

**CHARTER TOWNSHIP OF LYON  
BOARD OF TRUSTEES  
MEETING MINUTES  
February 3, 2003**

Approved as submitted March 3, 2003.

DATE: February 3, 2003  
TIME: 7:00 PM  
PLACE: 58000 Grand River

Call to Order: Supervisor Shigley called the meeting to order at 7:00 PM.

Roll Call: Present: Joseph Shigley, Supervisor  
Patricia Carcone, Treasurer  
Pamela Johnson, Clerk  
Ray Bisio, Trustee  
Daniel Cash, Trustee  
Steven Adams, Trustee  
Lannie Young, Trustee

Also Present: Matthew Quinn, Township Attorney  
Chris Olson, Township Superintendent  
Chris Doozan, Township Planner  
Tracey Balint, Township Engineer  
Larry Phillips, Building Official  
Les Cash, Fire Chief

Guests: 34

**1. APPROVAL OF THE CONSENT AGENDA**

- Approval of Special Meeting Minutes of December 12, 2002
- Approval of Regular Meeting Minutes of January 6, 2003
- Approval of Disbursements
- Engineer Monthly Report
- Building Department Report – Monthly & 2002 Annual
- Fire Department Monthly Report
- Sheriff Department Report
- Zoning Officer Report
- Earth Tech – WWTP Operating Report
- December Financial Reports – Un-audited

Ms. Johnson made a motion to approve the consent agenda as submitted. Mr. Bisio supported the motion.

Roll Call Vote: Ayes: Bisio, Carcone, Cash, Johnson, Shigley, Young, Adams  
Nays: None

Motion approved.

## 2. CALL TO THE PUBLIC ON NON-AGENDA ITEMS

Harold Grove, 28735 Hovey Lane, read the following prepared statement:

"Dear Board Members,

With your busy schedules you may not have had time to read the article in this past Sunday's

Detroit News regarding pay raises for the Officials of the City of Dearborn. So let me take a

brief moment to read this article to you:

DETROIT NEWS – Dearborn Mayor, Council to Reject Pay Raises

Dearborn Mayor, Michael Guido and the Dearborn City Council have promised to reject, as early as Tuesday, raises proposed by the Local Officers Compensation Commission. The Officials said it is unfair to take raises when the economy is weak. This Commission meets every two years to recommend salary increases.

I find it very interesting though that a City like Dearborn, which has a much larger cash base

than Lyon Township and could probably justify salary increases, being fiscally responsible in rejecting increases. Why do they feel that our economy impacts our lives and Lyon

Township don't realize this? Also, let it be noted that due to the economy, the refreshments that have

been provided to our Firefighters during an incident, a fire fighting incident, have been rejected or deleted from our budget. How can on one hand justify raises for yourselves and

then on the other hand we can't afford a few hundred dollars to serve refreshments to our Firefighters while they are out fighting fires? Thank you."

Mr. Olson stated that no such rejection has occurred. Mr. Shigley stated that he is not aware of

this happening. Mr. Olson stated that this is a supply that is budgeted for every year in the budget

for the Fire Department. He stated that this has not been eliminated from the budget. He stated

that he is not sure what Mr. Grove is referring to by this, but this is really not the case. Mr. Grove

stated that he received this information from somebody in the Township, that is a pretty reputable

source. Mr. Shigley stated that they will look into this.

Douglas Lang, 24770 Fairview Drive, submitted a petition to deny a SAD for the paving of Griswold

Road.

Bill Bullard stated that he represented Lyon Township in the State Legislature for twenty years. He stated that his term ended December 31, 2002. He expressed his appreciation to the Board for all the help and cooperation that they have given him. He stated that he is now serving as a County Commissioner for four Townships (Highland, Rose, Holly and Springfield). He stated that he has told Jeff Potter, the new County Commissioner for Lyon Township, that if he needs any help to fight for Lyon Township, he will be more than happy to help in whatever way he can.

Mr. Shigley stated that he and the entire Board would like to thank Mr. Bullard for all the work that he has done for the Township in the past.

Jeff Potter, Oakland County Commissioner, stated that with all the budget cuts that are going to be coming from the State, one of his critical priorities is going to be to preserve and protect infrastructure spending and possibly expand it in areas of critical economical growth. He stated that the Board members and any residents are welcome to give him a call anytime at (248) 437-7597.

Troy Schilling, 57780 Twelve Mile Road, stated that he is looking for an update on the legal issues of the Township, such as the Mill River Development which is in litigation. Mr. Shigley stated that he does not have any information on this, but Mr. Schilling is welcome to come into to the Township and talk to Mr. Olson.

Bill Palmer, 55535 Woody Lane, stated that he understands that Lyon Township is growing and would like to suggest that the Board and Planning Commission expediently enforce the Ordinances with regard to cutting trees down by developers. He stated that he does not want to see developers needlessly cutting trees down or filling in swamps. He stated that he used to be a hunter and loves animals. He now feeds the animals and takes pictures of them.

Bob Roggendorf, 59300 Montego Drive, stated that he has not read or heard anything about an item that he read in the paper. This item dealt with Block Grant Funds for tearing down blighted buildings. He questioned if there is anything that is happening with the garden center,

which looks like an absolute horrendous building which is dilapidated and should be torn down.

Mr. Shigley stated that they are working on this and the residents should see some action very shortly. Mr. Adams asked Mr. Phillips to give the Board an update on this.

Mr. Phillips stated that they have been working with the owner of the garden center since the first of the year to work out an agreement where the owner pays for half and the Township pays for half of the demolition. He stated that last week he would have given a more enthusiastic report, but they have now reached a stalemate in working out the final terms. He stated that they are still working on this and hopefully it will happen real soon.

Mary Corridore, 55444 Woody Lane, expressed a number of concerns with regard to the expansion of the River Bank Golf Course, which encompasses the former Pebble Creek Golf Course.

Ron Dowdy, 55545 Woody Lane, stated that he is not there to say that they should put a stop to the building and development within the Township. He stated that he would like to see this done with the rules and regulations of the Township followed and enforced.

Robin Allen, 28550 Tindale Trail, discussed Continental Aluminum. He stated that he was walking the bike path yesterday behind Continental and noticed some metal containers that were marked Hazardous Waste. He questioned why these were not being stored within the building. He asked that the Township investigate this.

### 3. APPROVAL OF AGENDA

The following items were added to the agenda under Unfinished Business:

- Continental Aluminum – Hazardous Waste Storage
- Discussion – Disposal of Old Computers
- Discussion – Fire Department Rules and Regulations
- Kojaian REU Fees – Tabled at the last meeting until tonight's meeting
- Discussion Reports – 2002 and 2003 Budget and Fire Department Investigation
- Executive Session at the end of the meeting

Mr. Bisio made a motion to approve the agenda as modified. Mr. Adams supported the motion.

Voice Vote:                      Ayes: All  
   Nays: None

Motion approved.

**4. ANNOUNCEMENTS AND COMMUNICATIONS**

a. Status Report on Park and South Lyon Jaycees

Mr. Olson gave a brief status report on the clean up of the spilled fuel in the Park.

b. Trustees Report on MTA Annual Conference

Each Board member gave a brief report of the events that took place at the MTA Annual Conference this year. Each Board member felt that it was very beneficial.

c. MIOSHA Report

Tim Blackwood of the Fire Department gave a brief report on the status of the MIOSHA violations.

**5. UNFINISHED BUSINESS**

**a. Discussion of Township Office Hours – Trustee Bisio**

Mr. Olson stated that before the Board tonight is a survey and breakdown of other municipalities and the hours that their office is open for business. He discussed the hours that are indicated on the breakdown.

Mr. Bisio stated that at the last meeting he made a recommendation that the Board consider increasing the hours that they service the public. The current schedule for all departments in the Township is 8:30 AM to 4:30 PM. He stated that he would like to propose that they increase the hours for all departments in the Township from 8:30 AM to 5:00 PM. He felt that the increased schedule would help service the residents of the Township better.

Mr. Bisio made a motion to increase the service hours of all departments at the Township Hall.

The new hours would be 8:30 AM to 5:00 PM and would be effective no later than Monday, March 3, 2003. Mr. Adams supported the motion

Mr. Shigley asked if there were any comments regarding the motion from the Board.

Ms. Carcone stated she and Ms. Johnson stay late almost every night. She stated that the hours

of 8:30 AM to 4:30 PM have been in effect for as long as she has been with the Township. She stated that the Board just gave everybody a raise and when asked if the employees are going to be compensated for the extra time, the answer was no.

Ms. Johnson stated that she has discussed this with a number of the staff. She stated that it is not that they would terribly mind staying until 5:00 PM, but they felt that to better service the public the office hours should remain as they are and just have one evening that they stay open late.

Mr. Adams stated that he felt that compensation in this case would not be necessary because some of hours could be staggered. He stated that a full staff would not be needed.

Ms. Carcone stated that they work with a very minimum staff. They are not a White Lake or Independence or Commerce Township.

Mr. Young stated that he personally does not care if they go with Mr. Bisio's motion or if they go with extended hours one day a week. He stated that he does feel that they do need to match the average with the understanding that the Department Heads handle the hours. If they are not busy, then the Department Head can send someone home.

Mr. Bisio stated that they need people available when the residents have a problem. He stated that by making this change they would be in line with the rest of the communities in the area. He stated that the Department Heads can have the flexibility of scheduling the employees. He stated that coming from a business background, he would like to see the Township run as a business. He stated that the MTA stresses this.

Mr. Shigley asked if there were any public comments.

Troy Schilling, 57780 Twelve Mile Road, stated that by extending the hours to 5:00 PM really is not going to help him because he works until 5:00 PM. He stated that if you want to be innovative, staying open late one night would better serve the residents. He stated that the employees of the Township do a great job and will stay late to wait, if they are asked to.

Mr. Adams asked Ms. Carcone and Ms. Johnson if they would be agreeable to extending the hours one night a week. Ms. Johnson responded that the employees she spoke with were agreeable to this rather than the 8:30 AM to 5:00 PM. Ms. Carcone stated that she has not talked with her employees about this and would rather not comment until she does.

Bob Roggendorf, 59300 Montego Drive, stated that the extra half hour would really not do anything. He stated that he would rather see the office stay open late one evening a week. He felt that by doing it this way, it would be beneficial to the residents.

Frank Corridore, 55444 Woody Lane, stated that if the Board asks the employees to work extra hours, they should be compensated for their time. He stated that they should not be asked to do something for nothing. He also felt that staying open late one night a week would be more beneficial than staying open an extra half hour every day.

Mr. Bisio stated that he is getting the feeling that it would be better to stay open late one night rather than an extra half hour every day. There was brief discussion as to what night would be the best night to accomplish this.

Mr. Shigley stated that there is a motion on the floor, which has been seconded. He stated that they should vote on this motion unless the person who made the motion would like to withdraw the motion. There was no response, therefore, a vote was taken.

Roll Call Vote:           Ayes: Cash, Shigley, Adams, Bisio  
                                  Nays: Carcone, Johnson, Young

Motion approved.

Mr. Cash stated that he would like to have Ms. Carcone and Ms. Johnson report at the next meeting the day that they would like to have the office open late and the hours they would suggest.

#### **b. Continental Aluminum – Hazardous Waste Storage**

Bill Altgilbers, President, Continental Aluminum, explained the operation of the bag houses and what is contained in the barrels marked Hazardous Waste. He noted that basically all of the dust that comes out of the bag house is treated as hazardous waste. It is sampled and tested and

approximately 90% of it goes to a landfill with 10% going to hazardous waste. He stated that all of this is documented with the MDEQ.

Mr. Shigley questioned if this is monitored by MDEQ. Mr. Altgilbers responded that it is.

Mr. Young questioned if the containers are dated. Mr. Altgilbers responded that they are marked as to which bag house they come from along with the date.

Mr. Adams questioned if these are actually stored outside. Mr. Altgilbers responded that the actual storage pad is built outside. Mr. Adams questioned if these are sealed containers. Mr. Altgilbers responded that it is a nylon bag which attaches to the bag house. This then goes into a plastic bag which is sealed and then put into a metal container which is sealed and labeled Hazardous Waste.

Mr. Young questioned if there is a MDEQ requirement that requires this material to be stored outside. Mr. Altgilbers responded that he does not know if it is required that it be stored outside, but the containment area where it is stored has always been outside. Mr. Young stated that being on the Planning Commission when Continental came forward for their expansion, he knows that one of the conditions that was put on the expansion was that there be no outside storage. He stated that if this condition is being violated, then it is a violation against the permit that was issued. He stated that he would like to review the minutes from those meetings. Mr. Altgilbers stated that the bag house is actually outside.

### **c. Discussion – Disposal of Old Computers**

Mr. Adams stated that the Board voted to replace the computers in the Township. He felt that the old computers, which still have life in them, should be given to somebody that has need for them. Ms. Johnson stated that there has been some discussion of the possibility of donating these units to the South Lyon Youth Assistance Program. She stated that the computers are still usable.

They are not able to be used at the Township because they cannot be networked. Ms. Johnson stated that the hard drives would have to be cleaned out. Mr. Quinn stated that the Township really cannot donate anything unless there is a determination made by Administration that they have no market value, otherwise the Township is obligated to attempt to dispose of them by going out for bid.

Mr. Adams made a motion to have Chris Olson investigate and determine the proper disposal, methods of possibly donating or handling of the old computer equipment. Mr. Bisio supported the motion.

Mr. Shigley asked if there are any comments regarding the motion from the Board.

Ms. Johnson stated that the Fire Department has some older computers and would like to see them get first chance at these because they are newer than what they currently have.

Mr. Shigley asked if there were any public comments. There were none.

Roll Call Vote:           Ayes: Cash, Johnson, Shigley, Young, Adams, Bisio, Carcone  
                              Nays: None

Motion approved.

**d. Discussion – Fire Department Rules & Regulations**

Mr. Adams stated that what this entails is a release from the ACLU which talks about the gag rule being unconstitutional. He stated that the only reason he brings this out is because Lyon Township was named in the release. He stated that he would like to present this to the Board for their review and potential action.

Mr. Olson stated that he saw this last week and has already asked Mr. Quinn to look at this to make sure that they Township is in compliance.

**e. Kojaian REU Fees (Tabled at the January meeting)**

Mr. Quinn noted that this issue was tabled at the last meeting and was accidentally left off tonight's agenda. It was noted that there is no new information.

Mr. Young made a motion to table the Kojaian REU issue until the next meeting. Mr. Bisio supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Voice Vote:            Ayes: All  
                              Nays: None

Motion approved.

**f. Discussion – Reports – 2002 and 2003 Budget and Fire Department Investigation**

Mr. Olson gave a brief report with regard to the 2002 and 2003 budget. He also updated the Board on the status of the Fire Department investigation.

**6. NEW BUSINESS**

**a. Request to Rezone 13.8 acres for I-1, Light Industrial to R-1.0, Residential-Agricultural South side of Pontiac Trail, east of Old Plank Road**

Mr. Doozan reviewed the comments indicated in the December 19, 2002 McKenna Associates, Inc. letter. He stated that after a public hearing, the Planning Commission recommended approval of the rezoning based on the findings cited in the letter. He stated that since this is a change to an Ordinance, there would have to be two readings, with tonight being the first reading.

Ms. Johnson made a motion to consider this the first reading of the request to rezone 13.8 acres from I-1, Light Industrial to R-1.0, Residential-Agricultural. Mr. Adams supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote:           Ayes: Johnson, Shigley, Young, Adams, Bisio, Carcone, Cash  
                                  Nays: None

Motion approved.

**b. Resolution of Compliance for Computerized Tax Roll and Request for Oakland County to Apply for use of Computerized Tax Roll – Treasurer Carcone**

Ms. Carcone explained that the Township already really complies with this. Oakland County wants them to be State certified. In order to do this, they need to pass a resolution.

Mr. Cash made a motion to approve a resolution to be in compliance with the requirements of computerized tax roll and request for Oakland County to apply for use of computerized tax roll. Ms. Carcone supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote:           Ayes: Shigley, Young, Adams, Bisio, Carcone, Cash, Johnson  
                              Nays: None

Motion approved.

**c. Request to address the Board regarding electric Horse Containment Fence on Dixboro Road –**

**Peter Neary**

Peter Neary, 843 W. Hills Drive, explained that his neighbor recently installed an electrically charged horse containment fence. He noted that the fence is completely on his neighbor's property. He stated that he is not allowed to install fences in his subdivision.

Mr. Shigley stated that he has read the letter submitted by Mr. Neary and noted that these types of issues usually go through the Zoning Enforcement Department.

There was further discussion with regard to this issue. The owner of the fence, Ray Koczynski, 23020 Dixboro Road, stated that if Mr. Neary would like to pay for a fence, he could put the fence on his property.

After discussion, it was determined that the Board would prefer that the two home owners work this out between themselves. There was no formal action taken by the Board.

**d. Executive Session for Discussion of Pending Litigation**

Ms. Carcone made a motion to close the regular meeting and go into an Executive Session to discuss pending litigation. Ms. Johnson supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

The regular meeting was closed and the Executive Session was opened at 8:47 PM.

Mr. Quinn discussed a written Attorney/Client privilege communication that has been supplied to the Board and the pending litigation.

Mr. Young made a motion to close the Executive Session and re-open the regular meeting. Ms. Carcone supported the motion.

Voice Vote:           Ayes: All

Nays: None

Motion approved.

The Executive Session was closed and the regular meeting was re-opened at 9:18

PM.

## 7. **Adjournment**

Mr. Adams made a motion to adjourn the meeting. Ms. Carcone supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved. The meeting was adjourned at 9:19 PM.

Respectfully Submitted,

**Deby Cothery**

Deby Cothery  
Recording Secretary

Pamela Johnson  
Clerk