

**Proposed MINUTES OF THE REGULAR BOARD MEETING
OF
THE CHARTER TOWNSHIP OF CHESTERFIELD**

August 20, 2012

The meeting was called to order by Supervisor Lovelock at 7:01 pm in the Charter Township of Chesterfield Municipal Offices at 47275 Sugarbush, Chesterfield, MI 48047.

Present: Supervisor Lovelock, Clerk Uglis, Treasurer Hartman
Trustees: Alexie, Bell, DeMuynck, Ficht
Also Present: Deputy Clerk Wurmlinger, Township Attorney Seibert

The Pledge of Allegiance was led by the Township Board.

**PLEDGE OF
ALLEGIANCE**

Motion by DeMuynck, supported by Hartman to: **4A)** Approve the **CONSENT AGENDA** Agenda with an addendum to the consent agenda. Supervisor **/APPROVED** Lovelock asked to add an Item **4F)** approving a letter of consent assignment with Rizzo Services. **4B)** Approve the minutes of the Regular Board Meeting and Closed Session, with a correction, of August 6, 2012. **4C)** Approve the Payment of Bills as submitted by the Finance Department. **4D)** Approve the Supervisor's recommendations to appoint Vikki Gray to the Parks and Recreation Commission with her term expiring June, 2015. **4E)** Approve the Supervisor's recommendations to appoint Michael J. Miller to the Parks and Recreation Commission with his term expiring June, 2015. **4F)** Approve Consent to Assignment Agreement with Rizzo Environmental Services and authorize the supervisor to sign said agreement. Supervisor Lovelock read the following letter into the record:
Dear Supervisor Lovelock:

Reference is hereby made to the Waste Services Agreement, by and between Chesterfield Township ("Chesterfield Township") and C&R Maintenance, Inc. ("Rizzo") dated January 1, 2006, with respect to the provision of waste management services (the "Agreement").

This letter serves to confirm (a) the understanding that the parties to the Agreement as of the date hereof are Chesterfield Township and Rizzo, (b) that Chesterfield Township has full authority and power to grant the consent to the assignment of the Agreement as required by the Agreement, (c) Chesterfield Township consents to the assignment of the Agreement to Rizzo Environmental Services, Inc., a Delaware corporation, ("Purchaser") or any of its affiliates (the "Assignment"), pursuant to the terms of that certain "Asset Purchase and Contribution Agreement" (the "APA") by and among Rizzo, Charles B. Rizzo, Charles P. Rizzo, Rizzo Group, LLC and Purchaser, dated

August, 2012, (d) subject to Rizzo's full compliance with the terms of

the Agreement through the date of the Assignment, the Agreement will be in full force and effect on the date of the Assignment, and (e) that as of the date hereof, Chesterfield Township has no knowledge of any default by any party thereto in the performance and observation of their respective covenants, conditions and agreements contained in the Agreement to which it is a party.

By Purchaser's execution hereof, Purchaser hereby confirms that upon effecting the Assignment, Purchaser shall assume all obligations of Rizzo under, and be bound by the terms of, the Agreement, including the provisions contained herein. Except as expressly set forth herein, nothing contained herein shall be deemed a waiver or release of any rights or entitlements of Chesterfield Township under the Agreement.

Roll Call Vote:

Ayes: DeMuyunck, Hartman, Ficht, Lovelock, Uglis, Bell, Alexie

Nays: None

MOTION CARRIED

Motion by Uglis, supported by DeMuyunck to open a Public Hearing at 7:11 pm to hear comments as required by Executive Order 11988 in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management as it relates to the Senior Path repair and maintenance proposal.

MOTION TO OPEN THE PUBLIC HEARING AS REQUIRED BY HUD FOR FLOOD PLAIN MANAGEMENT /APPROVED

Roll Call Vote:

Ayes: Uglis, DeMuyunck, Ficht, Hartman, Lovelock, Alexie, Bell

Nays: None

MOTION CARRIED

Supervisor Lovelock read the following letter into the record:

Good evening. My name is Michael Lovelock. I am a supervisor of Chesterfield Township. Chesterfield Township is planning to repair the 7600 foot asphalt senior sidewalk path located on the Chesterfield Township complex behind 47275 Sugarbush Road, by seal coating the asphalt and repairing or replacing the damaged asphalt. The project is located in a wetland. The project will be funded with FY 2012 Community Development Block Grant funding from the United States Department of Housing & Urban Development. The total cost of the project is about \$100,000.

Under Executive Order 11990 when Federal funds are used either in a floodplain or impact a floodplain, an 8 Step process review is encouraged. The second step in that process is to conduct a public hearing and solicit input from the general public. The purpose of conducting a Step 2 public hearing is to provide affected residents an opportunity to provide input into the process including suggesting factors and alternatives that should be considered in reviewing the project under steps 3, 4, & 5. The public hearing for Step 2 occurred on July 16th at 7 PM. No comments were received. Steps 3, 4, 5 & 6 have been completed and the project as proposed is the only practicable alternative in this instance.

Macomb County has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values, although practical alternatives to locating the

proposed actions in a wetland are limited. Macomb County allocates funds to participating local jurisdictions based on requests for the

funds from localities. No other local unit of government has requested the use of the County's HUD funds for purposes of providing recreational opportunities for low /moderate income seniors. This project is the only option for the County's participation in response to the identified problem.

The project itself has options which include letting the project continue to decline (do nothing option) and provide alternative recreational sites outside the 100 year floodplain and wetland. The cost of construction of a new recreational opportunity for seniors outside the 100 year floodplain or wetlands would exceed \$200,000 including the acquisition of new property and the extreme difficulty of locating a site which is both consistent with local plans and has the characteristics to make it accessible to the public and yet sufficiently protected to allow use and privacy without intruding into other neighborhoods. Thus this option is not possible as the funds for this option do not exist nor has a site been identified that exhibits the characteristics needed for such a project. Also rehabilitation of only some of the deficiencies is possible but not practicable, because it would lead to decline of the sidewalk and thus begin a cycle of reduced use and an allocation of fewer funds to repair and maintain the property. Thus the only practicable alternative is to repair the existing property and bring it up to original standards.

The project is in compliance with all State, Federal and local floodplain protection procedures and will have sufficient flood insurance through the FEMA National Flood Insurance Program because no flood insurance is required as the Senior Sidewalk Path is not considered a structure.

There are three primary purposes for this public hearing. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk. Therefore if anyone has any questions or wishes to make any comments or suggestions of issues that should be considered for this project, please proceed to the microphone and provide your name and address. Thank you.

Joe Miller addressed the board.

Motion by Lovelock, supported by Ficht to close the Public Hearing at 7:14 pm.

Roll Call Vote:

Ayes: Lovelock, Ficht, DeMuyneck, Hartman, Uglis, Bell, Alexie

Nays: None

**MOTION TO CLOSE
PUBLIC HEARING
/APPROVED**

MOTION CARRIED

**MOTION TO ADOPT
RESOLUTION NO.
2012-18 APPROVING
BALLOT LANGUAGE
FOR THE FIRE DEPT.
PROPOSALS
/ADOPTED**

Motion by Lovelock, supported by Ficht to adopt Resolution No. 2012-18 approving ballot language for the Fire Department ballot proposals which increases the operation and maintenance millage from 2.00 mills to 2.75 mills for a period of twenty (20) years, (2014 through 2033 inclusive), and renews the equipment, apparatus and housing millage at 0.5 mill for a period of twenty (20) years, (2014 through 2033 inclusive). Clerk Uglis read the following resolution into the record:

Whereas, Chesterfield Township is growing at a rapid rate which requires continued fire protection for the community; and
Whereas, it is necessary to continue to provide adequate fire services to the community, and to adequately fund Fire Department operations, including the acquisitions of equipment and apparatus; and
Whereas, it is necessary to seek voter approval to raise funds for the continued operation of the Chesterfield Fire Department
Now therefore, be it resolved by the Township Board of the Charter Township of Chesterfield, Macomb County, Michigan, that the following ballot proposals shall be submitted to the electors at the November, 2012 general election:

**RENEWAL AND INCREASE OF
MILLAGE FOR FIRE PROTECTION**

SHALL THE CONSTITUTIONAL LIMITATION UPON THE TOTAL AMOUNT OF TAXES WHICH MAY BE LEVIED ON ALL TAXABLE REAL AND PERSONAL PROPERTY IN THE CHARTER TOWNSHIP OF CHESTERFIELD, MACOMB COUNTY, MICHIGAN BE INCREASED BY TWO AND THREE-QUARTER (2.75) MILLS FOR EACH ONE (\$1.00) DOLLAR (\$2.75 FOR EACH \$1,000.00) OF THE TAXABLE VALUE OF SUCH PROPERTY, AS FINALLY EQUALIZED, PURSUANT TO 33 PA 1951, AS AMENDED, FOR A PERIOD OF TWENTY (20) YEARS COMMENCING 2014 THROUGH 2033, INCLUSIVE, FOR THE OPERATION OF THE CHESTERFIELD FIRE DEPARTMENT?

THE ESTIMATED REVENUE TO BE COLLECTED IN THE FIRST YEAR THAT THE MILLAGE IS AUTHORIZED AND LEVIED IS \$3,869,191.15.

THE PREVIOUSLY AUTHORIZED MILLAGES OF 2.0 MILLS WILL EXPIRE IN 2013. THE PROPOSED MILLAGE IS A RENEWAL OF THE PREVIOUSLY AUTHORIZED MILLAGES OF 2.0 MILLS AND A NEW ADDITIONAL MILLAGE OF THREE-QUARTER (0.75) MILLS.

() YES

() NO

**RENEWAL OF MILLAGE
FOR FIRE EQUIPMENT, APPARATUS AND HOUSING**

SHALL THE CONSTITUTIONAL LIMITATION UPON THE TOTAL AMOUNT OF TAXES WHICH MAY BE LEVIED ON ALL TAXABLE REAL AND PERSONAL PROPERTY IN THE CHARTER TOWNSHIP OF CHESTERFIELD, MACOMB COUNTY, MICHIGAN BE INCREASED BY ONE-HALF (0.5) MILL FOR EACH ONE (\$1.00) DOLLAR (\$0.50 FOR EACH \$1,000.00) OF THE TAXABLE VALUE

OF SUCH PROPERTY, AS FINALLY EQUALIZED, PURSUANT TO 33 PA 1951, AS AMENDED, FOR A PERIOD OF TWENTY (20) YEARS COMMENCING 2014

THROUGH 2033, INCLUSIVE, FOR THE PURCHASE, RENTAL, REPAIR AND MAINTENANCE OF FIRE DEPARTMENT EQUIPMENT, APPARATUS AND HOUSING?

THE ESTIMATED REVENUE TO BE COLLECTED IN THE FIRST YEAR THAT THE MILLAGE IS AUTHORIZED AND LEVIED IS \$703,489.30.

THE PROPOSED MILLAGE IS A RENEWAL OF A PREVIOUSLY AUTHORIZED MILLAGE AND DOES NOT CONSTITUTE NEW ADDITIONAL MILLAGE.

() YES

() NO

Roll Call Vote:

Ayes: Lovelock, Ficht, Alexie, Bell, DeMuyneck, Uglis, Hartman

Nays: None

MOTION CARRIED

**MOTION TO ADOPT
RESOLUTION NO.
2012-19 APPROVING
BALLOT LANGUAGE
FOR THE POLICE
DEPT. PROPOSAL
/ADOPTED**

Motion by Lovelock, supported by Uglis to adopt Resolution No. 2012-19 approving ballot language for the Police Department ballot proposal which increases the special assessment millage from 5.00 mills to 7.5 mills inclusive. Clerk Uglis read the following resolution into the record:

Whereas, Chesterfield Township is growing at a rapid rate which requires continued police protection for the community; and

Whereas, it is necessary to continue to provide adequate police services to the community, and to adequately fund Police Department operations, including the acquisitions of equipment and apparatus; and

Whereas, it is necessary to seek voter approval to raise funds for the continued operation of the Chesterfield Police Department

Now therefore, be it resolved by the Township Board of the Charter Township of Chesterfield, Macomb County, Michigan, that the following ballot proposals shall be submitted to the electors at the November, 2012 general election

**INCREASE OF SPECIAL ASSESSMENT
MILLAGE FOR POLICE PROTECTION**

SHALL THE LIMITATION ON THE ANNUAL ASSESSMENT ON ALL LANDS AND PREMISES IN THE CHARTER TOWNSHIP OF CHESTERFIELD, MACOMB COUNTY, MICHIGAN, WHICH COMPRISE A SPECIAL ASSESSMENT DISTRICT PREVIOUSLY-APPROVED BY THE ELECTORS PURSUANT TO 33 PA 1951, AS AMENDED, BE INCREASED FROM A SUM NOT TO EXCEED FIVE (\$5.00) DOLLARS FOR EACH \$1,000.00 OF TAXABLE VALUE OF SUCH PROPERTY TO A SUM NOT TO EXCEED SEVEN AND ONE-HALF (\$7.50) DOLLARS FOR EACH \$1,000.00 OF TAXABLE VALUE, FOR THE PURPOSE OF PROVIDING POLICE PROTECTION BY THE CHESTERFIELD POLICE DEPARTMENT, PURCHASING POLICE MOTOR VEHICLES, APPARATUS, EQUIPMENT AND PROVIDING HOUSING FOR THE SAME?

THE ESTIMATED REVENUE TO BE COLLECTED IN THE FIRST YEAR THAT THE MILLAGE IS INCREASED AND LEVIED IS \$9,756,403.79.

THIS PROPOSED MILLAGE IS AN INCREASE OF 2.5 MILLS FROM A PREVIOUSLY AUTHORIZED 5.0 MILLS.

() YES

() NO

Roll Call Vote:

Ayes: Lovelock, Uglis, Alexie, Bell, Hartman, Ficht, DeMuyneck

Nays: None

MOTION CARRIED

MOTION TO APPROVE THE RELEASE OF A BUILDING BOND TO JEFF AND CHRIS ANTEAU/APPROVED

Motion by DeMuyneck, supported by Ficht to approve the Building Department's request to release a \$285.00 building bond for an in-ground pool to Jeff and Chris Anteau at 48061 Sugarbush.

Roll Call Vote:

Ayes: Lovelock, Uglis, Alexie, Bell, Hartman, Ficht, DeMuyneck

Nays: None

MOTION CARRIED

MOTION TO POSTPONE DPW REQUEST TO HIRE GENERAL LABOR /APPROVED

Motion by DeMuyneck, supported by Alexie to postpone to the September 17, 2012 regular board meeting the Department of Public Works request seeking approval to post and hire a General Labor/Building and Grounds employee.

Roll Call Vote:

Ayes: DeMuyneck, Alexie, Bell, Uglis, Lovelock, Hartman, Ficht

Nays: None

MOTION CARRIED

MOTION TO APPROVE THE LOW BID FROM ESKO ROOFING FOR THE SENIOR CENTER ROOF IMPROVEMENTS /APPROVED

Motion by Hartman, supported by Alexie to approve the recommendation of AEW and award the Chesterfield Township Senior Center Roof Improvements to the low bidder, Esko Roofing & Sheet Metal Inc., at a total cost of \$36,461.00.

Roll Call Vote:

Ayes: Hartman, Alexie, Ficht, DeMuyneck, Lovelock, Uglis, Bell

Nays: None

MOTION CARRIED

MOTION TO APPROVE THE REVISION TO THE POLICE DEPT. S.O.P./APPROVED

Motion by Ficht, supported by Alexie to approve the Police Department's request to revise the following sections in the Standard Operating Procedures manual; Use of Force, Mutual Aid, Time Sheets, Leave Request Forms and Overtime.

Roll Call Vote:

Ayes: Hartman, Alexie, Ficht, DeMuyneck, Lovelock, Uglis, Bell

Nays: None

MOTION CARRIED

MOTION TO APPROVE POLICE DEPT. MEMBERSHIP TO MCC CRIMINAL JUSTICE TRAINING CENTER/APPROVED

Motion by DeMuyneck, supported by Uglis to approve the Police Department's request to renew their membership with the Macomb Community College, Criminal Justice Training Center for 43 sworn officers at a total cost of \$4,945.00.

Roll Call Vote:

Ayes: DeMuyneck, Uglis, Alexie, Bell, Hartman, Lovelock, Ficht

Nays: None

MOTION CARRIED

PUBLIC COMMENT

Lou Nigro, Joe Miller and Jim Ellis addressed the Board during Public Comment.

**MOTION TO
POSTPONE CLOSED
SESSION /APPROVED**

Motion by Lovelock, supported by Alexie to postpone to the September 4, 2012 regular board meeting the closed session to consult with Township attorney regarding the Letter of Understanding between the Charter Township of Chesterfield and AFSCME Local #1917.42 for an Assessor Level IV, an Assistant Parks and Recreation Director and Department Head Wage Scale. The closed session is held pursuant to section 8(e) of the Open Meetings Act.

Roll Call Vote:

Ayes: Lovelock, Alexie, DeMuynck, Ficht, Hartman, Uglis, Bell

Nays: None

MOTION CARRIED

ADJOURNMENT

Motion by Lovelock, supported by DeMuynck to adjourn the meeting at 8:15 pm.

Ayes: All

Nays: None

MOTION CARRIED

Janice M. Uglis, Clerk

Michael Lovelock, Supervisor