

**CHARTER TOWNSHIP OF HARRISON
REGULAR BOARD MEETING
OCTOBER 9, 2007**

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

EXCUSED: Jan P. Jorgensen, CMC, Clerk

ALSO PRESENT: Robert Huth, Township Attorney
Marge Lucido, Deputy Clerk
Dave Nummer, Township Engineer
Carl Seitz, Fire Chief

BOARD FORUM

Board Members addressed individual resident concerns.

The meeting opened at 7:30 p.m. with the Pledge of Allegiance.

MOTION TO APPOINT AN ACTING CLERK FOR THE OCTOBER 9, 2007 REGULAR BOARD MEETING DUE TO MRS. JORGENSEN'S EXCUSED ABSENCE

Motion by Mr. York, seconded by Mr. Garvin to appoint Mr. Rice as Acting Clerk for the Regular Board Meeting of October 9, 2007. MOTION CARRIED.

Motion by Mr. Rice, seconded by Mr. Garvin to turn the Acting Clerk responsibilities to the Deputy Clerk, Marge Lucido for the Regular Board Meeting of October 9, 2007. MOTION CARRIED.

APPROVAL OF CONSENT AGENDA:

Motion by Mr. York, and seconded by Mr. Garvin to approve the consent agenda with the removal of the following items to be placed and discussed under the Regular Agenda; Approval of the Regular Board Meeting Minutes of 9/24/07, Special Board Meeting Minutes of 9/26/07, The Bills in the Amount of \$1,328,004.35 and the Retiree Drug Subsidy Payment in the Amount of \$28,892.87. MOTION CARRIED.

APPROVE REAPPOINTMENT OF ANDREW HOUDE - FIREFIGHTER REPRESENTATIVE TO FIREFIGHTER'S PENSION BOARD FOR A FOUR YEAR TERM, TO EXPIRE ON JULY 31, 2011

Motion by Mr. York, and seconded by Mr. Garvin to approve the reappointment of Andrew Houde – Firefighter representative to Firefighter’s Pension Board for a four (4) year term, to expire on July 31, 2011. MOTION CARRIED.

APPROVAL OF THE ASSOCIATION OF DEFENSE COMMUNITIES ANNUAL MEMBERSHIP FEE IN THE AMOUNT OF \$150.00

Motion by Mr. York, and seconded by Mr. Garvin to approve the Association of Defense Communities Annual Membership Fee in the amount of \$150.00. MOTION CARRIED.

APPROVAL OF THE REGULAR AGENDA

Motion by Mr. Garvin, and seconded by Mr. Rice to approve the Regular Agenda and to add the following items: The Regular Board Meeting Minutes of 9/24/07 as A.1, The Special Board Meeting minutes of 9/26/07 as A.2, The Bills in the amount of \$1,328,004.35 as A.3, and the Retiree Drug Subsidy Program in the amount of \$28,892.87 as A.4. MOTION CARRIED.

APPROVAL OF THE REGULAR BOARD MEETING MINUTES OF 9/24/07

Mrs. Eineman requested that the minutes under Supervisor and Board Announcements on page 2 of 11 be corrected to include it was announced “**by Mrs. Eineman**” and under Board Comments on page 10 of 11 that “**families of board members are also being unduly attacked which is wrong**”, that it was “**this**” board, and to comment “**on agenda items and at the end of the meeting, that board members are human and**”. A Resident offered their comment.

Motion by Mr. Rice, seconded by Mr. Garvin to approve and accept the changes of the 9/24/07 Regular Board Meeting Minutes as presented by Mrs. Eineman, as follows; under Supervisor and Board Announcements on page 2 of 11 it was announced “by Mrs. Eineman” and under Board Comments on page 10 of 11 “families of board members are also being unduly attacked which is wrong”, that it was “this” board, and “on agenda items and at the end of the meeting, that board members are human and”. MOTION CARRIED.

APPROVAL OF THE SPECIAL BOARD MEETING MINUTES OF 9/26/07

Mrs. Eineman requested that the minutes on page 4 of 4 be corrected to include. “**that is true and**”. A Board member asked Mr. Huth if the Township could be sued for Mr. Forlini’s action. He stated that the township can always be sued, but he feels this does not have any merit.

Motion by Mr. York, seconded by Mr. Garvin to approve the minutes of 9/26/07 Regular Board Meeting Minutes as presented by Mrs. Eineman, as follows; page 4 of 4 “that is true and”. MOTION CARRIED.

APPROVAL OF THE BILLS IN THE AMOUNT OF \$1,328,004.35

After discussion and questions by the Board the Bills were approved as presented.

Motion by Mr. Garvin, seconded by Mr. Ulinski to approve the Bills in the Amount of \$1,328,004.35 as presented. MOTION CARRIED.

RETIREE DRUG SUBSIDY PAYMENT IN THE AMOUNT OF \$28,892.87

A Board member stated that Mr. Spencer has spent a lot of time and effort into successfully establishing the Retiree Drug Subsidy (RDS) program on behalf of the Township, and complimented him for all of his hard work and that the Township receives financial benefit by participating in the program.

Motion by Mr. Garvin, seconded by Mr. Rice to receive and file the Retiree Drug Subsidy Payment in the amount of \$28,892.87. MOTION CARRIED.

SUPERVISOR/BOARD ANNOUNCEMENTS

It was announced that Waterfront Park is completed and many improvements have been made throughout the park. The Supervisor stated there will be a Grand Opening soon and will ask the Parks and Rec Committee to be part of the Grand Opening. The Fire Department will be hosting the 3rd Annual We Give Thanks for our Seniors free Flu Shots on Friday, October 26, 2007. The staff from St. John North Shores Hospital will be on the road with the Fire Department and will provide Free flu shots, Blood pressure checks, and Health & safety information. They will also provide a smoke detector and carbon monoxide checks, and will supply free smoke detectors if needed, while supplies last. There are a limited number of appointments available for this "on the road" service. Please call Kelly at (586) 466-1450 to reserve your spot, Monday - Friday from 8:00 a.m. to 4:30 p.m. Walk in Flu Clinic for Harrison Township Seniors is on Saturday, October 27, 2007 from 9:00 a.m. - 11:00 a.m. at the Harrison Township Fire Hall Station No. 2, 39460 Jefferson Avenue. The shuttle will run on Saturday for two hours if anyone needs transportation to get their flu shot. Please call in advance to make a reservation. He also mentioned that Rosso Hall and the Beaufait Addition have a new roof. Metro Beach park passes will be available to purchase on November 19, 2007, the cost is \$13.00 and are available to Harrison Township residents only. The Macomb County Sheriff's Department is providing fire arm safety locks, anyone interested in keeping fire arms safe contact the Sheriff's Department at (586) 469-5151. This past weekend Parks and Rec hosted their 2nd Annual "Run like a Mother", some runners indicated that it was the best event. Congratulations to Run like a Mother Committee on a job well done.

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

APPROVAL TO PURCHASE HURST TOOL RESCUE EXTRICATION EQUIPMENT FROM APOLLO FIRE EQUIPMENT IN THE AMOUNT OF \$11,750.00

The Fire Chief stated the Jaws of Life is actually a brand of tools that is trademarked by the Hurst Jaws of Life Company. The Fire Department carries one set of Hurst Tool equipment on each of their engines operating out of two fire stations. When Engine 2 was purchased in 2006, its

extrication equipment was updated with a new power unit and two refurbished ram tools. Much of the Hurst equipment on Engine 1 is over 15 years old and needs to be replaced. The expenditures have been budgeted for from fire rescue line item #977.002.

Motion by Mr. Garvin, seconded by Mr. Ulinski to approve to purchase two (2) ram tools, a Hurst Power unit and a Rescue Saw from Apollo Fire Equipment in the amount of \$11,750.00 expenditures will be from fire rescue line item #977.002. MOTION CARRIED.

HISTORICAL COMMITTEE

QUOTES FOR IMPROVEMENTS TO OLD TOWNHALL

At the Regular Board Meeting of 9/10/07 the Board directed the Supervisor to work with the Building Department to prepare quote specifications for the work to be done in restoring the Old Town Hall, and for the Supervisor's Office to seek quotes and have them returned to the Clerk's Office in two weeks. The Clerk's Office has received one (1) quote from Kehrig Construction, Inc. in the amount of \$15,040.00 for the improvements. Linda Karczewski Historical Commission liaison stated that she had contacted several contractors but the Township has only received one (1) quote. Mr. Garvin read the letter dated September 14, 2007 from the Building Official for the Overall Scope of Project for 38355 L'Anse Creuse (Old Town Hall). After lengthy discussion by the Board and the Historical Commission liaison the Board decided to direct the township attorney to review the ADA requirements and the Board would assist the Historical Commission in good faith to get plans together and send out for bids. Residents offered their comments.

Motion by Mr. Garvin, and seconded by Mr. Ulinski, to have the Township Attorney review the ADA requirements and threshold and advise on what to do to move ahead. The Board will assist the Historical Committee in good faith to get plans, send for bids and bring back to the next Regular Board meeting. MOTION CARRIED.

SUPERVISORS' OFFICE

BOARD DIRECTION ON FILL DIRT AT TUCKER PARK

The Township Engineer stated that he had a meeting with the contractor to discuss the fill dirt. The contractor stated that he would move the dirt off of the resident's property and onto the Township's property, level off, grade, seed and mulch for \$3,200.00 or the contractor could remove the dirt and take it to a land fill and there would be a tipping fee. A Board member asked the Engineer who directed the contractor to place the fill dirt at the park. The Engineer stated that the township gave the direction to place the fill in the park. When asked further he stated John Gabor directed the contractor and there was no authorization by the Supervisor's Office. The Board discussed the options and felt that the dirt was not clean but it could still be leveled, graded, seeded and straw put on top and let it set for the winter and top off with some seed in the spring, for less money. The Township Engineer commented on permits, application and survey lines. He also recommended before moving the dirt to have the surveyor go out to establish the property line to make sure that the material is placed on the right property. Residents shared their comments.

Motion by Mr. York to approve to pay the contractor \$3,200.00 to take care of the dirt at Tucker Park.

Mr. York withdrew his motion.

Motion by Mr. Rice, seconded by Mr. Garvin to have the contractor bring the dirt to where they were originally instructed on the lot line, fill in the holes in the play area and bring to the same grade as the other property and the Township to plant seed and cover with straw in the amount of \$2,000.00. MOTION CARRIED.

TRUSTEE'S REQUEST

UPDATE FROM TOWNSHIP ATTORNEY TO DISCUSS THE CURRENT ORDINANCE AND UNION CONTRACT RELATIVE TO RETIREMENT FOR ELECTED OFFICIALS AND THEIR DEPUTIES

The Township Attorney stated that he was asked to review the status of the pension issues relating to the elected officials' public retirement benefits. He indicated that he paid particular attention to the vesting requirements. With respect to vesting period in terms of the contract there is an inconsistency in the vesting period when reviewing §70 121 of the ordinance which states "Subject to the provisions of the applicable labor contract". The Township Attorney advised that the Ordinance should acknowledge that the Union Contract takes precedence over the Ordinance. It was advised by the Attorney that any changes should be made during contract negotiations and not by Board action. Based on previous court rulings the Attorney felt that a change made by Board action would not be upheld in court. Residents shared their comments.

Mrs. Eineman arrived at 9:10 p.m.

Motion by Garvin, and seconded by Mr. York to receive and file the Township Attorneys report and to direct the committees to remember that any changes should be made during contract negotiations and not by Board action. MOTION CARRIED.

DISCUSSION OF MR. YORK'S PRESS RELEASE

The Board questioned Mr. York's press release regarding the hiring of a Superintendent. The discussion was centered on the appropriateness of Mr. York's use of official township letterhead for the announcement. A board member stated that the press release should have been from the Desk of Darrin York that he was not speaking on behalf of Township. Mr. York stated that he did do the press release and did not agree with the actions of the Trustees at the prior nights Special Meeting and that the Superintendent position was not on the agenda for the meeting. Residents shared their comments.

Motion by Mr. Garvin, and seconded by Mr. Ulinski to receive and file the discussion of Mr. York's press release. MOTION CARRIED.

REVIEW OF FISHMAN GROUP RETAINER AGREEMENT TO ASSIST IN HUMAN RESOURCE MANAGEMENT

A board member questioned the \$30,000.00 that the Township has spent on the Fishman Group. The Supervisor stated that the bills have been adjusted and they have spent approximately \$17,760.00. Some board members questioned the value of the Township’s use of the Fishman Group. Residents shared their comments and concerns.

Motion by Mr. York, seconded by Mr. Forlini, to receive and file the review of the Fishman Group Retainer Agreement to Assist in Human Resource Management. MOTION CARRIED.

PUBLIC COMMENTS

1. Resident, Kurt Studing stated that he attended the Special Board Meeting and that it should not have been held in the Administration Conference Room, did not feel safe and should be televised for the residents. He also commented that he did not appreciate reading about the meeting in the newspaper.
2. Resident, Mark Reifert commented that Harrison Township is a great place to live. He spoke to the Board Meetings and would like the Board to take care of business and be professional. He questioned if there was another way to notify residents of special meetings.
3. Resident, Jim Senstock, asked the Board if they had the report that was prepared by the Community Planning for the 155 acres of property the Township purchased. He also commented that all meetings and workshops should be noticed on the cable and website and be taped.

BOARD COMMENTS

1. Mr. Ulinski commented on the Fishman Group and that he would like to see the Township Attorney handle the Township’s Human resources issues.

Motion by Mr. Ulinski, seconded by Mrs. Eineman that Board Comments for all Regular Meetings and Special Meetings begin at one end of the table or the other and proceed seat by seat not passing by any one Board Member.

Roll Call: Ayes: Eineman, Ulinski, Rice, York
Nays: Garvin, Forlini
Excused: Jorgensen
MOTION CARRIED.

The Supervisor commented that the change in hearing Board Comments be brought to the next Regular Board Meeting as an agenda item. He feels that to make this motion at Board Comments is improper and that the Supervisor should be last to speak. Resident comments were heard.

- 2. Mrs. Eineman spoke to a variety of issues including the Superintendent position and to the establishing committee to look into that position, school property, human resources, the bid process and the 155 acres of the property the Township purchased.
- 3. Mr. York, spoke to the newspaper article regarding his deputy.
- 4. Mr. Forlini spoke to a resident’s comments regarding lack of police protection, and vandalism to resident’s property and stated that he will contact Sheriff Hackel to speak at the next Regular Board Meeting. He also commented on 155 acres of property, Township Superintendent position and the committee formed to look into that position and directed questions to the Township Attorney to what if any authority the committee has.
- 5. Mr. Garvin commented on a variety of issues including human resources, 155 acre parcel, and comments regarding a resident.
- 6. Mr. Rice commented on the Governor raising taxes, the entrance to the community and where weeds are overgrown and who is responsible for the cleanup, and Bridgeview Bridge traffic.

CLOSED SESSION

CLOSED SESSION TO CONSULT WITH THE TOWNSHIP ATTORNEY REGARDING THE WINOWSKI V HARRISON TOWNSHIP AND V. PARAKH LITIGATION, CASE NO. 07-2221-AW AND TO DISCUSS IAFF 1737 FIREFIGHTERS NEGOTIATIONS

Motion by Mr. Garvin, and seconded by Mr. Ulinski to enter into Closed Session regarding the Winowski V. Harrison Township and V. Parakh Litigation, Case No. 07-2221-AW and to Discuss IAFF 1737 Negotiations at 11:25 p.m.

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

OPEN SESSION

Motion by Mr. Garvin, and seconded by Mr. Rice to enter into Open Session at 12:30 a.m.

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

Motion by Mr. Garvin, seconded by Mr. York to authorize the Township Attorney to sign the Consent Judgment similar to the one presented incorporating comments from closed session for among other things including boat slip rental, mutual duties to operate in good faith, ZBA authority and ZBA rights. **MOTION CARRIED.**

Motion by Mr. Garvin, seconded by Mr. Ulinski to direct the Supervisor to continue on with IAFF 1737 Firefighter negotiations as directed by the Board including the three (3) full time Officials. MOTION CARRIED.

ADJOURNMENT

Motion by Mr. Garvin, and seconded by Mr. Ulinski to adjourn. Meeting adjourned at 12:33 a.m. MOTION CARRIED.

Prepared by,

Submitted by,

**Margaret Lucido, Deputy Clerk
Charter Township of Harrison**

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

Approved by,

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