that Public Works Commissioner Candice Miller is very excited about this project.

Motion by Mr. Gielegthem, seconded by Ms. Meltzer, to receive and file the letter dated June 26<sup>th</sup>, 2019 from the Director of Public Services and the Director of Parks & Recreation, and adopt the Resolution to accept the Trust Fund Grant Agreement for the Clinton River Spillway Park Acquisition (TF18-0218) from the

Michigan Department of Natural Resources (MDNR), as presented. Discussion ensued.

Mr. Gielegghem stated a few years ago he talked with Mr. Sowerby and Mr. Dugger, and they discovered this property was for sale. He stressed they need to find ways as a community to enhance experiences for their residents as far as creating open spaces, as well as preserving and protecting them. He recalled around the time this grant was being discussed, there were boy scouts present at the meeting, and they debated the issue of whether to purchase a piece of property to create a park, or do they use that money for other expenses. He was pleased that the State was able to match some funds to make this possible. He felt there are exciting possibilities for this property, and he appreciated Mr. Dugger's presence tonight and his diligence in keeping his eye on this property and "sounding the alarm".

Mr. Dugger stated that cooperation was recognized by the Spillway Board earlier today, and they acknowledged it was a collaborative effort. He pointed out the Spillway Board has many members from Oakland, Lapeer and St. Clair Counties so they do not have any specific interest in Clinton Township or spending funds to enhance property here. He felt it was a hard sell, but it has been approved so they have the money to keep the rest of the property cleaned up.

Roll Call: Ayes – Gielegghem, Meltzer, West, Keys, Pearl, Cannon, Aragona.  
Nays – None. Absent – None. Motion carried.

**10. ADOPTION OF TOWNSHIP ORDINANCE #457 – REGULATING AND REQUIRING PERMITS FOR THE KEEPING OF CHICKENS**

This item was deleted from tonight's agenda.

**11. ADOPTION OF RESOLUTION TO AMEND FEE SCHEDULE**

This item was deleted from tonight's agenda.

**12. PURCHASE OF MACOMB COUNTY TAX FORECLOSED PARCELS**

Mr. Gielegghem stated they did not write a letter because it is a routine process that occurs every year. He explained that properties where taxes have not been able to be collected locally through the Township Treasurer's office go delinquent to the County Treasurer's office, where they are run through a fairly exhaustive 2-1/2 year cycle. Pursuant to state law, referred to as the Tax Reversion Act, the County Treasurer is able to foreclose on these properties. He added these are typically properties that do not have a lot of value, and this year they were able to get this list down to seven properties. He felt that is a testament to the work they do at the County to make sure they are not foreclosing on owner-occupied

homes and they make sure they are kept up for the neighborhood's sake. He stated he toured these homes and properties with the Planning Director, and there are some opportunities, although some will cost some money. He felt it is best that they are self-directed on what they do with these properties, how they maintain them and get them up for auction.

Mr. Cannon stated this has worked well over the years.

Mr. Aragona inquired as to when these properties go into tax aversion.

Mr. Gielegghem explained it is a 2-1/2-year cycle, so the Township sends the taxes over on March 1<sup>st</sup>, they are delinquent until the following March 1<sup>st</sup>. The next year, in approximately February, the County Treasury goes to court and seeks a judicial foreclosure action with a redemption period that ends March 31<sup>st</sup>. He explained the County Treasurer's office will often go through a process to amend that judgment if they can get people to extend the redemption period and put themselves on a payment plan. It is 3 years of delinquent taxes but it is in a 2-1/2-year cycle.

Mr. Aragona noted that the third address on the list, which is on Tulio, appears to have been delinquent for four years.

Mr. Gielegghem replied that if there are more than three years on it, it adds to the purchase price. He stated that he cannot speak to the actual circumstances on these properties, but often it is the result of someone having filed bankruptcy or someone having negotiated a payment plan, making the payments up until the redemption period and then they no longer make the payments for that year.

Mr. Aragona questioned whether there will be an issue with the property in the Gratiot Heights Subdivision, noting that delinquent taxes for 2016 and 2018 are included, but not 2017.

Mr. Gielegghem assured it will not be a problem, noting the judge signs the order, and the courts are the ones making this happen.

Motion by Mr. Keys, seconded by Mr. Aragona, to approve the Township's purchase of tax-reverted properties from the County in the amount of \$44,525.88, as outlined in the correspondence. Roll Call: Ayes – Keys, Aragona, West, Pearl, Cannon, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

### **13. DETERMINATION FROM THE COMPENSATION COMMISSION**

Mr. Cannon stated the Compensation Commission has made a recommendation for salary increases at their meeting of June 10<sup>th</sup>, 2019. He outlined the proposed increases as indicated in the correspondence:

- Supervisor - An increase of \$13,829, which is an increase of 16.4%
- Clerk & Treasurer – An increase of \$8,976, which is an increase of 11.1%
- Trustees – An increase of \$815, which is an increase of 5.8%

Mr. Cannon stated these raises go into effect on July 11<sup>th</sup>, 2019 unless a two-thirds majority of this Board votes to reject it. He explained that, although these salary schedules have not been increased since 2004, it is his recommendation that the Board vote **not** to implement these salary adjustments, amounting to a total of \$35,000. He thanked the Compensation Commission for their time and effort in this matter. He stressed that, even though he is not recommending they enact their recommendation, he felt it is important to note that their work is important to show the value of their positions in light of surrounding communities.

Mr. Cannon stated he will be bringing a recommendation to the Personnel Vacancy Review Committee to use these funds to hire additional code enforcement for “as many hours as \$35,000 buys”. He noted this code enforcement officer will compliment their current code enforcement staff in helping to assure residential, commercial and industrial properties are maintained in accordance with their zoning and building ordinances.

Motion by Mr. Cannon, supported by Mr. Pearl, to receive and file the letter dated June 11<sup>th</sup>, 2019 from the Chairperson of the Local Official’s Compensation Commission and reject the salary adjustments as proposed. Discussion ensued.

Mr. Bob Hogan, 36755 Barr Street, Clinton Township, Michigan 48035, explained he served as Chairperson of the Compensation Commission, he informed the Board how the 2019 salaries for Township Supervisor, Township Clerk, Township Treasurer and Township Trustees were developed. He claimed the salaries were not developed using mathematical models based on current salary compensation, population, area in square miles of the Township, annual budget dollars, nor on full-time employees compared to other Michigan Townships such as Canton, Macomb, Shelby and Waterford Townships. He claimed the Commission was not interested in the criteria such as comparisons to the above-mentioned items. He indicated the 2019 salaries were calculated by looking at the salary recommendation of 2017, which was voted down by the Board of Trustees on October 16<sup>th</sup>, 2017, then adding an additional 2.5% and rounding to the nearest \$1,000. One of the members of the Commission, after doing the math, recommended \$98,000 for Supervisor, \$90,000 each for Clerk and Treasurer, and \$14,800 for Trustees. That



motion was seconded and the vote was 3 yes and 2 no. He indicated there was no discussion, negotiation or compromising. He felt that no one cared that Clinton Township Trustees are the highest paid of the five largest Townships in Michigan. He felt that raise could not be justified, regardless of the mathematical model, but they felt if they pay these positions a high amount, they will attract the “best of the best” to the community for those positions. Mr. Hogan felt those salaries should not have been submitted, but three members of the Compensation Commission voted it in, and it was his responsibility as Chairperson to sign the letter and submit it to the Clerk for processing. He personally felt the Township Board of Trustees should rescind Township Ordinance No. 436 and Resolution No. 256 of the Code of Ordinances. He felt the Board of Trustees is using the hand-picked members of the Compensation Commission to develop and recommend rates for them rather than the Board of Trustees recommending their own rates and justifying them to the residents.

Mr. Cannon thanked Mr. Hogan for his service on the Commission.

Mr. Keys stated he will be supporting the motion because when they look back at this process in the beginning of this Compensation Commission, he voted against it because he felt the elected officials have to take responsibility over their pay. He voted against the recommendation that came before them two years ago, and he will be supporting the denial of the pay raise tonight.

Roll Call: Ayes – Cannon, Pearl, West, Keys, Aragona, Gielegghem, Meltzer.  
Nays – None. Absent – None. Motion carried.

#### **14. APPOINTMENT TO LIBRARY COMMISSION**

The votes were as follows:

West	Rose Ventimiglia
Keys	Rose Ventimiglia
Pearl	Barbara Brown
Cannon	Barbara Brown
Aragona	Barbara Brown
Gielegghem	Rose Ventimiglia
Meltzer	Barbara Brown

Motion by Ms. Meltzer, supported by Mr. Gielegghem, to receive and file the letter dated June 24<sup>th</sup>, 2019 from the Administrative Assistant, and reappoint Ms. Barbara Brown to the Library Board for a four-year term to expire April 30<sup>th</sup>, 2023.  
Roll Call: Ayes – Meltzer, Gielegghem, West, Keys, Pearl, Cannon, Aragona.  
Nays – None. Absent – None. Motion carried.

## **15. APPOINTMENTS TO HISTORICAL COMMISSION**

Motion by Mr. Cannon, seconded by Mr. Pearl, to receive and file the letter dated June 24<sup>th</sup>, 2019 from the Administrative Assistant, and appoint Mr. Maxwell Heiderer, Mr. James Hungerford and Ms. Karen Stephens for three of the four open terms on the Historical Commission, each for a three-year term to expire April 13<sup>th</sup>, 2022; further, that the open term will be advertised for an additional sixty (60) days. Roll Call: Ayes – Cannon, Pearl, West, Keys, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

## **16. CLOSED SESSION PENDING LITIGATION: CLINTON TOWNSHIP ET AL V PURDUE PHARMA ET AL**

Mr. Cannon stated the Board will not be coming out of Closed Session.

Motion by Mr. Aragona, seconded by Mr. Keys, to schedule a Closed Session immediately following the last item on tonight's agenda for the purpose of discussing pending litigation on Clinton Township et al v Purdue Pharma et al. Roll Call: Ayes – Aragona, Keys, West, Pearl, Cannon, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

## **APPROVAL OF MINUTES OF JUNE 17, 2019 REGULAR TOWNSHIP BOARD MEETING**

Motion by Mr. Keys, seconded by Ms. West, to approve the report of the June 17<sup>th</sup>, 2019 Regular Township Board Meeting as presented. Roll Call: Ayes – Keys, West, Pearl, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

## **APPROVAL OF BILLS**

Motion by Mr. Keys, seconded by Mr. Aragona, to approve the bills as presented. Roll Call: Ayes – Keys, Aragona, West, Pearl, Cannon, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

## **PUBLIC COMMENTS**

The following made public comments:

- Mr. Sam Buschell

**ADJOURNMENT**

Motion by Ms. West, seconded by Mr. Keys, to adjourn the meeting and go into Closed Session. Roll Call: Ayes – West, Keys, Pearl, Cannon, Aragona, Gielegthem, Meltzer. Nays - None. Absent – None. Motion carried. The meeting adjourned at 7:11 p.m.

Respectfully submitted,

KIM MELTZER, CLERK  
CHARTER TOWNSHIP OF CLINTON

ces:07/03/19