

Charter Township of Lyon
Board of Trustees
Regular Meeting Minutes
February 10, 2010

Approved: March 1, 2010 as written

The meeting was called to order by Supervisor Young at 7:00 p.m.

Roll Call: Patricia Carcone, Treasurer
Michele Cash, Clerk
John Dolan, Trustee
Steven Fletcher, Trustee
Brent Hemker, Trustee
John Hicks, Trustee
Lannie Young, Supervisor

Guests: 18

Also Present: Chris Doozan, McKenna Associates
Phillip Seymour, Township Attorney
Ron McClain, Fire Chief
Leslie Zawada, Giffels/Webster

APPROVAL OF THE CONSENT AGENDA

Approval of the Regular Meeting Minutes of January 4, 2010

Approval of Special Meeting Minutes of January 13, 2010

Approval of Disbursements

Building Department Report for December 2009

Fire Department Reports for December 2009

Zoning Reports for December 2009

Engineer Status Report for December 2009

Sheriff's Tri-annual Report

MAMC Institute March 14-19, 2010

Authorization for the Supervisor and Clerk to sign a Quit Claim Deed for the transfer of excess right-of-way to Aero & Auto Stud Specialists, Inc.

Mr. Dolan had a few questions regarding the McKenna Associates and Giffels/Webster bills and asked that those be removed for discussion.

Motion by Hicks, second by Cash

To approve the Consent Agenda with the removal of bills for McKenna Associates and Giffels/Webster.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

ANNOUNCEMENTS AND COMMUNICATIONS

Sheriff Mark Venus presented a tribute certificate to the Board for their support of the Shop with a Cop program.

Chief McClain announced that the Fire Department was awarded a grant for \$109,803.00 for the purchase of new breathing apparatus.

Treasurer Carcone announced that she will be moving 13 of the Township's accounts to Comerica Bank with a better interest rate that could generate up to \$80,000 of additional funds. She also explained that the last day for taxes is the 14th of February and since Monday is a holiday she will be accepting taxes on Tuesday until the mail is received on February 16, 2010.

Supervisor Young gave a State of the Township presentation which highlighted the Township's economic condition as well as Michigan as a whole. He also reviewed the goals of the Board for 2010.

CALL TO THE PUBLIC - None

APPROVAL OF AGENDA

Supervisor Young added pending litigation under the Executive Session.
Clerk Cash added item J. to add a resolution for the 2010 poverty exemption income guidelines.
Chief McClain added item k. to discuss sharing funds with South Lyon so that personnel can attend a grant writing seminar.

Motion by Carcone, second by Hicks
To approve the agenda as revised.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

UNFINISHED BUISNESS

A. Fire Accessory Building

Supervisor Young reviewed the four proposals to construct a building adjacent to the fire hall parking lot on Grand River. The request made to each of the companies was to propose their price to manage the design and construction of a 40' x 60' building. The materials, design and details of the building will be submitted later for Board approval; following the selection of the

Construction Management Company.

Concerns were raised regarding the cost for Field Supervision and exactly how much Field Supervision would be given on site.

Andy Kline, Rand Construction explained that they have been a taxpayer in the community for 10 years and they have been in business for 30 years. He explained the procedure and the cost and that there needed to be proper supervision on the site so that it is run safely and moves along. Rand Construction breaks out the Supervision cost separately. They have never had a major issue with safety or a law suit.

Concerns were raised that the other companies were not in attendance and there were questions that needed to be answered. The Board felt that the price of supervision for ACS needed to be clarified.

**Motion by Carcone, second by Fletcher
To table the Fire Department Accessory Building until the March 1, 2010 meeting.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

NEW BUSINESS

A. First Reading of Planning Commission Membership Ordinance Amendment

Mr. Seymour explained that this resolution will implement the terms so they are in conformance with the Zoning Enabling Act.

**Motion by Hicks, second by Cash
To adopt the first reading of the resolution for the Lyon Code of Ordinances, Chapter 34. Planning, Article II. Planning Commission, Section 34-31. Established; Membership and Section 34.33 Rules, Regulations, Duties and Authority to adopt the provisions of the Michigan Planning Enabling Act as it pertains to Planning Commission Membership.**

**Roll Call Vote: Ayes: Fletcher, Cash, Young, Dolan, Carcone, Hicks,
Hemker
Nays: None**

MOTION APPROVED

B. BCI Master Contract Consideration

Supervisor Young explained that BCI is asking that the Board adopt the general language. Rob

DeWyre explained that BCI has a long history of providing professional consulting services for the Township. Whenever asked to do a task BCI will provide a specific contract which has to go through attorney review and negotiation. By doing a Master Services Contract the contractual language can be approved ahead of time.

Mr. Fletcher expressed his concern over the Township paying invoices as soon as it is received. He also questioned Section 2.1 Terms of Payment and Section 5.1. Ownership of Documents. Mr. Sweatman explained that the language is identical to the language that was negotiated over the last two years.

Motion by Carcone, second by Hicks

To approve the Master Services Contract with BCI Engineers as contained in the memo dated 1/31/2010.

Roll Call Vote: **Ayes: Hemker, Hicks, Carcone, Dolan, Young, Fletcher,**
Cash
Nays: None

MOTION APPROVED

C. Back Up Generator for Sewer Waste Water Treatment Center

Supervisor Young explained when power is lost from DTE, Highland Treatment must react quickly to hook up the one portable generator to restore temporary power. Typically, when power is lost, it impacts two or three of the pump stations at one time. This requires pulling the trailer/mounted generator continually from one station to the other pumping the liquid down until power is restored. This rotation to each of the stations with power loss can happen as often as every two hours. The employment of a second generator would allow both an upstream and downstream station to be temporarily powered at the same time to prevent sewer backups and save the continual hookup/disconnect labor leaving only the need to re-fuel every 15-20 hours. Supervisor Young continued that the purchase was not in the budget.

Trustee Hemker questioned how often the power is down and how often the current generator is being used versus renting one when needed. Trustee Fletcher thought that more data needed to be provided.

Motion by Carcone, second by Fletcher

To table the back up generator until the March 1, 2010 meeting.

Voice Vote: **Ayes: Unanimous**
Nays: None

MOTION APPROVED

D. Milford Road Pump Station Pump/Repair Replacement

Supervisor Young reviewed the quotes from Kennedy Industries to either rebuild a defective 45 HP submersible pump and one that would replace the defective pump with a new one. It could be repaired for a cost of \$10,975.00 or purchase a new one for \$17,738.00. The new pump design uses a closed face impeller that reduces the possibility of large objects or particles damaging the impeller in the future.

There were concerns raised regarding finding other companies that provide a FLYT pump that could be at a better price. Ms. Zawada explained that Kennedy Industries is the local representative and that's why typically they supply the pumps. There are not a lot of local options that sell these types of pumps.

Motion by Fletcher, second by Hemker

To approve not to exceed expenditure of \$17,738 to purchase a new pump for the Milford Road Pump Station contingent upon the Township validating with FLYT with another distributor to ensure the Township is getting the appropriate price.

**Roll Call Vote: Ayes: Cash, Young, Fletcher, Dolan, Hemker, Carcone, Hicks
Nays: None**

MOTION APPROVED

E. Special Events Request for Injured Soldiers

Jack Renwick thanked the Board for their involvement over the years and explained that the event will be held on June 17, 2010. Mr. Seymour explained that the insurance would need to be checked into. Supervisor Young explained that no one on the Board was opposed but that some guidelines needed to be in place for the beer and wine tent.

Motion by Carcone, second by Hicks

To table the Special Events Request for Injured Soldiers regarding a liquor license in the township park until the March 1, 2010 meeting.

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

F. Request for Movie Screen from South Lyon Area Recreation Council

Ms. Carcone brought the Board members up to date regarding the request for the movie screen from South Lyon Recreation Council.

G. Copperwood PD 4th Amendment

Mr. Seymour explained that Copperwood had not responded in time for this meeting, therefore, he asked that the matter be tabled.

Motion by Carcone, second by Hicks

To table the Copperwood PD 4th Amendment until the March 1, 2010 meeting.

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

H. Re-Purchase of Rugiero REU's

The Board decided to defer this issue to the sub-committee.

Motion by Fletcher, second by Cash

To refer the re-purchase of Rugiero REU's to the sub-committee.

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

I. Agreement for Repurchase of REUs from Quadrants Industrial/Research Centre Condominium

Supervisor Young asked that this issue be tabled.

Motion by Fletcher, second by Carcone

To table the agreement for repurchase of REU's from Quadrants Industrial/Research Centre Condominium until the meeting in April.

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

J. Resolution to adopt 2010 Poverty Exemption Income Guidelines

Clerk Cash explained that the Assessor asked that this resolution be adopted and in place for the Township so that it's official for the Board of Review which begins March 2, 2010.

Motion by Carcone, second by Cash

To resolve that the Board of Trustees adopt the 2010 Poverty Exemption Income Guidelines and Asset Test.

Roll Call Vote: Ayes: Hicks, Hemker, Cash, Carcone, Dolan, Fletcher, Young
Nays: None

MOTION APPROVED

K. Grant Writing Seminar

Chief McClain explained that Inspector Welch from South Lyon has been invited to attend the 2010 AFG Super Summit sponsored by Homeland Defense Grants. This class is by invitation only. The participants are multiple grant award winners. Inspector Welch has agreed to help Lyon Township again this year and suggested that the cost of the class be split since it will benefit both departments. There is no guarantee that a grant will be awarded to either department. The total anticipated cost is \$1324.00

Motion by Fletcher, second by Dolan

To give Chief McClain a not to exceed amount of \$700.00 to help offset the cost of the seminar for Inspector Welch of South Lyon.

Roll Call Vote: Ayes: Young, Dolan, Fletcher, Carcone, Hicks, Cash, Hemker
Nays: None

MOTION APPROVED

10. Items removed from the Consent Agenda for discussion

Trustee Dolan questioned if there was any estimate regarding the Master Plan updates. Mr. Doozan explained that it is moving quickly now and the estimate was approximately \$20k. Supervisor Young explained that the updates were a budgeted amount. Trustee Dolan questioned some line items on the Giffels/Webster invoice. Ms. Zawada explained that she would get the information that Trustee Dolan asked for. Trustee Dolan stated that he would like to see the items broken down so he understands what he is approving. Clerk Cash stated that she would provide those to him.

Motion by Dolan, second by Cash

To approve the Consent Agenda .

Roll Call Vote: Ayes: Carcone, Dolan, Hemker, Young, Fletcher, Cash, Hicks
Nays: None

MOTION APPROVED

ADJOURNMENT INTO EXECUTIVE SESSION

Motion by Cash, second by Dolan

To adjourn the regular meeting and move into Executive Session at 9:34 p.m.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

The meeting was reconvened at 10:09 p.m.

11. **Motion by Carcone, second by Hicks**
Approval to use DDA Funds for the purchase the Road Right-of-Way, Side
Drainage Easement and Road Drainage Easement from Parcel No. 21-04-476-004,
Meadows Property for \$113,969.73.

Roll Call Vote: Ayes: Dolan, Fletcher, Hicks, Carcone, Cash, Young
Nays: Hemker

MOTION APPROVED

ADJOURNMENT

Motion by Cash, second by Fletcher
To adjourn the regular meeting at 10:10 p.m.

Voice Vote: Ayes: Unanimous
Nays: None

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Michele Cash
Clerk