

**CHARTER TOWNSHIP OF LYON
BOARD OF TRUSTEES
MEETING MINUTES
April 4, 2005**

Approved as corrected May 2, 2005.

DATE: April 4, 2005
TIME: 7:00 PM
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Young called the meeting to order at 7:00 PM.

2. **Pledge of Allegiance**

3. **Roll Call:** Present: Lannie Young, Supervisor
Patricia Carcone, Treasurer
Pamela Johnson, Clerk
Dan Cash, Trustee
Brent Hemker, Trustee
John Hicks, Trustee
Troy Schilling, Trustee

Also Present: Matthew Quinn, Township Attorney
Chris Olson, Township Superintendent
Chris Doozan, Township Planner
Leslie Zawada, Township Engineer
Loren Crandell, Township Engineer
Les Cash, Fire Chief

Guests: 38

4. **APPROVAL OF THE CONSENT AGENDA**

- Approval of Regular Meeting Minutes of March 7, 2004
- Approval of Disbursements
- Engineer Fee Schedule for 2005
- Engineer Monthly Report
- Earth Tech WWTP Operations Report
- Monthly Department Reports (Fire, Zoning Officer, Building and Sheriff)
- Sheriff 2004 Annual Report
- Blitzfest 2005 to be held in Park
- Fire Department Dispatch Services Contract
- Memo from Treasurer

Ms. Carcone made a motion to approve the consent agenda as submitted. Mr. Cash supported the motion.

Mr. Hemker noted that there was not an Engineering or Building Department report in their packets. Ms. Johnson noted that these reports were received late and were placed on the head table.

Mr. Hemker stated that he would like to see which month they are approving for the reports. He

stated that he would not like to see anything put on the Consent Agenda for approval, if it is going to show up on the desk the night of the meeting.

Mr. Hemker made a motion to pull the Building Department and Engineer monthly reports from the Consent Agenda. Also, remove Blitzfest from the Consent Agenda and add under Item 14 on the agenda. Mr. Schilling supported the motion.

Ms. Johnson stated that she would like the opportunity to correct the typographical errors in the March 7, 2005 minutes.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Ms. Carcone amended her motion to include the items that were removed. Mr. Cash supported the amendment to the motion.

Roll Call Vote: Ayes: Schilling, Young, Hemker, Cash, Johnson, Hicks, Carcone
 Nays: None

Motion approved.

5. ANNOUNCEMENTS AND COMMUNICATIONS

Ms. Carcone informed the public that she settled with the County last Monday and received roll confirmation today. She stated that the Township collected over \$24,000,000 in taxes.

Mr. Hicks stated that they received a resolution from another Township regarding a liquor license. He stated that this is not on the agenda but feels that it should be added. Ms. Johnson stated that she will add it to the May 2, 2005 agenda.

6. CALL TO THE PUBLIC

Jim Hamilton, 24200 Martindale Road, stated that he believed that awhile back there was discussion with regard to the Township Hall sign. He stated that he would like to see an improved sign for the Township Hall. He stated that he would like to see this issue put on a future agenda.

Ray Dryer, 1375 Cartwright Lane, introduced himself to the Board. He is a member of the South Lyon City Council.

Darcy Hollon, 24300 Martindale Road, gave an update of the traffic light situation at the Ten Mile and Martindale Roads intersection. She noted that she asked Danielle, Road Commission for Oakland County, if they could do a presentation to the Board describing how all the signals work in the Township. She stated that Danielle indicated that she would discuss this with her Supervisor and get back her.

Les Duff, 57220 12 Mile Road, stated that he was at Board meeting last month and expressed concern with the neighbor next door's yard. He noted that he followed this up with a letter to each Board member summarizing what he said. He stated that he also went before the Tax Review Board and indicated that they were appalled with the way that the neighbor is allowed to keep his property. He stated that he has also followed up with the Building Official and the Zoning Enforcement Officer. He further discussed this situation.

Robin Allen, 28550 Tindale Trail, questioned the status of his request that a Township wide clean-up be organized. He noted that there was a letter in the South Lyon Herald last week about Salem Township, who has an annual clean-up.

7. APPROVAL OF AGENDA

The following items were requested to be added to the agenda:

- Larry Phillips – Service Agreement (Unfinished Business)
- Mill River Revision (Unfinished Business)
- Mowing Bids (New Business)
- Dust Contract (New Business)
- Treasurer’s Conference (New Business)
- Les Duff issue (New Business)

Mr. Hemker made a motion to approve the agenda as amended. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

8. Public Hearing for Timber Trail Sanitary Sewer and Water Improvements Proposed Special Assessment District.

Ms. Zawada explained that Timber Trail consists of one property. She stated that it is a project to assess the water and sewer. The property is located north of Eleven Mile Road on the west side of Martindale Road. This is a proposed project to extend the water and sewer internally on the site. The total amount of the assessment is approximately \$157,226.32.

Ms. Carcone made a motion to close the regular meeting and open the public hearing for the Timber Trail Sanitary Sewer and Water Improvements Proposed Special Assessment District. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. Public Hearing opened at 7:18 PM.

Darcy Hollon, 24300 Martindale Road, asked if Ms. Zawada could turn the displayed map around so that the public can see what she is talking about. Ms. Zawada turned the map and briefly explained the project.

There were no other public comments.

Ms. Carcone made a motion to close the public hearing for the Timber Trail Sanitary Sewer and Water Improvements Proposed Special Assessment District and re-open the regular meeting. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The regular meeting re-opened at 7:21 PM.

9. Public Hearing for Eleven Mile Road Paving and Milford Road and Spaulding Road Water Main Improvement Proposed Special Assessment District.

Ms. Zawada gave a brief presentation of this proposed project. She stated that the amount of assessment is \$3,676,575.

Ms. Carcone made a motion to close the regular meeting and open the public hearing for the Eleven Mile Road Paving and Milford Road and Spaulding Road Water Main Improvement Proposed Special Assessment District. Mr. Schilling supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The public hearing opened at 7:23 PM.

There were no public comments.

Ms. Carcone made a motion to close the public hearing for the Eleven Mile Road Paving and Milford Road and Spaulding Road Water Main Improvement Proposed Special Assessment District and re-open the regular meeting. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The regular meeting re-opened at 7:24 PM.

10. Public Hearing for Spaulding Road Sanitary Sewer Improvement Proposed Special Assessment District

Ms. Zawada gave a brief explanation of this project. She stated that this project entails extending sewer north of Eleven Mile Road north along Spaulding Road. The total cost of this project is \$1,027,687.50.

Ms. Carcone made a motion to close the regular meeting and open the public hearing for the Spaulding Road Sanitary Sewer Improvement Proposed Special Assessment District. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The public hearing opened at 7:25 PM.

There were no public comments.

Ms. Carcone made a motion to close the public hearing for the Spaulding Road Sanitary Sewer Improvement Proposed Special Assessment District and re-open the regular meeting. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The regular meeting re-opened at 7:26 PM.

11. Public Hearing for Woodwind Well Improvements Proposed Special Assessment District #3.

Ms. Zawada gave a brief explanation of this project. The participants in this project are the Woodwind PD and Phase I of Kirkway Estates. The cost of this project is \$469,186.69. Of this amount, \$103,834.50 is the Township's contribution. The total amount of assessment is \$365,352.19.

Ms. Carcone made a motion to close the regular meeting and open the public hearing for the Woodwind Well Improvements Proposed Special Assessment District #3. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The public hearing opened at 7:27 PM.

Christina Dunne, 51800 Nine Mile Road, questioned who would benefit from this well. She was concerned with the amount of money that the Township will be putting into this, if the entire Township will not benefit from this.

Mr. Quinn explained that the Township's portion, which is considered a general obligation, will be paid back to the Township by one of the property owners, Woodwind Investment Company. He stated that the \$103,834.50 represents the donation of the water taps by Woodwind Investment to the School District. He stated that this well is not costing the Township anything.

Judy Roscoe, 25700 Milford Road, expressed concern with the wells in the area. She questioned if water will be made available to the residents there now before their wells dry up. She stated that there is a lot of water that will be pulled out of the ground.

Mr. Crandell gave a brief overview of the project. He stated that he does understand the resident's concerns. He explained the hydro-geological study that they did to determine the water in the area. He also explained the Township's goal in getting water and sewer throughout the Township and the routes that they will be taking. Ms. Zawada noted that the wells are approximately 200' deep.

Chris Roberts, McKenzie Lane, stated that it is his understanding that the Township is creating a giant loop of wells that will all be donated to the Township. He stated that the Woodwind well is the only one that will have the iron removed from the water. He questioned how will this affect all the other wells throughout the system. Mr. Crandell responded that the Woodwind Well has enough water for the whole Township.

Darcy Hollon, 24300 Martindale Road, questioned if the Township is planning on providing water to everyone in the Township. She noted that she is kind of in an isolated area and that the sewers are not really coming her way. Mr. Crandell stated that the system has the capacity for the whole Township. He stated that the Township does not have any plans to extend it to individual property owners. He stated that usually if a resident wants the utility, there is usually a special assessment district established.

Judy Roscoe, 25700 Milford Road, questioned if the Engineers have any idea how big the aquifer is and how long it will last. Mr. Crandell stated that the amount of water they have taken out has not had any significant affect.

Ms. Carcone made a motion to close the public hearing for Woodwind Well Improvements Proposed Special Assessment District No. 3 and re-open the regular meeting. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The regular meeting re-opened at 7:40 PM.

11. UNFINISHED BUSINESS

a. Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for the Timber Trail Sanitary Sewer and Water Main Improvement Special Assessment District

Mr. Quinn explained that this is the second resolution in the SAD process. The total construction cost and sale of REU's is \$157,226.32. He stated that this resolution is in proper form for the Board's consideration and adoption.

Mr. Hemker made a motion to adopt the Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for the Timber Trail Sanitary Sewer and Water Main. Mr. Hicks supported the motion.

Mr. Young asked if the Board any comments regarding this issue. There were none.

Roll Call Vote: Ayes: Young, Schilling, Hemker, Carcone, Cash, Johnson, Hicks
 Nays: None

Motion approved.

b. Resolutions Setting Hearing Date on Special Assessment Roll for Timber Trail Sanitary Sewer and Water Main Improvement Special Assessment District.

Mr. Quinn explained that this resolution will schedule a public hearing for the roll for May 2, 2005 and ask the Clerk to make the usual publications and mailings.

Mr. Cash made a motion to adopt the Resolution Setting the Hearing Date on Special Assessment Roll for Timber Trail Sanitary Sewer and Water Main Improvement Special Assessment District. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments regarding the motion. There were none.

Roll Vote: Ayes: Johnson, Hicks, Cash, Hemker, Schilling, Young, Carcone
 Nays: None

Motion approved.

c. Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for the Eleven Mile Road Paving and Spaulding Road and Milford Road Water Improvement Special Assessment District.

Mr. Quinn explained that with the comments made by Ms. Zawada during her presentation, paragraph three of the resolution the construction costs and the share of the district will read \$3,677,575. He stated that with this change this resolution is ready for the Board's adoption.

Mr. Hicks made a motion to adopt the Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for the Eleven Mile Road

Paving and Spaulding Road and Milford Road Water Improvement Special Assessment District.
Mr. Cash supported the motion.

Mr. Young asked if there were any comments regarding the motion. There were none.

Roll Call Vote: Ayes: Hemker, Cash, Johnson, Hicks, Young, Schilling, Carcone
 Nays: None

Motion approved.

d. Resolution Setting Hearing Date on Special Assessment Roll for the Eleven Mile Road Paving and Spaulding Road and Milford Road Water Improvement Special Assessment District.

Mr. Quinn explained that this resolution will schedule a public hearing for the roll for May 2, 2005 and ask the Clerk to make the usual publications and mailings. He noted that the new figure will be inserted in paragraph one of this resolution.

Mr. Hicks made a motion to adopt the Resolution Setting Hearing Date on Special Assessment Roll for the Eleven Mile Road Paving and Spaulding Road and Milford Road Water Improvement Special Assessment District for May 2, 2005. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments regarding the motion. There were none.

Roll Call Vote: Ayes: Carcone, Johnson, Hemker, Cash, Schilling, Young, Hicks
 Nays: None

Motion approved.

e. Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for the Spaulding Road Sanitary Sewer Improvement Special Assessment District.

Mr. Quinn explained that this resolution will have a new figure of \$1,027,687.50 inserted in paragraph

three, per comments made by Ms. Zawada during her presentation. He stated that with this change, this resolution is in proper form for the Board's approval.

Mr. Hicks made a motion to adopt the Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for the Spaulding Road Sanitary Sewer Improvement Special Assessment District in the amount of \$1,027,687.50. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments regarding the motion. There were none.

Roll Call Vote: Ayes: Johnson, Hicks, Young, Carcone, Hemker, Schilling, Cash
 Nays: None

Motion approved.

f. Resolution Setting Hearing Date on Special Assessment Roll for Spaulding Road Sanitary Sewer Improvement Special Assessment District.

Mr. Quinn explained that this resolution will schedule the public hearing for May 2, 2005. He stated that in paragraph one the construction cost figures will change, as previously indicated.

Mr. Schilling made a motion to adopt the Resolution Setting the Hearing Date on Special Assessment Roll for Spaulding Road Sanitary Sewer Improvement Special Assessment District for May 2, 2005 in the amount of \$1,027,687.50. Ms. Carcone supported the motion.

Mr. Young asked if there were any comments regarding the motion. There were none.

Roll Call Vote: Ayes: Hemker, Young, Hicks, Johnson, Carcone, Schilling, Cash
 Nays: None

Motion approved.

g. Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for the Woodwind Well System Improvement Special Assessment District No. 3.

Mr. Quinn explained that this special assessment district was originally approved and is under construction with the original funds. He stated that this amount of construction costs covers the overages on the project through the completion date.

Mr. Hemker made a motion to adopt the Resolution Determining Sufficiency of Petitions and Necessity of Improvements and Designating Special Assessment District for the Woodwind Well System Improvement Special Assessment District No. 3. Mr. Hicks supported the motion.

Roll Call Vote: Ayes: Cash, Hicks, Young, Schilling, Hemker, Carcone, Johnson
 Nays: None

Motion approved.

h. Resolution Setting Hearing Date on Special Assessment Roll for the Woodwind Well System Improvement Special Assessment District No. 3.

Mr. Quinn explained this resolution will schedule the public hearing for May 2, 2005.

Mr. Schilling made a motion to adopt the Resolution Setting Hearing Date on Special Assessment Roll for the Woodwind Well System Improvement Special Assessment District No. 3 on May 2, 2005. Mr. Hicks supported the motion.

Roll Call Vote: Ayes: Young, Schilling, Carcone, Hemker, Cash, Johnson, Hicks
 Nays: None

Motion approved.

**i. Amended Resolution of Tentative Declaration of Intention to Make Improvements for the Southwest Sanitary Sewer Improvement Special Assessment District.
1. Consideration for Resolution regarding Aspen PD**

Mr. Quinn explained that this is being amended from the first resolution that the Board adopted when this SAD was established. He stated that since that time, some properties have been deleted and some properties have been added. He stated that whenever they add to an adopted district they have to adopt an amending resolution. He stated that it shows that the estimated costs of \$7,250,000, all of which will be assessed against the properties within the district. He stated that he would like to add an item 4d. He stated that there is going to be a request for purchasing of REU's within this district. He stated that the following should be noted in

4d, "REU's purchases to be assessed against the lands within the district will be determined by the hearing on the roll".

Mr. Cash made a motion to adopt the Amended Resolution of Tentative Declaration of Intention to Make Improvements for the Southwest Sanitary Sewer Improvement Special Assessment District and Item 4d, which was added by Legal Counsel. Ms. Carcone supported the motion.

Mr. Young asked if there were any questions or comments from the developer. There were none. He then asked if there were any comments from the Board. Ms. Carcone questioned how many REU's might be involved in this. Ms. Zawada responded that right now there is just under 1,700 REU's. She noted that this may change a little at the roll.

Roll Call Vote: Ayes: Schilling, Carcone, Cash, Young, Hicks, Hemker, Johnson
 Nays: None

Motion approved.

j. Resolution Determining Necessity of Improvements and Designating Special Assessment District for the Southwest Water Main Improvement Special Assessment District

Mr. Quinn explained that this resolution deals with the Southwest Water Main. The cost estimate on this project is \$2,900,688, will be assessed against the land within the district. He stated that this is the resolution that determines that these improvements are necessary for the special assessment district can be created.

Mr. Cash made a motion to adopt the Resolution Determining Necessity of Improvements and Designating Special Assessment District for the Southwest Water Main Improvement Special Assessment District. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments. Ms. Carcone questioned if there are any pre-purchase of water taps on this. Mr. Quinn responded that there is not.

Roll Call Vote: Ayes: Hemker, Cash, Carcone, Schilling, Young, Hicks, Johnson
 Nays: None

Motion approved.

k. Resolution Setting Hearing Date on Special Assessment Roll for Southwest Water Improvement Special Assessment District

Mr. Quinn explained that the public hearing for the roll will be held June 6, 2005

Mr. Hemker made a motion to adopt the Resolution Setting Hearing Date on Special Assessment Roll for Southwest Water Improvement Special Assessment District for June 6, 2005. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments regarding the motion. There were none.

Roll Call Vote: Ayes: Hicks, Carcone, Schilling, Johnson, Cash, Young, Hemker
 Nays: None

Motion approved.

l. Approval of Copperwood PD (AP-03-10) Publication 3/24/05

Mr. Quinn stated that when the approval of the Copperwood PD was before the Board last month they forgot to check to see if the policy had been followed, with regard to all proposed zoning ordinances being published in the newspaper before the Board can consider them. He stated that this policy was adopted by the previous Board of Trustees. He stated that there was a little confusion, but now the publication has been made. He stated that the Board's only consideration this evening would be a motion to approve the Copperwood PD with the language contained in the motion of last month.

Mr. Hemker made a motion to approve the Copperwood PD based on the motion that was made last month and the language included in that motion. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments regarding the motion. There were none.

Roll Call Vote: Ayes: Carcone, Hemker, Cash, Schilling, Hicks, Yong, Johnson
 Nays: None

Motion approved.

**m. Second Reading and Proposed Adoption of Retiree Ordinance 2005 Amendments
Published 3/24/05**

Mr. Quinn stated that the first reading of this ordinance was adopted last month. He stated that this was properly published and is ready for the Board's consideration of a second reading and adoption.

Mr. Hicks made a motion to adopt the second reading and proposed adoption of the Retiree Ordinance 2005 Amendments Published on 3/24/05. Ms. Carcone supported the motion.

Mr. Young asked if there were any questions or comments. Mr. Hicks questioned some of the language as it relates to the Supervisor. He stated that it was suggested that they strike the word "Supervisor" from this. Ms. Carcone stated that it would only apply to a full-time Supervisor who worked for 20 years. Mr. Hicks noted that it does not specify full-time. Mr. Quinn stated that this would be a separate ordinance because it was not included in the first reading of this ordinance amendment. He stated that all the Board is considering this evening is what is before them. He stated that if there is an intention to change another portion of this, then it would have to be brought before the Board at the next meeting.

Mr. Hemker stated that he has the same complaints as he expressed at last month's meeting with regard to this. Mr. Schilling stated that he still has the same concerns as he expressed at the last meeting.

Mr. Young asked if there were any public comments. John Bell, 23103 Currie Road, stated that he wants to confirm that the current Library personnel and any future Library personnel will not be involved in this. Ms. Johnson stated that the only Library personnel that was affected by this was the Librarian. Mr. Bell stated that they do not have a full-time Librarian at this time, but in the future when the hire one, will this affect this person. Ms. Johnson stated that it will.

Roll Call Vote: Ayes: Hicks, Cash, Yong, Johnson, Carcone
 Nays: Schilling, Hemker

Motion approved.

n. Conditional Zoning Ordinance – 2nd Reading (Request to table due to publication)

Mr. Quinn stated that this item did not get a second publication in the newspaper prior to today's date, therefore, this should be tabled until the next meeting.

Mr. Hemker made a motion to table the second reading of the Conditional Zoning Ordinance until the next meeting. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Olson briefly discussed the possibility of a fee being charged for this type of application. He stated that they don't have any direction from the Board as to how this should be handled. Mr. Quinn stated that this would be a policy as to whether the Board wants one fee or two. He stated that there are two applications for conditional rezoning, each with different criteria in them. He stated that it is up to the Board to set the policy. After brief discussion regarding fees, the consensus of the Board was to have a resolution prepared for action at next month's meeting.

o. Kirkway PD – Approval of revised PD Documents and Kirkway Estates Condominium

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated March 30, 2005 regarding this issue.

Ms. Carcone made a motion to approve the revised PD documents and Kirkway Estates Condominium Master Deed and Bylaws subject to the conditions cited in the March 30, 2005 McKenna Associates, Inc. letter. Ms. Johnson supported the motion.

Mr. Young asked if there were any comments regarding this from the Board. Ms. Carcone asked the developer when these lots will be split. The developer responded as soon as he can. Mr. Quinn stated that they can't be split until he submits his letter.

Roll Call Vote: Ayes: Johnson, Hemker, Hicks, Carcone, Young, Schilling, Cash
 Nays: None

Motion approved.

p. Award of Contract for West Pontiac Trail Water Main and Sanitary Sewer.

Rick Genrich, Multi Building, summarized the information cited in his letter to the Board dated March 21, 2005. He stated that they have selected a contractor for the project. The low bid was received from Star Contracting, who has worked well with Giffels-Webster in the past. He noted that Star Contracting has also done work in the Township in the past. The low bid was in the amount of \$2,237,070.07.

Mr. Cash made a motion to award the contract for the West Pontiac Trail Water Main and Sanitary Sewer to Star Contracting for the amount of \$2,237,070.07. Mr. Hemker supported the motion.

Mr. Young asked if there were any comments regarding the motion. Mr. Quinn questioned if this is one contract for both water and sewer. Mr. Crandell responded that it is one contract. He stated that it will be separated as they go along.

Roll Call Vote: Ayes: Hemker, Johnson, Hicks, Cash, Young, Carcone, Schilling
 Nays: None

Motion approved.

q. Employee Pension Vesting Plan

Mr. Hemker made a motion with regard to the Employee Pension Plan that the Township has for full-time employees, that a six year graded vested schedule be adopted where after two years it is 20%, then 20% per year and after six years it would be 100% vested. This would be effective for new employees. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments regarding this motion. Mr. Cash stated that he would like to see this stopped at five years in lieu of six years. Ms. Johnson liked the seven year schedule that Mr. Hemker included in his e-mail.

John Bell, 23103 Currie Road, questioned if this would have an impact on the Library personnel. Ms. Johnson stated that this would come out of the Library's budget.

Chief Cash stated that with regard to the elected officials, that when they run for office they know that they have a 10% package. He stated that if they don't get re-elected then the four year plan is being brought in. He stated that they would not be getting what they anticipated.

Roll Call Vote: Ayes: Hicks, Carcone, Young, Schilling, Hemker
 Nays: Johnson, Cash

Motion approved.

r. Personnel Manual Draft

Mr. Hemker stated that the sub-committee met on several occasions and went through the personnel manual that Mr. Cash and others had worked on a few years ago. He noted that they tweaked some things here and there and have now brought it to the Board for their review. He stated that they would like to send this out to a Labor Attorney for review so that they know that it is in compliance with the law. Mr. Quinn stated that he can send this out to a Labor Attorney that their firm uses.

Mr. Schilling made a motion to have the personnel manual draft sent out to a Labor Attorney for review and comment. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments regarding the motion. Mr. Hicks discussed some of the language. Mr. Hemker noted that some of the language in this document was there and that the point of sending it to a Labor Attorney for review is to catch language that needs to possibly be re-worded.

Mr. Young stated that somewhere along the line the Township Superintendent is going to review this document. He questioned if it would be appropriate to send this to a Labor Attorney for review and comment before the Superintendent reviews it. Mr. Hemker responded that they did meet with Mr. Olson last week and did incorporate his comments into this draft. Mr. Olson noted that he was able to attend one meeting and did note a number of concerns.

Mr. Young asked if there were any public comments. John Bell, 23103 Currie Road, questioned how this will impact the Library personnel. He questioned if the Library should have their own personnel manual. Mr. Olson responded that the Library already has their own personnel manual.

Chief Cash stated that he went through the manual and has nine questions that he would like to

get some clarification on.

Roll Call Vote: Ayes: Cash, Schilling, Hemker, Johnson, Carcone, Young
 Nays: Hicks

Motion approved.

The Board briefly discussed and gave comments on the personnel manual draft:

Mr. Hicks:

- Paid Holidays language, Item 6.1 – felt there should be a definition as to what will happen if a holiday falls on a Saturday or Sunday. Mr. Hemker stated that this is addressed every year when the Board adopts the schedule.
- Personal Leave – stated that there is nothing indicated with regard to paid personal leave. He felt that a number of days should be indicated.

Ms. Johnson:

- Unused Vacation Time, Item 7.4 – She stated that it is quite a substantial undertaking to keep track of employees vacation time. She stated that it is the Clerk's office that tracks this. Mr. Hemker stated that at the sub-committee meetings Mr. Schilling noted that where he works the payroll company tracks this information. Ms. Johnson indicated that the payroll company charges a fee to do this. Mr. Cash stated that he would like to see the employees use their time. Ms. Johnson noted that the vacation time is based on anniversary date and not on calendar year. Ms. Carcone noted that she would not like to see the employee lose their time. After further discussion it was determined that no more than five vacation days can be carried over to the next year. Mr. Olson stated that he would like to look into this to see if there is some language out there that may address everybody's concerns.

Mr. Cash:

- On the first page where the Township is referenced, he felt that it is too vague when it talks about termination of employment. He felt that there should be someone designated, i.e., Township Board, Superintendent, etc. Mr. Young suggested that they put in language to indicate that "Township" refers to the Township Board.
- Questioned why under Criminal Background Check it designates State Police in lieu of the Sheriff Department. He noted that Novi Police Department does criminal background checks for the Fire Department. Ms. Johnson stated that the Sheriff Department is not allowed to do this.
- Section 3.3 – Mr. Cash questioned if the employees get a half hour lunch or an hour lunch. He stated that the Township is open 8-1/2 hours and if the employees get an hour for lunch, then they are working 7-1/2 hours. Ms. Carcone noted that because they are such a small office, the people don't really go out, they stay in for lunch.
- Section 3.9 – With regard to safety equipment, Mr. Cash stated that they have to provide the safety equipment. Mr. Hemker stated that this is one item that they hoped that the Labor

Attorney

would pick up on and give some guidance. He noted that this was an item that was in the original draft.

- Personnel Committee – Mr. Cash questioned how many people would be in this committee. Mr. Hemker noted that they left it vague so that the Board could determine who and how many.

Mr. Hemker stated that he will make the changes that were discussed tonight and get it to Ms. Johnson.

Mr. Young felt that the committee did a great job and commended them for going through and getting this done. He stated that as he reads through this he gets the sense that there is a flavor through this, almost like a domineering sense. He felt that once they get this back, he would like them to look at the language to see if it can be softened up a little.

Mr. Cash discussed designated lunch times. He stated that the Township wants to be flexible and

that he is surprised that they have locked in designated lunch times between 11:00 am and 2:00 pm. Mr. Hemker stated that it does indicate that lunch can be taken outside of these hours on occasion. Ms. Carcone noted that they don't want people taking their lunch hours at the end of the day.

Mr. Young asked if there were any other comments from the public. Chief Cash stated that with regard to defining "Township" as Township Board, this may not be applicable for some of the items. Mr. Olson noted that there are some items that he has concern about similar to this. He stated that he received a copy of Oakland Township's Employee Handbook and does have another one coming from Plainfield Township. He noted that both of these municipalities have forms of government similar to Lyon Township. He stated that he does have a number of concerns some of which were discussed, others that were not. He stated that he would like to discuss these with the committee.

s. 457 Deferred Compensation – Mandatory Deduction

Mr. Cash made a motion to table the 457 Deferred Compensation – Mandatory Deduction until next month due to the fact that they have not received information from the Auditor yet. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

t. Larry Phillips – Professional Services Agreement

Mr. Olson explained that before the Board is a draft of the document "Building Official/Zoning Administrator Professional Services Agreement". This is to cover an interim period where Larry Phillips, due to bookkeeping type reasons, made his last day as a full-time employee with the Township as last Friday. He stated that Mr. Phillips does have time to continue his services to the Township. This agreement will allow him to continue his services based on an hourly rate and also that the Township will provide him with workers' compensation, professional liability insurance and a communication device (cell phone). This would establish Mr. Phillips as an independent contractor.

Mr. Cash made a motion to approve the Building Official/Zoning Administrator Professional Services Agreement provided. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments regarding this. Mr. Hemker questioned if last paragraph on the first page basically indicates that Mr. Phillips understands that he will be a 1099 employee. Mr. Quinn responded that this is correct. Mr. Hemker stated that this does not have any termination language in it. Mr. Quinn stated that this is an at will basis, therefore, he can be terminated at any time.

Ms. Johnson questioned if this would pay mileage. Mr. Quinn responded that this contract states that no expenses will be paid.

Mr. Olson noted that Mr. Phillips will not be doing anything that will pull him into court later in the year. Mr. Quinn stated that Mr. Phillips will not be writing any tickets or anything that would lead to a court intervention.

Roll Call Vote: Ayes: Carcone, Young, Hemker, Hicks, Schilling, Johnson, Cash
 Nays: None

Motion approved.

u. Mill River Revision

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated March 25, 2005 regarding this issue.

Mr. Olson stated that when Mr. Doozan's review came to the Township via fax, he put together a memorandum to the Board, dated March 25, 2005. He stated that there was a committee when the consent agreement was assembled and then it went to the Board for consideration. He noted that there have been a number of minor modifications up until this point. He felt that the committee should be re-assigned to look at this. He stated that in economics, it shows that this development will increase by \$3.2 million gross. He further discussed this and suggested that the committee be re-formed to re-examine this.

Mr. Schilling made a motion to postpone the proposed modifications for Mill River Plan to allow the Board and the Mill River committee be re-formed in order to examine this closely and to negotiate for further Township benefits. Mr. Hemker supported the motion.

Mr. Young asked if there were any comments from the Board. Mr. Cash felt that re-forming the committee is a good idea. He stated that the Township's agreement with Mill River was proposed as a win/win or lose/lose, but with these proposed changes, it changes things to be in the developer's favor.

Dave Pawlaczyk, Mill River Investors, LLC, stated that they have purchased the residential portion of this project. He gave a brief history of what has happened with the project since the consent judgement. He stated that there was an engineering problem with regard to the flood plain which threw a monkey wrench into this whole project. He stated that the southern third of the site has to be raised six or seven feet. He stated that any economic development advantage goes right out the window because of this. He stated that the added units will certainly benefit the Township with added tax revenues. He stated that there certainly isn't any economic advantage to adding these units to the project. He stated that they feel that it is a benefit to the project because it adds diversity and is a very nice looking product.

Mr. Cash questioned if the developer has the option on the Library property. Mr. Pawlaczyk responded that they do not. He stated that all the frontage goes to LPRS Corporation and that they do not have any option on any of it.

Mr. Olson stated that the residential portion of this project is split between Mocerri Company and Multi Builders. He stated that there is no disagreement about the diversity or any of those other concerns. He stated that the question is whether or not the project is more valuable or not and whether or not there is anything more that can be shared with the community considering that the density level that the community is affording this project is a result of a settlement.

John Bell, 23103 Currie Road, stated that the Library people have never been involved in any of the discussions and felt that the Library may be impacted by this. He questioned if it would be possible for someone from the Library Board to be part of the committee.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Mr. Schilling made a motion to add a Library member, John Bell, to the committee. Mr. Hicks supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

The Board took a ten minute break.

13. NEW BUSINESS

a. John's Sanitation Special Land Use Request (AP-04-40)

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated March 9, 2005 regarding this issue.

Mr. Hicks made a motion to approve AP-04-40, John's Sanitation Special Land Use per the conditions cited in the McKenna Associates, Inc. review letter dated March 9, 2005.

Ms. Johnson supported the motion.

Mr. Young questioned if this special land use is to approve outside storage in an industrial area. He stated that currently John's Sanitation is a legal non-conformity with outside storage in a residential area. He questioned what will happen to the current legal non-conformity. Mr. Doozan responded that it will go away.

Roll Call Vote: Ayes: Schilling, Young, Cash, Carcone, Johnson, Hemker, Hicks
 Nays: None

Motion approved.

A representative from John's Sanitation questioned how soon building permits can be pulled. Mr. Doozan responded that the engineering plans need to be brought in to the Building Department. He stated that once those are approved, a building permit can be applied for.

Mr. Olson questioned how close is the applicant to getting the engineering plans done. The representative responded that the plans are done. Mr. Olson noted that the Building Department can issue a grading permit prior to some things being done.

b. Option to Purchase Property Agreement

Mr. Olson stated that at the last Board meeting they had a closed session discussion with regard to the purchase of property. He stated that Mr. Quinn has put together a set of documents to start this process.

Mr. Quinn stated that this is the option to purchase the Sanderson property at 57108 Grand River Avenue for the purchase price of \$33,000, which is the same as the appraisal of this property. He stated that they request that \$1,000 be put down and that the Sanderson's give the Township 120 days from the signing of this document to do their due diligence. He stated that if it meets the Township's satisfaction as to title, survey, environmental and any other items that the Board wants to consider, the Township would then move to close on the property. He stated that the idea is that this property should be bought by the DDA, but until the DDA amends their plan to allow them to purchase property, they cannot spend any money to do so.

Mr. Quinn stated that the Sandersons have come to the Township indicating that they are willing to negotiate for this property. He stated that this will begin the process. He stated that the idea is that the Township will purchase this property and once the DDA amends their plan, they will buy the property from the Township and the General Fund will re-coup the funds.

Mr. Cash made a motion to approve the purchase of the Sanderson property at 57108 Grand River for the amount of \$33,000 per the language spelled out in the agreement presented. Mr. Hicks supported the motion.

Roll Call Vote: Ayes: Young, Johnson, Cash, Hicks, Carcone, Hemker, Schilling
 Nays: None

Motion approved.

c. Wetlands Protection Ordinance Draft

Mr. Doozan reviewed the comments indicated in the McKenna Associates, Inc. letter dated March 8, 2005 regarding this issue.

Mr. Hemker made a motion to authorize the Planners to move forward with a Wetlands Protection Ordinance. Mr. Hicks supported the motion.

Mr. Young questioned what was the impetus for this. Mr. Doozan responded that there are wetlands in the Township that are between two and five acres that are being destroyed as a result of private roads and other development activities. He stated that these are not currently regulated.

Mr. Olson noted that there are some quality wetlands in the Township between two and five acres that are not being preserved. He stated that there are some larger ones that are in the process of mitigation.

Mr. Young stated that he likes the idea of taking over where the MDEQ fails, but is concerned about the small property owner.

Mr. Schilling stated that he is happy to see this come forth and remembers when this was in front of the Planning Commission two years ago. He stated that with regard to wetland classes on a map provided, questioned if someone was in one of these classes are they considered within a wetland. Mr. Doozan responded that this is correct.

Roll Call Vote: Ayes: Hicks, Carcone, Cash, Schilling, Young, Johnson, Hemker
 Nays: None

Motion approved.

d. Library Budgeting System Proposal

Mr. Olson stated that the Library Board has requested consideration of the Library budgeting system. He stated that he has written a memorandum to the Board dated March 30, 2005.

Betty Misurtoni, Library Co-Director, briefly explained what they would like to do with regard to the budgeting system.

Ms. Johnson noted that revenues have to be deposited as revenues and expense items are where

the bills are paid from, the off-set one another. She stated that if an account needs to be set up for a specific area or if there are revenues coming in for a specific purpose, it can be done. She stated that they try to keep things streamlined, but if there is a need to add a revenue or expense line item, it can be done.

Mr. Young stated that it sounds like there is a method to accomplish what the Library Board is trying to accomplish. He questioned if the Township can offer assistance to the Library Board in setting something up. Mr. Olson responded that it is already set up.

Ms. Carcone stated that they usually give the Library 3/10ths of a mil but they are now down to giving 148, 148, 148 and 158, which is not 3/10ths of a mil. Mr. Young noted that there is a meeting set up for Wednesday at 2:00 PM to discuss this type of thing. He felt that a lot of it would be lost in the translation, if they were to try and go through all the details right now.

Mr. Young made a motion that the Board of Trustees agree to modify the Library Budgeting and Accounting System Proposal to allow supplemental funds received as donations, grants or reimbursements to be deposited to line item account as added income. Ms. Carcone supported the motion.

There was brief discussion with regard to the way that the motion was worded.

Mr. Young then made a motion to table the Library Budgeting System Proposal until the committee has the Library Budgeting meeting. Mr. Cash supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

e. Request for Board Policy to Not Allow Applicants on Agendas if Outstanding Deficits of Bills - Trustee Schilling

Mr. Schilling stated that he does not know what the formal process is to get a Board policy in place, but he wanted to bring this issue to the Board's attention to see how they can handle this. He stated that if an applicant owes the Township money, in any form or fashion, it should be resolved before they are allowed to be placed on any agenda.

Mr. Schilling made a motion to request that the Board look into forming a policy that if an applicant owes the Township money, it should be resolved before the applicant is allowed to be placed on any agenda. The type of money owed is to be determined by the Board. Mr. Cash supported the motion.

Mr. Young asked if there are any comments. Ms. Carcone stated that she is for this. She noted that there are nominal fees still owed to the Township that have not been collected.

Mr. Hicks noted that this was a Planning Commission issue years ago but he does not remember how it was finished.

Mr. Hemker noted that the policy is going to handle the issue of multiple property ownership.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

f. Community Center Rental and Use – Treasurer Carcone

Ms. Carcone stated that she was under the impression that they rented out the use of the Community Center free of charge. She stated that there is a deposit check that is being collected at the Library and she, as Treasurer, cannot allow this to happen. The Library is not a bonding person and are not allowed to receive funds on behalf of the Township. She noted that the checks will have to be brought to her office at the Township Hall.

Ms. Carcone stated that with regard to the booking of the Community Center, she felt that it should be brought back to the Township Hall in lieu of being done at the Library. She noted that the Library is really a tenant in the Township’s building and that they should not be burdened with the booking or the clean up.

Ms. Carcone felt that they should set up a committee to discuss this and go over the rules.

Ms. Carcone made a motion to set up a sub-committee to discuss reasonable options for the Community Center rental and use. Mr. Hemker supported the motion.

John Bell stated that they have delineated all the rules for the use of the Community Center. He felt that this would be a good starting point for the sub-committee.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

There was brief discussion as to who would be on the committee. It was determined that Ms. Carcone, Mr. Cash, Mr. Olson and one of the Library Co-Directors will be on the committee.

g. Mowing Bids

Mr. Olson reviewed the comments indicated in his memorandum to the Township Board dated April 1, 2005 with regard to the bids that the Township received for mowing services of the Township properties. He briefly reviewed the comparison of the bids between the different bids. He recommended that Brien’s Services of Milford be awarded the mowing bid for all of the mowing of Township properties. He stated that he would also recommend that they do not do the weed-and-feed and round-up treatments this year to help save money.

Mr. Cash made a motion to award the mowing contract to Brien’s Services of Milford in an amount not to exceed \$43,692 for the park, not to exceed \$1,275 for the trailway and not to exceed \$8,007 for the Township Hall, Township Buildings, Cemeteries, Library and Community Center. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments regarding the motion. Mr. Hemker questioned why they would not go with the lowest bid for the trailway. He noted that it was \$40 less than the next highest bid. Mr. Olson responded that part of this would be the fact that a good portion of the bike trail does go around the park. Mr. Hemker stated that it would be just as easy to cut a check to two different vendors rather than pay a higher price.

Mr. Hemker made a subsidiary motion to award the trailway mowing to Bell’s Landscaping who the Township does have past experience with and who was the low bidder at a price of \$385 per cut and the other award will remain as is. Ms. Carcone supported the motion.

Roll Call Vote: Ayes: Carcone, Johnson, Cash, Hicks, Schilling, Young, Hemker
Nays: None

Motion approved.

The following is the roll call vote for the main motion made by Mr. Cash:

Roll Call Vote: Ayes: Young, Carcone, Schilling, Johnson, Hicks, Hemker, Cash
Nays: None

Motion approved.

h. Township Dust Control – Road Commission for Oakland County

Mr. Olson stated that before the Board is a proposal from the Road Commission for Oakland County to perform services for dust control on the gravel roads throughout the Township. He stated that there will be some roads that will be subtracted from the list due to paving. He stated that the price is the same as last year, \$0.24 per foot.

Ms. Carcone made a motion to approve the dust control for the year of 2005 for Lyon Township in the amount of \$39,069. Mr. Schilling supported the motion.

Mr. Young asked if there were any comments. Ms. Carcone stated that in the past Jim Atchison went over the road footages with a fine tooth comb. Mr. Hicks questioned if New Hudson Drive has been abandoned. Mr. Olson responded that it has not because somebody bought the property, therefore, it is still a public roadway.

Roll Call Vote: Ayes: Johnson, Carcone, Schilling, Hemker, Young, Cash, Hicks
Nays: None

Motion approved.

i. Treasurer's Conference

Ms. Carcone discussed the upcoming Treasurer's conference. She stated that even though it is in her budget, she normally does not ask to attend the annual conference for the MMTA. She stated that she would like to attend the conference, which is \$385. She stated that the reason that she is asking is because this year the conference is in Chicago. She noted that it will not be any more expense than attending a conference in Michigan. She stated that she will be sharing a room with Cindy Dagenhardt of Milford Township and they will be taking the train.

Ms. Carcone stated that she will be receiving her certification at this conference.

The consensus of the Board was that she should attend the conference in Chicago.

j. Discussion – Les Duff issue

There was brief discussion with regard to what can be done to help Mr. Duff. Mr. Young asked if Mr. Olson would follow-up on this issue and report back to the Board.

Ms. Johnson felt that they need to take a look at the blight ordinance and possibly make it stronger.

Mr. Quinn indicated that he would take a look at this.

Mr. Hemker asked if they could also address and issue that has been lagging on the agenda, "Uniform Traffic Code Amendment" for vehicles that are put up for sale. Mr. Young noted that they could put this issue on an upcoming agenda. Mr. Quinn noted that they did bring an ordinance to the Board a couple years ago, but it was rejected.

14. ITEMS REMOVED FROM CONSENT AGENDA FOR ACTION OR DISCUSSION

Blitzfest

Mr. Olson stated that the request to use the park came up two months ago. He stated that last month the requesting group had transition issues. He stated that Chief Cash, Sgt. Crockett and himself met with Kevin Raitz regarding this proposal. He briefly reviewed what was discussed during the meeting.

Mr. Hemker questioned if they provided a layout of their stages because this is something that the original motion asked for. Mr. Olson responded that they did receive a layout, which he copied for the Board.

Chief Cash noted that this event has been advertised already in the Christian magazines.

Mr. Hemker asked Chief Cash and Sgt. Crockett if they were comfortable with this plan. They both indicated that they were.

Ms. Carcone made a motion to approve the Blitzfest 2005 for the Lyon Township Community Park to be held on June 3 and 4, 2005. Mr. Schilling supported the motion.

There was brief discussion with regard to the layout plan.

Ms. Carcone amended her motion to include that Jason Raitz attend the June 6, 2005 Board meeting to give a report to the Board with regard to cleaning up. Mr. Schilling supported the amendment to the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

15. EXECUTIVE SESSION REGARDING POSSIBLE PROPERTY ACQUISITION

Mr. Schilling made a motion to adjourn the regular meeting and go into an Executive Session. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved. The meeting was closed at 10:31 PM.

The executive session was called to order at 10:35 PM.

The executive session was closed and the regular meeting adjourned at 11:03 PM.

16. ADJOURNMENT

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary

Pamela Johnson
Clerk