

**CHARTER TOWNSHIP OF CLINTON**  
**REGULAR MEETING OF THE BOARD OF TRUSTEES**  
**MONDAY, APRIL 13<sup>TH</sup>, 2020**

<b>PARTICIPATING:</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. by remote participation via teleconference. Also participating was Mr. Jack Dolan, Township Attorney, Ms. Elizabeth Vogel, Deputy Supervisor, Ms. Kim Irvine, Deputy Clerk and Police Chief Fred Posavetz. The Pledge of Allegiance was recited.

**APPROVAL OF AGENDA**

Ms. Meltzer stated the following items are added to tonight's agenda:

- Item #5 – Request to Modify Local State of Emergency Declaration dated March 16<sup>th</sup>, 2020 to Allow Bid Opening of 2020 SAW Grant Sanitary Sewer Cleaning and CCTV Investigation Contract 1 – Districts 7, 9 and 10 on April 16<sup>th</sup>, 2020 at 10:30 a.m., Township Civic Center
- Item #6 – Request to Modify Local State of Emergency Declaration dated March 16<sup>th</sup>, 2020 to Allow Bid Opening of 2020 SAW Grant Sanitary Sewer Cleaning and CCTV Investigation Contract 2 – Districts 1, 2, 3, 4 and 5 on April 23<sup>rd</sup>, 2020 at 10:30 p.m., Township Civic Center
- Item #7 – Insurance Resolution

Ms. Meltzer replied to inquiry that Items #5 and #6 will allow them to do an in-bid process, which is what the ordinance permits, and it will be in compliance with the State's regulations in compliance with the Covid-19 regulations. This will include social distancing and providing hand sanitizer and any other items necessary to be in compliance.

Mr. Dolan stated these are bid openings from the Department of Public Works that involves the camera work on a substantial portion of the sewer system. This is a request to open the Township for the limited purpose of using the Board Conference Room to do the bid opening, while remaining in compliance with Article 10 and other sections of the Emergency Orders, which include social distancing and other restrictions.

Ms. Meltzer replied to inquiry that there are seven items.

Mr. Pearl inquired as to whether there is another item that was submitted by Mr. Gielegghem and Mr. Keys.

Mr. Gielegghem explained that is an amendment to Item #1.

Ms. Meltzer questioned whether that will be addressed just as any other amendment would be addressed. She noted that she was not sure whether that was going to be an add-on.

Mr. Pearl felt it should be an add-on to the agenda.

Mr. Cannon stated if anything, it should be an add-on, although he could not understand why they would add it so late.

Mr. Gielegghem agreed it could be added on as Item #8.

Motion by Mr. Pearl, seconded by Mr. Keys, to approve the agenda with the addition of Items #5, #6 and #7 and #8. Roll Call: Ayes – Pearl, Keys, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – West. Motion carried. [Editor's note: Ms. Vogel advised that Ms. West was having technical difficulties with the audio portion of her feed and will be calling in].

### **PUBLIC SERVICE ANNOUNCEMENTS**

Mr. Cannon requested a moment of silence for former Township Assessor Paul Robinson, who recently passed away. A moment of silence was observed in Mr. Robinson's memory.

Ms. Meltzer reminded that Clinton Township will not be hosting a May election. She indicated she has received requests for ballots; however, they will be sending out notice tomorrow and it is posted on their website that there will not be a May election for Clinton Township. She informed there was no request for anything to be voted upon for this May election, so the next election will be held on August 4<sup>th</sup>, 2020, which is their August primary.

Mr. Cannon stated the Governor issued Executive Order 2020-15, which set forth procedures for conducting public meetings and allowing remote participation. They intend to follow this order and conduct this meeting by remote participation in order to minimize the physical proximity of persons to each other, which is the core goal of the various “Stay at Home” orders issued at different levels of government.

Mr. Cannon explained that members of the public are able to participate in this meeting in one of two ways. For each agenda item, an email can be submitted with a comment or question to [boardmeeting@clintontownship-mi.gov](mailto:boardmeeting@clintontownship-mi.gov). On each agenda item, once discussion among Board members is complete, he will request the reading of any pertinent emails. There will be a slight pause to allow emails in transmission to be received, and emails relevant to that agenda item will be read. During the Public Comment portion of the meeting, following the agenda items, persons who have connected to the meeting can follow the Notice of Procedure on the GoToMeeting app, and persons connected telephonically will be allowed to speak following the Township’s rules for public participation.

Mr. Cannon stated that on behalf of the entire Township Board, they wish the very best for the residents of Clinton Township through these difficult times. As a Board, they would like to thank all of their employees, especially emergency responding personnel, including Police and Fire, who are doing a fabulous job. Mr. Cannon explained the GoToMeeting app is used daily to meet with all of their department heads for updates, mutual aid issues and questions, and it has been a great way for everyone to be informed of how they are operating and to take care of Township business under these circumstances.

Mr. Cannon explained that the Township’s parks are open, although they have closed off all of their playscapes. The staff is complying with both the President’s and Governor’s orders to be socially distant. Many of their staff are physically on the job and many are working remotely to serve the needs of the residents. He informed that the April 15<sup>th</sup>, 2020 Zoning Board of Appeals meeting has been canceled, and the April 23<sup>rd</sup>, 2020 Planning Commission meeting has also been canceled. The next Planning Commission meeting is scheduled for May 14<sup>th</sup>, 2020 and the next Zoning Board of Appeals meeting is scheduled for May 20<sup>th</sup>, 2020.

## **1. LOCAL STATE OF EMERGENCY DECLARATION EXTENSION**

Motion by Mr. Pearl, seconded by Mr. Keys, to receive and file the letter from Emergency Management Coordinator Paul Brouwer, and approve the extension of the Local State of Emergency, as originally declared on March 16<sup>th</sup>, 2020 by Supervisor Cannon in response to the Covid-19 Pandemic, to May 11<sup>th</sup>, 2020, at which time conditions can be reevaluated. Discussion ensued.

Ms. Irvine indicated that no responses were received from the public.

Roll Call: Ayes – Pearl, Keys, Cannon, Aragona, Gielegghem, Meltzer. Nays – None. Absent – West. Motion carried. [Editor's note: Ms. Vogel indicated Ms. West is still having technical difficulties with her audio connection].

## **2. INTRODUCTION OF APPLICANTS FOR CLINTON MACOMB PUBLIC LIBRARY BOARD**

Mr. Cannon questioned whether either of the candidates are participating this evening to introduce themselves. After seeing they were not present, he indicated that since they have two openings and two applicants, he recommended they appoint these two applicants to the Clinton-Macomb Public Library Board this evening.

Motion by Mr. Pearl, seconded by Mr. Aragona, to receive and file the letter dated April 1<sup>st</sup>, 2020 from the Administrative Assistant, and appoint Ms. Cheryl Cannon and Mr. Fred Gibson Jr. to the Clinton-Macomb Library Board, each for a four-year term to expire April 30<sup>th</sup>, 2024. Discussion ensued.

Ms. Irvine indicated that no responses were received from the public.

Roll Call: Ayes – Pearl, Aragona, Keys, Cannon, Gielegghem, Meltzer. Nays – None. Absent – West. Motion carried. [Editor's note: Ms. Vogel indicated Ms. West is still having technical difficulties with her audio connection.]

## **3. BID AWARD – WATER MAIN REPLACEMENT: COBHAM, BAYHAM AND KENTVALE CROSSINGS**

Mr. Cannon stated he knows this is a project that has been a long time coming, and he knows the residents are looking forward to it, as well as their road. He advised it would be an April 15<sup>th</sup>, 2020 bid, and an opening of the bids sometime in May.

Ms. Vogel announced that Ms. West has now been able to connect to the meeting (6:45 p.m.).

Motion by Mr. Gielegghem, seconded by Mr. Pearl, to receive and file the letter dated March 26<sup>th</sup>, 2020 from Mr. Scott J. Chabot, PE, Senior Project Engineer, Anderson, Eckstein & Westrick, Inc., and award the Water Main Replacement for Bayham Court, Cobham Court and Kentvale Crossings, AEW Project No. 0242-0121 to the low bidder, T.R. Pieprzak Company, Inc., located at 6267 St. Clair Highway, China Township, MI 48054, in the amount of \$287,796.02. Discussion ensued.

Ms. Irvine indicated that no responses were received from the public.

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

Mr. Keys stated he could see Ms. West on the GoToMeeting app; however, it appears her microphone is muted.

Ms. Vogel stated she was not able to unmute Ms. West's microphone.

#### **4. BID EXTENSION FOR 2020 TOWNSHIP FIREWORKS**

Mr. Keys inquired as to whether Mr. Brian Kay, Parks and Recreation Director, is participating in tonight's meeting.

Mr. Cannon replied Mr. Kay is not with them this evening.

Mr. Keys noted the letter indicates that Mr. Dolan is concerned about being contractually obligated to any one business, which he felt makes a lot of sense considering the current economic climate. He questioned whether they are being asked to approve the extension of a contract and signing a new contract. He noted the Board packet only has the previous contract.

Mr. Dolan replied they are looking to receive an assurance from vendors with regard to pricing and their availability for this summer's event, but are also looking to delay any financial commitment or contractual obligation because at this juncture, due to the present circumstance, they do not know whether fireworks will possible.

Mr. Keys stated he would like to see two additional quotes, or at least an attempt to do that, since that is outlined in the Township's purchasing policy. He is trying to figure out if, by allowing this to proceed, they are still giving themselves the flexibility to approve an agreement with this company, where there could be two additional quotes provided by Parks and Recreation at that point. He questioned if they will have one more opportunity to actually approve a contract with a vendor and this is just a notification that they are willing to hold their current pricing.

Mr. Dolan replied affirmatively.

Ms. Irvine indicated that no responses were received from the public.

Motion by Mr. Keys, seconded by Mr. Gielegthem, to receive and file the letter from the Parks and Recreation Director, and the offer received from Wolverine Fireworks Display, Inc. regarding the bid extension for the 2020 Township Fireworks. Discussion ensued.

Ms. Vogel indicated that since Ms. West is still unable to voice her votes through audio, she requested that Ms. West hold up a “yes” or “no” vote on a piece of paper that she can hold up to the camera, and Ms. Vogel will relay that vote to the Board.

Roll Call: Ayes – Keys, Gielegthem, West (per visual vote), Pearl, Cannon, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

**5. REQUEST TO MODIFY LOCAL STATE OF EMERGENCY  
DECLARATION DATED MARCH 16<sup>TH</sup>, 2020 TO ALLOW BID OPENING OF  
2020 SAW GRANT SANITARY SEWER CLEANING AND CCTV  
INVESTIGATION CONTRACT 1 – DISTRICTS 7, 9 AND 10 ON APRIL 16<sup>TH</sup>, 2020  
AT 10:30 A.M. AT TOWNSHIP CIVIC CENTER**

Mr. Dolan deferred this explanation to Mr. Scott Chabot.

Mr. Scott Chabot, of AEW, explained they have two projects for the SAW Grant that Clinton Township received to do a condition assessment of the sewer system within the Township. He explained the importance of trying to get these projects done, which are fairly large, is that they are trying to utilize as much time as possible during the spring, summer and fall months. They are looking at start time at the middle or end of May and utilize the six months after to conduct these condition assessments. He advised that, as part of this grant award, Clinton Township is getting about 90% back from the State of Michigan. He explained the Clinton Township Civic Center is closed to the public, and he understood the current bid policy in place only allows physical bid submissions and a public bid opening process. They are seeking approval for two bid openings, one on April 16<sup>th</sup>, 2020 and the second on April 23<sup>rd</sup>, 2020, where they can have the building open temporarily to meet the requirements of their current bid policy. He replied to further inquiry that there are two different contracts because of the size, and knowing they will have the one bid out, it will give bidders a chance to try to be as competitive as possible with having another opportunity to be able to bid on a second contract.

Mr. Dolan stated the proposal and notice provide that those who attend the bid opening have to wear masks and be fully compliant with Section 10 of the most recent Emergency Order 2020-42 on separation. They would also be required to have not been in the presence of someone with Covid-19 and would not be allowed in if they were awaiting test results or presenting any symptoms, including fever, dry cough, sore throat and other conditions listed in the order. They are continuing to follow through with the Township’s process of full transparency and be compliant with their bid-opening policies. When they enter the building, they will only be there for the bid opening and tally, and they will abide by the six-foot separation requirements, which they successfully accomplished for their first meeting following the pandemic.

Ms. Meltzer questioned how they will verify that these people do not have a fever or confirm that they are not sick or have not been exposed to Covid-19.

Mr. Dolan replied that will be up to those in attendance to tell them that information. The only thing being done that is not relying on representations from the person who is representing himself/herself is that in some cases, some businesses are using a thermometer to check temperatures. He indicated the rest of the information has to be obtained from those attending, and they are not able to do a lengthy investigation on each person.

Ms. Meltzer confirmed this is AEW Project No. 0242-0139 and this project will receive sealed bids up until 10:30 a.m. on Thursday, April 16<sup>th</sup>, 2020, at which time those bids will be opened.

Mr. Pearl questioned whether this meets all of the Governor's rules.

Mr. Dolan replied the notice indicates it is subject to the Executive Orders, referring to Paragraph 10, which was part of original Order #21 and the new Order #42 with regard to separation that both public and private businesses are supposed to comply with.

Motion by Mr. Pearl, seconded by Mr. Aragona, to modify the Local State of Emergency Declaration to permit a public bid opening to be held in the Township Board Chambers, Clinton Township Civic Center, on Thursday, April 16<sup>th</sup>, 2020 at 10:30 a.m., for the 2020 SAW Grant 2020 Sanitary Sewer Cleaning and CCTV Investigation for Contract 1 – Districts 7, 8 and 9 (AEW Project No. 0242-0139) on the condition that they meet all requirements as detailed in the attached Advertisement to Bid, based on the need to go forward with this project. Discussion ensued.

Ms. Irvine indicated that no responses were received from the public.

Roll Call: Ayes – Pearl, Aragona, West (per visual vote), Keys, Cannon, Gielegheim, Meltzer. Nays – None. Absent – None. Motion carried.

**6. REQUEST TO MODIFY LOCAL STATE OF EMERGENCY  
DECLARATION DATED MARCH 16<sup>TH</sup>, 2020 TO ALLOW BID OPENING OF  
2020 SAW GRANT SANITARY SEWER CLEANING AND CCTV  
INVESTIGATION CONTRACT 2 – DISTRICTS 1, 2, 3, 4 AND 5 ON APRIL 23<sup>RD</sup>,  
2020 AT 10:30 AM. AT TOWNSHIP CIVIC CENTER**

Mr. Cannon stated this is the same as the last item, but for a different bid opening date.

Ms. Meltzer confirmed this is for AEW Project No. 0242-0140 and sealed bids will be received until 10:30 a.m. on Thursday, April 23<sup>rd</sup>, 2020, at which time those bids will be opened.

Motion by Mr. Keys, seconded by Mr. Gielegghem, to modify the Local State of Emergency Declaration to permit a public bid opening to be held in the Township Board Chambers, Clinton Township Civic Center, on Thursday, April 23<sup>rd</sup>, 2020 at 10:30 a.m., for the 2020 SAW Grant 2020 Sanitary Sewer Cleaning and CCTV Investigation for Contract 2 – Districts 1, 2, 3, 4 and 5 (AEW Project No. 0242-0140) on the condition that they meet all requirements as detailed in the attached Advertisement to Bid, based on the need to go forward with this project. Discussion ensued.

Ms. Irvine indicated that no responses were received from the public.

Roll Call: Ayes – Keys, Gielegghem, West (per visual vote), Pearl, Cannon, Aragona, Meltzer. Nays – None. Absent – None. Motion carried.

## **7. INSURANCE RESOLUTION**

Mr. Cannon stated that Allstate, Progressive, State Farm, Geiko, eSurance, Farmer's and American Family insurance companies have already begun to announce what their reductions are going to be. He stated he is in favor of this Resolution and hopes that every insurance company in the State of Michigan follows suit.

Motion by Mr. Cannon, seconded by Mr. Keys, to adopt the Insurance Resolution as presented. Discussion ensued.

Mr. Keys thanked Mr. Gielegghem and Ms. West for sponsoring this Resolution and helping to put it together. He felt this is a great way for the Board to advocate for the residents of Clinton Township. This is another opportunity to let Lansing know the residents in their community have a lot of needs and if they can get the auto insurance rates down, it would help. He appreciated everyone's support.

Mr. Gielegghem stated they were working on the language and asked the State to compile this crash data so they can compare it to the reduction in their claims. He would like to add language as follows at the end of the sentence starting "Now Therefore Be It Resolved", and offered it as a friendly amendment:

Further, that those premiums and refunds should be commensurate with the data that has been compiled.

Mr. Cannon stated he is fine with the addition of that language.



Mr. Aragona stated he will be supporting the Resolution, noting Mr. Cannon had pointed out the vast majority, if not all, of the insurance companies within the State of Michigan are already offering a refund. He claimed State Farm is offering \$2 billion in refunds across the nation, including Michigan. He noted that many of the companies are forgiving their customers even if they have a late payment past May. He noted that if an insurance premium is not paid, the coverage is generally cut off a couple of days after the due date. He added that is dangerous because once a customer tries to reinstate the insurance, their rates go higher. He indicated a lot of companies are allowing their customers to pay late during the Covid crisis. He stated he will support the Resolution.

Mr. Cannon cautioned residents who have to pay late to double-check with their insurance company to make sure they are one of the companies that allows for the late payments. Mr. Cannon stated he did not know about this until late this afternoon and questioned why they did not talk about it at this morning's staff meeting.

Mr. Gielegghem explained they were still working on language to see where the authority is within the State. It was unclear, which is why they had to include that copies of this should be provided to the Governor, Attorney General, the Michigan Insurance Commissioner and the State Senators and Representatives from Macomb County. He stressed they are a local community advocating for their residents to whoever has the proper authority in the State level.

Mr. Cannon understood and agreed, but he felt they may have had people involved in the staff meeting who could have helped out and added some language. He did not understand why it was not brought up this morning.

Mr. Gielegghem was confident they have a good product.

Mr. Dolan noted that Mr. Cannon concurred with the friendly amendment made by Mr. Gielegghem, but he indicated they need to hear Mr. Keys' concurrence with it as well, being the supporter of the motion.

Mr. Keys stated he is in support of the friendly amendment.

Ms. Irvine indicated that no responses were received from the public.

Roll Call: Ayes – Cannon, Keys, West (per visual vote), Pearl, Aragona, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried.

**8. AMENDMENT TO ITEM #1 – LOCAL STATE OF EMERGENCY  
DECLARATION EXTENSION**

Ms. Meltzer explained this is a proposed amendment to Item #1, and she read the amendment, as follows:

1. The Township acknowledges that Executive Orders of the Governor of the State of Michigan, issued related to the Covid-19 crisis, are lawful orders.
2. As lawful orders, they are entitled to enforcement.
3. Enforcement efforts in the Township will be under the direction of the Police Chief and Building Department Director based upon the resources they have available.

Mr. Cannon stated he is in favor of Items #1 and #2 of this amendment, but he noted that Item #3 is asking their Police Department and Building Department to be the enforcers of all of the Governor's Executive Orders.

Mr. Gielegghem clarified the amendment, noting this was originally moved as an amendment to Item #1, because that dealt with extending the State of Emergency. It was added as an agenda item to tonight's agenda rather than as an amendment to Item #1. He explained the reason they put this on is because for every agenda item discussed tonight, they made sure it is in compliance with the Executive Orders. He noted this is an unprecedented situation, and within this time period they are doing everything they possibly can to reduce the number of people contracting this disease in a short period of time and trying to "flatten the curve". He stated the Executive Orders have the force of the law. He felt the people who enforce the laws and ordinances every day are those who are already out in the field and best able to judge what should and should not be enforced. He felt this amendment respects the proper authorities that are doing this, rather than picking and choosing what portions of the Executive Orders they are going to follow and which ones they are not going to follow.

Mr. Cannon questioned why Mr. Gielegghem did not bring this up at the staff meeting this morning. He noted several people to whom he is proposing to enforce this were participating in that meeting, and they could have provided comments.

Mr. Gielegghem stated they were aware the Governor was going to be speaking at 3:00 p.m. and they wanted to hear if there was going to be clarification or amending previous orders. They wanted to hear the press conference and handle it accordingly.

Mr. Cannon questioned Mr. Dolan as to how many Executive Orders the Governor has issued.

Mr. Dolan replied that there are currently forty-two Executive Orders, although the first ten are not Covid-related issues. He estimated there are about thirty orders that are related to the Covid-19 matter.

Mr. Cannon felt that would result in at least thirty orders that the Police and Building Departments would have to learn, and then make a decision on enforcement. He claimed the Attorney General has indicated some suggested practices for those orders, and it does not say the Police and Building Departments have to enforce anything. He reiterated he does not have a problem with Items #1 and #2 on the proposed Amendment, but he is opposed to Item #3. He commented that this whole thing came about because of the grass-cutting issue, and although he is aware that is something that not everyone likes, it was discussed very carefully with the departments that are concerned with it, as well as with the Emergency Manager. He claimed they all felt what was put together by Mr. Dolan was very appropriate. He claimed the Attorney General's suggested practices, upon receiving a notice of a possible violation involving any business activity, is to determine IF a complaint is true. Second, if a complaint is valid, a law enforcement officer SHOULD visit the site. If the officer determines a violation has occurred, it is SUGGESTED the officer explain the scope of the order. If the owner or person with authority refuses to comply with the request to close and the violation is clear, the officer COULD issue a violation and the prosecutor MAY CHOOSE to pursue it. He pointed out it does not say that the Police and/or Building Departments HAVE to enforce any of the regulations the Governor has put in place. He did not feel that is the role of local government.

Mr. Pearl stated he was initially in favor of Mr. Cannon's decision to allow the lawn-cutting. He stated he will support this, and he has talked with the Police Department, noting he has faith in the Police Department and Building Department that what they have done to date and will continue to do is the right thing. He trusted they will make sound decisions with regard to their residents and their officers, and he was confident the Building Department will do the same. He felt it is their discretion and they are making sound decisions to protect the residents, their officers and the employees of the Building Department.

Mr. Cannon felt things will change, and already change almost on a daily basis. He requested that this proposed amendment be split into two separate motions, with Items #1 and #2 as one part, and Item #3 as a separate part, adding he would like to vote in favor of Items #1 and #2 and vote against Item #3.

Mr. Keys stated he has no problem with splitting the proposed amendment into two motions. He referred to the list that Mr. Cannon just read, but he pointed out it does not say the Township Supervisor or individuals in the Township have the ability to take that authority away. He felt if a police officer or ordinance officer want to enforce it, and the Township Board says no, he felt that is unacceptable, and that is why he stressed it is important to have the third part of the proposed amendment included. He understood that Chief Posavetz and Mr. Miller are not going to take resources away from life-saving measures to go into a situation where they are regulating landscaping issues, but they have to show the public

they are going to comply with the Governor's orders. He felt the Township needs to set the example, which is why he is in support of this.

Ms. Vogel indicated Chief Posavetz is on the line if the Board members have any questions of him.

Mr. Cannon stated he spent a lot of time talking with Chief Posavetz and Mr. Barry Miller, Superintendent of the Building Department, but he also talked with Capt. Maierle at the Police Department and Mr. Paul Brouwer, Emergency Management Coordinator, and he claimed they are in complete agreement with the decision he made this weekend.

Ms. Meltzer stated she disagrees with the entire amendment as presented. She felt the police officers and firefighters look to the Township Board to find out what they have heard from the state level. She stressed the public is very concerned that the Governor has overreached her authority on this issue, and it is "picking winners and losers", with the landscaping industry on the losing end. There have been complaints that it is very unfair and uneconomical because some larger stores, such as Lowe's and Home Depot, were able to have the sale of flowers and other garden supplies, while stores such as English Gardens or Wiegand's were not allowed to be open. She felt this takes away freedoms and is an encroachment on the freedom of the people. She understands it is a delicate situation, where they have to balance the safety and welfare of the public first, then the economy second, but she felt the Governor has overreached that. She hoped the Governor will back off. She pointed out that overgrown grass will become another issue the community will have to deal with. She felt a lot of the landscape companies can and do operate with the required six-foot social distance. Ms. Meltzer pointed out the government took the authority to open the Civic Center to allow bids to proceed, yet she pointed out the landscaping companies are at the mercy of the government to determine what they can and cannot do. She felt this amendment is wrong for the Township, and local government needs to step in when government gets too strong and overbearing. She felt they need to listen to the public, and she hoped the Governor will make those necessary changes that are not as overreaching as what she displayed.

Mr. Cannon questioned Mr. Dolan as to whether the language the Township put out this weekend met the Executive Order.

Mr. Dolan felt they are making an effort to make it clear that the Governor's orders are issued pursuant to State law and that State law is enforceable. He indicated they do not have a court challenge that says that state orders are not enforceable. He felt the third item on the proposed amendment is dealing with processes they are going to follow with regard to enforcement. They have the ability to use their discretion in virtually all laws, noting police officers do it all the time on the road. He felt this amendment deals with the fact that the current orders are issued under

state law, they are deserving enforcement because they are issued under state law, and how they are enforced is going to be handled by a combination of the Police Chief and his department's sources, as well as the Building Superintendent and his department's sources. He felt the comments made by Mr. Cannon, as well as many others this weekend, deal with the wisdom of those orders, which will always be subject to discussion as to whether these are prudent measures to take or whether they are counterproductive in some manner. He felt they are entitled to make those comments and point out the reasons why they did it, which he had felt were inconsistencies within the measures the Governor was taking in relation to things she was permitting and others she was not.

Mr. Cannon once again questioned whether the language he put out this weekend meets the Executive Order.

Mr. Dolan replied to the extent they said they were not seeking enforcement, was a process they indicated they were taking. He does not know where they would be if they were challenged on it. They have prerogatives to enforce or not enforce in the manner they see fit, but if the intent is to completely disregard the Governor's order and take the position that they will not enforce it under any circumstances, he recommended that they should make a legal challenge in court as to whether or not there was authority for that order.

Mr. Cannon noted that Mr. Dolan put the statement together that he used.

Mr. Dolan stated that is correct because Mr. Cannon had asked him to assist in drafting a response. They talked about some inconsistencies relating to asthma and those were quoted.

Mr. Pearl stated he was not against what Mr. Cannon had included in his statement. He felt this does the same thing but it is something they will not have to go to court on and carries the weight of the full Board. He did not feel they can be held liable.

Mr. Cannon stated he is not in favor of the Police Department and Building Department enforcing thirty executive orders, and he did not feel they know what most of the executive orders say. He questioned whether they are going to send their Police and Building Departments for additional training so they know what all of those orders say.

Mr. Keys expected that the Police Department and Building Department have already reviewed the Executive Orders as they relate to their departments. He did not feel this is all new to them because they are already operating in an emergency situation. He agreed their Department heads are allowed to allocate resources as best for public safety, but they are not giving them the ability to pick and choose which Executive Orders are lawful and which they are going to promote in the

community that residents and businesses should openly disregard. He felt that is a danger to the residents. He stated he and Mr. Dolan went on to the Governor's and Attorney General's websites today, and he felt it is not acceptable to say that people can continue to cut grass using commercial businesses. He emphasized it is right on their website, and it states it is not allowed, although there are extreme situations where an emergency for a senior or someone who needs it can get that service. It does not give communities the right to decide which of the Executive Orders they are going to enforce. He agreed that the Township's manpower will not have the resources or manpower to enforce every incident, but that does not mean they can put out a public statement that people should ignore the order. He indicated that is why he will be supporting this amendment.

Ms. Irvine stated she received a public comment from Mr. Steve Sanderson, resident on Whitmore Drive, who encouraged Clinton Township to allow landscaping activities similar to what is being allowed in other nearby communities, as long as the contractors practice appropriate social distancing. He did not feel a sole employee spraying lawns or mowing grass does not represent a threat to the public.

Mr. Gielegghem felt they cannot put out blanket statements to say that Executive Orders do not have the force of law, adding that the Township does not have the authority to upend that. He indicated they need to be smart and place the discretion where it belongs, among the departments that have the skillset and training to be able to use their discretion on this issue. He pointed out that nothing in this amendment takes that discretion away from them, but what takes it away is the statement put out on the website this weekend to "go ahead and ignore the Executive Order". He cited a call he received from a person who serves on a condominium board, and that individual informed him that when their lawn service comes, the seven- or eight-member crew are on location the entire day and all over the site. He felt they can wait a couple more weeks before making a decision and he wanted to keep their community members safe. Mr. Gielegghem urged adoption of this amendment to be in compliance with the law.

Motion by Mr. Gielegghem, seconded by Mr. Keys, to adopt the Amendment, as presented by Mr. Keys and Mr. Gielegghem, to the Local State of Emergency, which was extended to May 11<sup>th</sup>, 2020. Discussion ensued.

Mr. Cannon stated if people do not want anyone on their property, they do not have to employ landscaping companies, but he indicated the vast majority of calls he receives are from senior living, condominium and apartment complexes who no longer own lawnmowers and disagree with what Mr. Gielegghem said. He felt they want the ability to have people come, observe the minimum six-foot social distancing requirements and cut the lawns. He felt it is a health, safety and welfare issue in Clinton Township that they allow landscaping companies to cut grass when necessary.

Ms. Meltzer stated she is shocked by what she is hearing from some of her fellow Board members, and she considered this tyranny and an overreach of government authority. She felt they are taking the elected officials' responsibility and making it a worker's responsibility. She felt the police should not be held accountable to the political and legal aspects of this. She felt having them try to determine what is and is not legal from the Governor's perspective is an infringement on their authority and she felt it shows a lack of respect for them. She felt any time government overreaches to this extent, they need to put a stop to it. She indicated they need to listen to their residents, and they want the ability to comply with safe-distancing and still have their lawns cut. She felt that can be left up to the landscaping companies to assure they are meeting safe-distancing requirements, along with masks and gloves.

Mr. Cannon stated they will be asking their Police Department to enforce all Executive Orders in this community, but he agreed with Ms. Meltzer on the grass-cutting. He felt the Governor took the ability away.

Ms. Irvine replied that there are no other comments received from the public.

Roll Call (on motion on floor): Ayes – Gielegghem, Keys, West (per visual vote), Pearl. Nays – Cannon, Aragona, Meltzer. Absent – None. Motion carried.

### **APPROVAL OF BILLS**

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

### **APPROVAL OF MINUTES OF MARCH 30<sup>TH</sup>, 2020 REGULAR TOWNSHIP BOARD MEETING**

Motion by Mr. Gielegghem, seconded by Ms. Meltzer, to approve the minutes of the March 30<sup>th</sup>, 2020 Regular Township Meeting, as presented. Roll Call: Ayes – Gielegghem, Meltzer, West, Keys, Pearl, Cannon, Aragona. Nays – None. Absent – None. Motion carried.

### **PUBLIC COMMENTS**

Ms. Irvine indicated she received emails from the following, and she read those emails into the record:

Mr. Anthony Klimbal – questioned options residents have to get rid of their grass clippings.

Mr. Cannon indicated that GFL has contacted the Township and indicated they will begin picking up yard waste starting tomorrow. He added anyone who has a pickup day on Monday can put their yard waste out tomorrow as well.

Mr. Sam Buschell – claimed he still needs answer to prior question about whether Clinton Township has governmental immunity regarding flood problems from drains installed at 35021 Kelly, as well as wooden privacy fence; questioned statement issued by Township regarding enforcement of Governor's Emergency Directive; complained about littering of blue gloves provided by a local business; questioned whether zoning variance can be granted based on financial hardship.

Mr. Cannon informed that Mr. Buschell's questions will be answered by the Planning Director, and the Board does not respond to other statements.

Ms. Irvine confirmed there are no additional public comments.

Mr. Cannon inquired as to whether anyone who dialed in to the meeting would like to comment, but no one responded.

### **ADJOURNMENT**

Motion by Mr. Keys, seconded by Mr. Aragona, to adjourn the meeting. Roll Call: Ayes – Keys, Aragona, West, Pearl, Cannon, Gielegghem, Meltzer. Nays – None. Absent – None. Motion carried. The meeting adjourned at 7:44 p.m.

Respectfully submitted,

KIM MELTZER, CLERK  
CHARTER TOWNSHIP OF CLINTON