

**CHARTER TOWNSHIP OF CLINTON  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
MONDAY, APRIL 12, 2010**

<b>PRESENT:</b>	<b>ROBERT J. CANNON</b>	<b>SUPERVISOR</b>
	<b>GEORGE FITZGERALD</b>	<b>CLERK</b>
	<b>WILLIAM SOWERBY</b>	<b>TREASURER</b>
	<b>ERNEST HORNUNG</b>	<b>TRUSTEE</b>
	<b>KENNETH PEARL</b>	<b>TRUSTEE</b>
	<b>DEAN REYNOLDS</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 Board Chambers. Also in attendance was Jack Dolan, Township Attorney. The Pledge of Allegiance was recited.

**APPROVAL OF AGENDA**

Mr. Fitzgerald requested the following additions:

Item #18 – Request to Attend 2010 Homeland Security Conference

Item #19 – Request to Schedule Closed Session to Discuss Contract Negotiations

Mr. Cannon noted that Mr. Smith was not aware of the proposal to add on a Closed Session until late this afternoon and he had already been excused from tonight's meeting. He did note, however, that Mr. Towner is present tonight and he is on the negotiating team.

Mr. Sowerby inquired as to whether this add-on was requested by the Human Resource Director, as reflected on the proposed Revised Agenda.

Mr. Fitzgerald replied that the Human Resource Director is listed as the requester of this item because that is the standard wording for requesting a closed session.

Mr. Reynolds and Mr. Pearl both replied to inquiry that they are interested in receiving an update on the contract negotiations. Mr. Reynolds replied to further inquiry that he has no problem if they would like to use his name as the individual requesting the Closed Session be added on.

Motion by Mr. Pearl, supported by Mr. Hornung, to approve the agenda as amended, with the addition of Items #18 and #19. Roll Call: Ayes – Pearl, Hornung, Reynolds, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

**1. MICHIGAN RECREATION AND PARK ASSOCIATION 2010 COMMUNITY SERVICE AWARD – FAMILY EYE CARE**

Mr. Cannon presented Dr. Lakin with a plaque representing the Michigan Recreation and Park Association 2010 Community Service Award, and thanked him for the community service he and his business have provided to the Township.

Motion by Mr. Reynolds, supported by Ms. West, to receive and file the letter dated April 5, 2010 from the Parks and Recreation Director, awarding Family Eye Care of Clinton Township with the 2010 Michigan Community Service Award. Discussion ensued.

Mr. Sowerby commented that not only does Dr. Lakin have a business here in Clinton Township, he and his wife and family also reside in the Township as well. He also informed that Dr. Lakin was recently appointed by Governor Granholm to the Board of Control for Ferris State University. He offered his congratulations to Dr. Lakin for this achievement and thanked him for his community involvement and dedication.

Roll Call: Ayes – Reynolds, West, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

**2. REQUEST TO RECOGNIZE THE MONTH OF APRIL AS SEXUAL ASSAULT AWARENESS MONTH**

Cassandra, an intern for Turning Point, made a brief presentation about the service Turning Point, Inc. provides for the Township and requested that the Township recognize the month of April as Sexual Assault Awareness Month. She reviewed some of the statistics with regard to sexual assaults, citing that 41% of those victims are between the ages of 13 and 18. She noted that Turning Point believes education is the key to prevention, and she urged the Board members to wear the green ribbons she is presenting them, which is to serve as a reminder for this important cause. She thanked the community on behalf of Turning Point, especially for the block grant funding they receive from the Township to support their organization.

Motion by Mr. Hornung, supported by Mr. Pearl, to receive and file the letter dated March 9, 2010 from Ms. Renee Graham, Community Advocacy Program Coordinator/Volunteer Coordinator for Turning Point Macomb, Inc., with reference to recognizing the month of April as Sexual Assault Awareness Month. Roll Call: Ayes – Hornung, Pearl, Reynolds, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

**3. REQUEST TO POST SIGNS FOR POSTAL CARRIER FOOD DRIVE**

Ms. Debbie Sowa showed one of the signs they would like to post to announce their annual Postal Carrier Food Drive. She replied to inquiry that they would pick the signs up either on Saturday or on the Monday following the food drive, and she added the signs would only be up for a week at the most.

Mr. Carlo Santia, Director of the Department of Planning and Community Development, recommended to the Board that Ms. Sowa check with the Road Commission of Macomb County if they are proposing to put up these signs in the right-of-way. He added that the median along Metropolitan Parkway (16 Mile) is considered road right-of-way, but he suggested they may possibly place the signs on private property on either side of Metropolitan Parkway, if they can secure permission from the individual property owners.

Mr. Cannon inquired as to whether this Board can lend their support as the applicant petitions the Road Commission for permission to locate the signs along Metropolitan Parkway.

Mr. Santia replied that signs in the right-of-way are against the law, so he suspected the Road Commission will deny the request.

Mr. Cannon suggested that possibly they could put signs up on the Civic Center property advertising the event.

Mr. Sowerby suggested that the Board could grant approval for the Postal Carriers to post signs on specific Township-owned properties throughout the Township.

Mr. Santia also noted that Clinton Grove Cemetery has a reader board sign and has allowed the Township to use that sign to advertise civic events, and he felt this event would qualify for that advertisement. He also suggested that this event could be advertised on the Downtown Development Authority's (DDA's) electronic sign on Gratiot Avenue.

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letter received March 23, 2010 from Ms. Debbie Sowa, Food Drive Coordinator for the Mount Clemens Post Office, and approve the installation of signage advertising the Postal Carrier Food Drive to be held on the 2<sup>nd</sup> Saturday in May, with this signage to be located on Township-owned property including the Civic Center, each of the Township's Fire Stations, the Shook Road Water Plant, the Police Station, and the DPW Garage; further, to allow posting of this event on the reader board sign at Clinton Grove Cemetery and the electronic DDA sign along Gratiot Avenue; further, to lend support to the Postal Carriers as they go to the Road Commission to seek approval for the installation of signage along

16 Mile Road for this event. Roll Call: Ayes – Sowerby, West, Reynolds, Hornung, Pearl, Cannon, Fitzgerald. Nays – None. Absent – None. Motion carried.

**4. REQUEST TO CONDUCT TENT SALE – MIKE DORIAN FORD, INC. – 35900 GRATIOT**

Motion by Ms. West, supported by Mr. Pearl, to receive and file the letter dated March 23, 2010 from Ms. Carolyn Dorian, Vice-President of Dorian Ford, and approve the request to hold their annual tent sale at their dealership on May 17<sup>th</sup>, 2010 through July 6<sup>th</sup>, 2010, as outlined in the correspondence. Roll Call: Ayes – West, Pearl, Reynolds, Hornung, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

**5. SPECIAL LAND USE: A TATTOOING & BODY PIERCING BUSINESS IN THE B-3 GENERAL BUSINESS DISTRICT & SITE PLAN FOR CITY SLICKERS TATTOOS & BODY PIERCINGS @ URBAN CONNECT T-SHIRTS & JEANS IN THE PEACHTREE PLAZA**

Motion by Mr. Cannon, supported by Mr. Pearl, to receive, file and concur with the letter dated March 31, 2010 from the Secretary of the Clinton Township Planning Commission and approve the Special Land Use for a tattooing and body piercing business in the B-3 General Business District (City Slicker Tattoos & Body Piercings at Urban Connect T-Shirts & Jeans in the Peachtree Plaza), located on part of Lots 471, 472 and 473, Ingleside Farms #3 Subdivision (Section 22), fronting the west line of Groesbeck Highway, south of Weybridge, addressed as 37291 Groesbeck Highway, with the condition that the hours of operation are limited from 9:00 a.m. to 9:00 p.m. on Mondays through Saturdays, and to be closed on Sundays. Roll Call: Ayes – Cannon, Pearl, Reynolds, Hornung, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

**5A. SPECIAL LAND USE: A RESALE SHOP IN THE B-3 GENERAL BUSINESS DISTRICT & SITE PLAN FOR RERUNS RESALE SHOPPE @ PEACHTREE PLAZA**

Mr. Cannon noted this came before the Board at a previous meeting but was postponed because of a tax issue. He informed that the taxes are now current.

Motion by Mr. Hornung, supported by Ms. West, to receive, file and concur with the letter dated February 19, 2010 from the Secretary of the Clinton Township Planning Commission and approve the Special Land Use for a resale shop in the B-3 General Business District (Reruns Resale Shoppe at Peachtree Plaza), located on part of Lots 471, 472 and 473, Ingleside Farms #3 Subdivision (Section 22), fronting the west line of Groesbeck Highway, south of Weybridge, addressed as 37285 Groesbeck Highway, as submitted. Roll Call: Ayes – Hornung, West, Reynolds, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

**6. REQUEST VARIANCE TO FENCE ORDINANCE: 41295 BEECHWOOD**

Mr. Cannon noted that Mr. Gentry, Building Department Superintendent, has looked at this site and is recommending approval because there are no site issues with the fence.

Mr. Reynolds commented that it is a very attractive fence.

Motion by Mr. Reynolds, supported by Mr. Fitzgerald, to receive and file the letter dated March 27, 2010 from Matthew and Ann Ash, 41295 Beechwood, Clinton Township, Michigan 48038, and, based upon the recommendation of the Building Superintendent, to approve the variance for the privacy fence at 41295 Beechwood, as requested, due to the fact that there are no site issues as a result of the fence. Roll Call: Ayes – Reynolds, Fitzgerald, Hornung, Pearl, Cannon, West, Sowerby. Nays – None. Absent – None. Motion carried.

**7. APPOINTMENTS TO CLINTON-MACOMB LIBRARY BOARD**

The votes were as follows:

Mr. Reynolds:	Mr. Ruggirello and Ms. Pugh
Mr. Hornung:	Mr. Ruggirello and Ms. Pugh
Mr. Pearl:	Mr. Ruggirello and Ms. Pugh
Mr. Cannon:	Mr. Ruggirello and Ms. Pugh
Ms. West:	Mr. Ruggirello and Ms. Pugh
Mr. Sowerby:	Mr. Ruggirello and Ms. Pugh
Mr. Fitzgerald:	Mr. Ruggirello and Ms. Pugh

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated April 6, 2010 from the Administrative Aide and reappoint Mr. Pete Ruggirello and Ms. Elizabeth Pugh to the Clinton-Macomb Library Board, each to fill the upcoming two vacancies for another four-year term to expire on April 30, 2012. Roll Call: Ayes – Pearl, Reynolds, Hornung, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

**8. APPOINTMENTS TO HISTORICAL COMMISSION**

Motion by Mr. Cannon, supported by Mr. Fitzgerald, to receive and file the letter dated April 6, 2010 from the Administrative Aide and reappoint Mr. James Hungerford, Ms. Karen Stephens and Mr. Maxwell Heiderer to the Historical Commission, with terms for three years expiring April 13, 2013. Roll Call: Ayes – Cannon, Fitzgerald, Reynolds, Hornung, Pearl, West, Sowerby. Nays – None. Absent – None. Motion carried.

**9. BID AWARD – PRINTING OF BROCHURES**

Motion by Mr. Reynolds, supported by Mr. Sowerby, to receive and file the letter dated April 8, 2010 from the Director of the Clinton Township Parks and Recreation

Department, and award both the mailing and printing of one year's worth of brochures, which includes The Clinton Currents, Annual Water Report and Parks and Recreation information, to the low bidder, Grand Blanc Printing, with a cost of \$7,281.90 per issue for printing and \$350 per issue for sorting for mailing and delivery to the post office, as outlined in the correspondence. Discussion ensued.

Mr. Sowerby inquired as to how much of a savings they will realize from all sharing one publication.

Ms. Linda Walter, Director of the Department of Parks and Recreation, replied that they will experience a savings of approximately 43%, or \$16,000. She emphasized that they are not compromising in terms of impact or distribution to residents.

Mr. Sowerby noted that they saved money by changing the type of paper on which it is printed, and they changed the look of it.

Ms. Walter felt they may realize even more savings next year. She noted that the printing industry has been having a tough time in this economy, and their prices are very competitive. She noted that The Clinton Currents was only in two of the three issues; however, because of the way the issues are, they will now have another opportunity to get general information in front of families. They will have a couple of pages in the third publication, although it will be smaller than their other publications.

Roll Call: Ayes – Reynolds, Sowerby, Hornung, Pearl, Cannon, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

**10. PAYMENT OF ENGINEER'S PAYMENT CERTIFICATION NO. 6 (FINAL) – SECTION 12 WATER MAIN – CL04-14**

Mr. Pearl indicated that he met with Ms. Bednar, and he appreciated the back-up material; however, in the future, he felt this will come to the Board in a form of Change Order Summary Sheets. He noted that emergency repairs will be done on the approval of the full-time officials, and extension of mains will come before the Board prior to installation. He assured the entire situation will be tightened because they do not want overruns they are not aware of. They need to budget for any outside engineering fees, so they will need to set aside the money for the project, in addition to a contingency fee. He noted that these projects were done in 2005. He appreciated the effort of those who put this together.

Mr. Sowerby stated this is what the Board approved in January as to the new process for payments and interior controls over Water Department issues.

Mr. Westerman indicated that they are possibly a year away from proposing any new projects; however, he assured that when new projects are proposed, specs will be developed and the Board will also be involved in that process.

Ms. Bednar explained that they have twelve more projects like this that need to be closed out. She noted that the back-up information goes back to 2005. She inquired as to whether the Board members want to continue to receive hard copies of all of the backup, or whether they would prefer to receive them as PDF files. She added that she will have a hard copy of the backup in the file.

The Board members all indicated that PDF files would be acceptable and would save paper.

Motion by Mr. Hornung, supported by Mr. Sowerby, to receive and file the letter dated April 6, 2010 from the Township Engineer and approve the final payment of \$25,438.86 to FDM Contracting, Inc., for the Section 12 Water Main Project (CL04-014), as outlined in the correspondence. Roll Call: Ayes – Hornung, Sowerby, Reynolds, Pearl, Cannon, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

**11. PAYMENT OF ENGINEER'S PAYMENT CERTIFICATION NO. 5 – DALE ALLEN, WHITLEY AND LINNE WATER MAIN REPLACEMENT – CL09-005**

Ms. Bednar explained that they are retaining \$5,000 until they can assure the grass grows, and then they will be back on this project to final it out.

Motion by Ms. West, supported by Mr. Fitzgerald, to receive and file the letter dated April 6, 2010 from the Township Engineer and authorize payment of Engineer's Payment Certification No. 5 for the Dale Allen, Whitley and Linne Water Main Replacement (CL09-005) in the amount of \$38,302.27 to C & P Construction Company, as outlined in the correspondence. Roll Call: Ayes – West, Fitzgerald, Reynolds, Hornung, Pearl, Cannon, Sowerby. Nays – None. Absent – None. Motion carried.

**12. 2008 HOME ALLOCATION**

Motion by Ms. West, supported by Mr. Hornung, to receive, file and concur with the letter dated April 6, 2010 from the Chairperson of the Budget/Ways & Means Committee and approve the 2008 HOME Fund allocation as follows: 1) \$25,726 for Solid Ground for operating costs; and 2) \$70,245 for Habitat for Humanity to build a home on Howard Street, with an additional \$37,055 in FY-2009 funds, as outlined in the correspondence. Roll Call: Ayes – West, Hornung, Reynolds, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

**13. SCADA SYSTEM AT GEORGE GEORGE PARK PUMP STATION**

Mr. Sowerby stated that the Director of the Department of Public Works and the Department of Water and Sewer is Mr. George Westerman, who has no affiliation with the Westerman Company mentioned in the letter.

Mr. Westerman explained that the \$18,000 quote received included the mitigation of the SCADA system update, but they are in the process of obtaining other quotes. Once they get the quotes, they will review them and come up with a recommendation and explanation as to why this is in this condition. He indicated it will come back to the Board.

Motion by Mr. Hornung, supported by Mr. Reynolds, to receive, file and concur with the letter dated April 8, 2010 from the Chairperson of the Budget/Ways & Means Committee, with reference to the need to repair a sanitary sewer overflow pump including a SCADA system component at the George George Park Pump Station, and waive the formal bid process, directing Mr. Westerman and Mr. Tresick to secure quotes from qualified companies, and bring them back to the Board as soon as possible. Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

#### **14. DISCUSSION ON NSP PROGRAM**

Mr. Pearl explained that he is concerned about allocating so much money for demolition. He felt the money invested in rehabilitating homes provides an opportunity for people to get into a home who may not have been able to do so otherwise. The other advantage is that it goes back on the tax rolls. He felt more money should be invested into Habitat for Humanity so they can renovate and provide the opportunity for more prospective homeowners to actually own a home. He agreed that there are some homes that need to be demolished, but once they are demolished, the Township would have to continuously maintain that property and it would be off of the tax rolls. He felt more money should be put toward Habitat for Humanity for renovation.

Ms. West inquired as to where Budget/Ways & Means came up with \$700,000 for demolition. She inquired as to whether there is a plan that was submitted by the Planning Department.

Mr. Sowerby replied that he raised the idea, but it was supported at the Budget/Ways & Means Committee meeting. He noted that Mr. Cannon and Mr. Reynolds were both at that meeting. He stated they can talk about how to allocate those dollars. He emphasized that getting people into these homes is what the Neighborhood Stabilization Program (NSP) was all about, but this program started in September.

Mr. Santia replied to inquiry that the NSP began in May of last year.

Mr. Sowerby inquired as to how many people have gotten into specific homes.

Mr. Santia replied that they have closed on five homes at this time, with another closing pending, and they are handling 250 applications. He relayed that the problem has been the banks in working with these homebuyers. The potential buyers go through eight

hours of home ownership counseling, at which time they go to a bank to qualify for a mortgage and that has been the problem. They require a small down payment, of which the NSP can contribute up to \$10,000 in matching funds. He added there is also money for rehabilitation of these homes, up to \$25,000 per home that has to be done before they can move in.

Mr. Sowerby acknowledged that there has been interest in the program but with very little results. He felt Habitat for Humanity has done a good job with helping people achieve home ownership; however, he indicated the population in this area is shrinking and is anticipated to continue to shrink, so not as many homes are needed. He felt these abandoned, run-down foreclosed homes are dragging down the neighborhoods in which they are located. He felt that many of these homes will likely never be inhabited but are causing problems in the neighborhood such as rodent harborage, vagrancy, and illegal drug issues. Mr. Sowerby indicated that if the Board wants to redirect some of these funds, they can discuss it, but he emphasized that this money provides the Township with a chance to save the neighborhoods by demolishing these unsightly structures.

Mr. Santia replied to inquiry that they are currently conducting an inventory. They started last Thursday and in that time covered the area bordered by 14 Mile Road, 15 Mile Road, Groesbeck and Gratiot. He explained that there are stipulations that must be met for a house to be considered for demolition. They have to still be worth over 50% of the value to get the home back to a condition where it can be occupied, and the Building Department would have to certify that. The way the program was established, 25% of those dollars were required for lower income housing. The federal regulations have been revised to allow the Township to use more dollars for organizations such as Habitat for Humanity to provide quality housing in the community. He advised that the Township has already awarded Habitat for Humanity \$500,000, and they have closed on two homes, with the anticipation of closing on two more homes very soon. With the Township's conversations with the representatives from Habitat for Humanity, they are certain that they can get homeowners in these homes quickly. He stated he did not want to negate the need for demolition.

Discussion took place regarding the fact that the money can be allocated at this time and always revised in the future as the Township deems necessary.

Motion by Mr. Hornung, supported by Ms. West, to receive and file the letter dated April 8, 2010 from the Chairperson of the Budget/Ways & Means Committee, and allocate the remaining \$1 million of the Township's Neighborhood Stabilization Program (NSP) funds, made available through the American Recovery and Reinvestment Act of 2009 for neighborhood stabilization, with \$700,000 toward the demolition of blighted homes within the Township's neighborhoods and \$300,000 toward the rehabilitation of homes, working with Habitat for Humanity, who will purchase the homes, renovate them and secure qualified buyers; further, this is to be evaluated after three months, with the understanding that this recommendation can be modified at a later date. Discussion ensued.

Mr. Pearl stated he does not disagree with Mr. Sowerby's points, but he felt the Township needs to work with Habitat for Humanity where people will be rewarded with the opportunity for home ownership. He cautioned that once a home is demolished, "you can't help anyone". The money would be gone. He suggested allocating \$700,000 for Habitat for Humanity and \$300,000 for demolition, acknowledging that this amount could be adjusted in the future.

Mr. Hornung felt that if they find only twenty homes that fit the guidelines for demolition, they can then reallocate the remainder of the money. He suspected there are more than twenty homes that could be demolished.

Mr. Pearl felt if they look, they may find sixty homes, but his point is that once that \$700,000 is spent on demolition, they will no longer have that money to fix up homes and give people the opportunity they may have otherwise had to become a homeowner in Clinton Township and prosper in this community. He felt the rehabilitation of homes is a better expenditure of the money.

Mr. Hornung felt that if there are dilapidated homes that are causing eyesores and lowering the values of the surrounding area, that is a real problem.

Mr. Reynolds stated he was on the committee when they came up with the recommendation. He inquired as to how long Mr. Santia felt it will take to identify how many of the homes in the Township would be meet the criteria for demolition.

Mr. Santia replied that they will be able to identify them rather quickly, possibly within the next couple of weeks, but whether or not they can purchase them, depending upon whether or not the owner is willing to sell, may take some time. If they would be forced to take it to court, that is not an option.

Mr. Reynolds stated he would like to see the report. If the Township has sixty homes that would qualify for demolition and the dollars are available for that purpose, that would be great, but he would like to see more information.

Mr. Fitzgerald acknowledged that the Neighborhood Stabilization Program is great but has had a slow start, which many communities have experienced as well. He felt that "to find a home that fits the bill, and then find a person to fit the home" is a difficult process. He advised that they can continuously monitor this and adjust the funds as necessary; however, they have to allocate the money or they are in jeopardy of losing it. He felt they should move forward with this and continue to monitor it.

Mr. Roger Holtslander, 23140 Wellington Crescent, Clinton Township, Michigan 48036, felt there are a lot more than sixty homes in the Township that need to be torn down. He had mentioned at a previous meeting that the Township will need a lot of money to tear these homes down. The City of Detroit has experienced this and they are still trying to

find more money to tear these homes down. Mr. Holtslander suspected that the population who can now afford homes has dropped and will continue to drop dramatically. He felt the jobs many people have do not pay them enough money to support home ownership, so there will be more people living in apartments and trailers. He recalled that a vacant house in the area where he grew up was torched. He looked at a lot of these homes when this program first came out to see if he could afford a home, but he claimed that most of the homes in his price range were in unbelievably poor condition a year ago, and he could only imagine that they have deteriorated more in the last year. He stressed he is glad to see the Township allocate funds for the demolition of blighted homes.

Mr. Cannon felt that Mr. Sowerby is correct in that southeast Michigan is projected to have fewer people; however, for some reason, Macomb County actually has more. He admitted that there are a lot of abandoned homes. He indicated that no matter which way they divide the allocation of funding tonight, he felt it will end up being changed. He stated he would be willing to allocate \$500,000 for demolition and \$500,000 for Habitat for Humanity to rehabilitate homes, and those amounts can be changed at a later date. He acknowledged that arguments for both sides are valid and that is why he would be in favor of splitting the allocation equally at this time.

Mr. Reynolds requested that the Board be provided a report in thirty days as to the number of homes that would be eligible for demolition under current guidelines.

After much discussion, Mr. Hornung amended his motion on the floor to change the allocation of funds to reflect \$500,000 toward the demolition of blighted homes and \$500,000 toward the rehabilitation of homes, working with Habitat for Humanity.

Ms. West amended her support of the motion.

Roll Call (on amended motion): Ayes – Hornung, West, Reynolds, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

#### **15. 2010 COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATION OF FUNDS**

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive, file and concur with the letter dated April 6, 2010 from the Chairperson of the Budget/Ways & Means Committee and, in light of the notification from HUD that the annual 2010 Program Year funding was increased by 7.6%, or \$39,927, approve an increase in the Administration & Planning as required, with 15% to be allocated to the Public Service Programs already proposed and the balance, \$25,952, to be added to the Sidewalk program, as outlined in the correspondence. Roll Call: Ayes – Pearl, Reynolds, Hornung, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

**16. RECOMMENDATION ON APPOINTMENT OF SYSTEMS CONTROL SUPERVISOR**

Motion by Mr. Sowerby, supported by Mr. Fitzgerald, to receive, file and concur with the letter dated March 25, 2010 from the Superintendent of the Department of Water & Sewer and appoint Mr. Richard Amormino to the position of Systems Control Supervisor effective immediately; further, this is a lateral transfer and is approved in the current budget. Discussion ensued.

Mr. Sowerby inquired as to Mr. Amormino's current position.

Mr. Westerman replied to inquiry that he is Meter Shop Supervisor.

Mr. Sowerby inquired as to whether that will mean that position will then become vacant.

Mr. Westerman replied that he has sent a letter to the Vacancy Review Committee to request to fill that position. He advised he will approach Mr. Cannon about temporarily filling that position. He added that Mr. Amormino has been very involved in the meter change-out, the mechanical division and fleet repair, and has been very busy.

Roll Call: Ayes – Sowerby, Fitzgerald, Reynolds, Hornung, Pearl, Cannon, West. Nays – None. Absent – None. Motion carried.

**17. DISCUSS RETAINING ATTORNEY DENNIS DUBAY TO ASSIST IN CONTRACT NEGOTIATIONS**

Mr. Cannon explained that the Board gave direction in Closed Session to request that Mr. Dubay assist in contract negotiations, and this formalizes that direction given.

Motion by Mr. Cannon, supported by Ms. West, to authorize retaining attorney Dennis Dubay for the purpose of assisting in contract negotiations between the Township and the Firefighters bargaining unit. Discussion ensued.

Mr. Fitzgerald noted that decisions with regard to expenditure of funds cannot be made in Closed Session. He added, however, that he does not have any backup and inquired as to whether something else should be presented tonight with regard to this matter.

Mr. Cannon replied there is no other documentation to be submitted.

Mr. Fitzgerald inquired as to the location of Mr. Dubay's office.

Mr. Chuck Towner, Township Attorney, replied to inquiry that Mr. Dubay is with the legal firm Keller Thoma in Detroit. He specializes in employment and labor issues and represents numerous municipalities. Mr. Towner replied to inquiry that Mr. Dubay's fees are \$165 per hour, although others in his firm with lesser experience are at a lesser rate.

Mr. Fitzgerald inquired as to Mr. Towner's fees. Discussion ensued.

Mr. Towner replied that his rate is \$105 or \$110 per hour, and it has been at that rate for ten years.

Mr. Fitzgerald commented that the \$165 per hour is a higher rate than what they are currently paying, and he does not know anything about Mr. Dubay. He has done some investigating and felt the firm "is not very labor-friendly".

Mr. Cannon disagreed and felt Mr. Dubay has an excellent reputation as a negotiator. He reminded that the Board has never come out of Closed Session to discuss strategy and he did not feel it is appropriate to enter into such a discussion at this time.

Considerable discussion took place and questions were addressed to Mr. Towner as to whether he would remain on as legal counsel.

Mr. Towner responded that he will remain on and assist, and he had no objection to Mr. Dubay being involved in the Firefighter negotiations. Mr. Towner stated they are making progress with the union negotiations and their next meeting is scheduled for April 14<sup>th</sup>, with mediation scheduled for April 20<sup>th</sup>. He replied to inquiry that regarding total costs for Mr. Dubay's services, if the contract is resolved on Wednesday, April 14<sup>th</sup>, he anticipated the cost for Mr. Dubay could be very low; however, if there is legal action, it will be great to have Mr. Dubay on board, but the cost could be several thousand dollars for a few days in court, or it could reach well into hundreds of thousands of dollars if it goes to the Supreme Court. Mr. Towner clarified that there is no way of telling right now what the total costs will be. He reminded that the Board reviews bills on a regular basis so they will be aware of what he is being paid. Mr. Towner stressed that the hourly fee of \$165 is lower than what he anticipated, but it is most likely because every municipality is suffering and costs such as these are typically lower in the depressed economy.

Mr. Fitzgerald expressed reservations on hiring Mr. Dubay. He suggested postponing action on this.

Mr. Reynolds recalled that the budget was approved without the layoffs and the stipulation that it would be brought back before the Board in sixty days to see if there had been any progress with union concessions. He was confident that Mr. Towner is capable of negotiating and he felt they should wait to see what happens before making a decision to retain the services of Mr. Dubay.

Mr. Sowerby inquired as to when the negotiations with the Firefighters began.

Mr. Towner responded the negotiations began about a year ago.

Mr. Sowerby felt that in that year, they have not gotten very far. They have mediation scheduled for April 20<sup>th</sup>, and negotiations coming up on Wednesday.

Mr. Towner noted that the Human Resources Director does a lot of the negotiating.

Mr. Sowerby clarified that Mr. Towner is the Township's labor attorney, and he applauded him for bringing in another attorney with expertise in the labor-negotiating field. He inquired as to whether Mr. Dubay is being brought in only for negotiating the Firefighters contract.

Mr. Towner replied affirmatively. He replied to further inquiry that many attorneys charge between \$300 and \$350 per hour, so he felt Mr. Dubay's fees are very reasonable.

Mr. Sowerby was surprised his fee is \$160 per hour, which he felt is a good price. He felt it is a good move to bring in Mr. Dubay, especially considering that the end result could greatly impact the severe financial situation of the Township. He felt this is "money well spent", so he stated he is following the advise of the Township attorney and voting in favor of retaining the services of Mr. Dubay.

Mr. Bob Hogan, 36755 Barr Street, Clinton Township, Michigan 48035, stated that he goes into the court a couple of times a week, and he noted that they bring in witnesses who have certain areas of expertise. He claimed they often get paid \$350 per hour, so he felt Mr. Dubay's fees of \$165 per hour are very reasonable.

Mr. Simon Haddad, 37796 East Horseshoe Drive, Clinton Township, Michigan 48036, appreciated the Clerk's fiscal concern, but he stated he "knows what Mr. Dubay is about" and suggested that anyone interested can "google" his name on line. He noted that Mr. Dubay has had some cases go as high as the Supreme Court. He felt it is time to "get the job done" and hire Mr. Dubay at what he considered a "bargain rate for a specialized niche of law", and he felt they should not lose sight of the larger picture. He urged the Board to hire Mr. Dubay.

Mr. Reynolds indicated that he "googled" Mr. Dubay online and noted that he has won a lot of cases that saved communities money, but he also observed that he has lost a lot of cases that have cost the communities a lot of money.

Roll Call: Ayes – Cannon, West, Hornung, Sowerby. Nays – Reynolds, Pearl, Fitzgerald. Absent – None. Motion carried.

#### **18. REQUEST TO ATTEND 2010 HOMELAND SECURITY CONFERENCE**

Mr. Paul Brouwer, Emergency Management Coordinator, explained that he had originally requested five positions but was granted three. He was unable to find three people from Clinton Township who could attend, so he gave one up. He noted that the Fire Department now has one individual, so he requested that they authorize sending two

people. He estimated that the cost for one individual was going to be \$886.60; however, since they would be sharing some of the costs (transportation, etc.), the cost for two should be around \$1,137. He stressed this is 100% reimbursed. He replied to inquiry that it is one of the senior firefighters who would be going.

Mr. Sowerby inquired as to whether this will involve any overtime as a result of having one less firefighter for the duration of the conference.

Mr. Brouwer replied that the Fire Chief never mentioned anything to him about it.

Mr. Cannon replied that the Fire Chief has been excused from tonight's meeting.

Mr. Sowerby inquired as to whether there is a reason that the firefighter has to go.

Mr. Brouwer replied that Deputy Chief Glashauser contacted him to see if it would be possible if one of his employees could go because they could use the training. He replied to further inquiry that he believed it will be Senior Fire Medic Paul Brouwer who will be attending.

Ms. West felt it will be good that another person has that training.

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated March 23, 2010 from the Emergency Management Coordinator and authorize two (2) people to attend the 2010 Homeland Security Conference at an estimated cost of \$1,137.00, which is 100% reimbursed from Macomb County through the 2008 Urban Area Strategic Initiative Grant Program. Further, this approval is granted for the second person to attend contingent upon no overtime being incurred as a result of his being away for this conference. Roll Call: Ayes – Pearl, West, Reynolds, Hornung, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

#### **19. REQUEST TO SCHEDULE CLOSED SESSION TO DISCUSS CONTRACT NEGOTIATIONS**

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

Motion by Mr. Pearl, supported by Mr. Reynolds, to schedule a Closed Session immediately following tonight's meeting for the purpose of discussing contract negotiations. Roll Call: Ayes – Pearl, Reynolds, Hornung, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

#### **APPROVAL OF MINUTES OF MARCH 22, 2010 SPECIAL MEETING AND MARCH 29, 2010 REGULAR TOWNSHIP BOARD MEETING**

Motion by Fitzgerald, supported by Mr. Sowerby, to approve the minutes of the March 22, 2010 Special Township Board Meeting, as presented. Roll Call: Ayes – Fitzgerald,

Sowerby, Reynolds, Hornung, Pearl, Cannon, West. Nays – None. Absent – None.  
Motion carried.

Motion by Mr. Fitzgerald, supported by Mr. Reynolds, to approve the minutes of the March 29, 2010 Regular Township Board Meeting, as presented. Roll Call: Ayes – Fitzgerald, Reynolds, Hornung, Pearl, Cannon, West, Sowerby. Nays – None. Absent – None. Motion carried.

### **APPROVAL OF BILLS**

Motion by Mr. Hornung, supported by Mr. Reynolds, to approve the bills as presented. Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

### **PUBLIC COMMENTS**

There was one public comment:

Mr. Simon Haddad, 37796 East Horseshoe Drive, Clinton Township, Michigan 48036, thanked the Board members who voted to hire Mr. Dubay for contract negotiations. He indicated that on January 8<sup>th</sup>, 2010, he requested that an item be added to a Township Board agenda. The request was for a discussion to be held on House Bill 5665, which would repeal Public Act 312. He was told that the Township Board does not have to add items to the agenda if they feel it is not related to the matters of the Township. He claimed that numerous agenda items have been added since that time and he questioned why those were more pressing than his request. He felt that the Board members are quick to point out what other communities are doing when they want to do likewise; however, he accused them of “not pointing out what other communities are doing when it is good for the community at large”. He hoped the actions taken by Washington, Shelby and Harrison Townships in supporting House Bill 5665 carry forward to Clinton Township. Mr. Haddad presented Mr. Cannon with a letter of request to have a discussion on House Bill 5665 placed on a Township Board agenda. He included copies of action taken by other local townships.

**ADJOURNMENT**

Motion by Mr. Sowerby, supported by Ms. West, to adjourn the meeting. Roll Call: Ayes – Sowerby, West, Reynolds, Hornung, Pearl, Cannon, Fitzgerald. Nays - None. Absent – None. Motion carried. The meeting adjourned at 8:06 p.m.

Respectfully submitted,

GEORGE FITZGERALD, CLERK  
CHARTER TOWNSHIP OF CLINTON