

TOWNSHIP BOARD

ERIE TOWNSHIP
Erie, Michigan

APPROVED

Regular Meeting
And Public Hearing
July 14, 2009

Supervisor William Frey at the Township Office, 2065 Erie Road, Erie, MI, called the Regular Meeting and Public Hearing July 14, 2009, of the Erie Township Board to order at 7:00 PM. The roll was called and Pledge of Allegiance said.

**CALL TO ORDER-
ROLL CALL-PLEDGE
OF ALLEGIANCE**

Bill Frey, Supervisor	Present
Cindy Baum, Treasurer	Present
Jolene Upchurch, Clerk	Present
David Cousino, Trustee	Present
Michael Grodi, Trustee	Present

Also in attendance was Township Attorney Phil Goldsmith.

Grodi moved, supported by Upchurch to accept and place on file items #1-5 of the consent agenda. Motion carried, all in favor.

CONSENT AGENDA

Upchurch moved, supported by Cousino to approve and place on file correspondence items #1-10 Motion carried, all in favor.

CORRESPONDENCE

Baum added item 12 and 13 to the agenda. Item 12 new fire dept account. Item 13 Monroe County Road Contracts.

**AGENDA
AMENDMENTS**

- Cheryl Vascik asked who decided on the 2 people to be on the Personnel Committee for the Police Chief Contract.

PUBLIC COMMENTS

Supervisor Frey answered; It can be any 2 of the 5 Township Board members.

- Cheryl Vascik, stated, the board forced Chief Hines to sign the contract.

Cousino replied, no in fact we gave him a 6 week extension.

Cousino stated that Chief Hines was directed by the Board to sign the contract along with the other department heads. He refused and was given until 8:00a.m. deadline on 6-10-09 to sign the contract and did not sign until 4:08p.m. on 6-10-09. The Personnel Committee accepted the contract, although it was signed after the deadline.

- Cheryl Vascik asked what's next, the Chief was let go after signing the contract are you getting rid of the other 3 officers.

Cousino stated he retired-he did not resign.

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- Amy Whipple questioned the Clerk about the procedures for taking minutes at a Township Board meeting.

Supervisor Frey suggested giving the minute taking statute to Attorney Goldsmith for review.

Baum moved supported by Upchurch to the contract with Mason for \$250.00 for the Mason Consolidated School Swim Program. Motion carried on a roll call vote. All in favor.

**MASON SCHOOLS
SWIM CONTRACT**

Grodi moved to retain Jeff Osment as the prosecuting attorney for the Police Department. Motion died for lack of support.

**PROSECUTING
AGREEMENT FOR
POLICE DEPT.**

Cousino moved supported by Baum to retain Lennard, Graham and Goldsmith as the prosecuting attorney for the Police Department. Motion carried, on a roll call vote, Grodi, no, Cousino, yes, Baum, yes, Frey, no, Upchurch, yes. Majority in favor.

Baum moved, supported by Upchurch to accept the 2009 Firefighters Agreement with the changes made by Township Attorney Phil Goldsmith. Motion carried on a roll call vote. All in favor.

**2009 FIREFIGHTERS
AGREEMENT**

Upchurch moved, supported by Grodi to approve the two (2) new Firefighters Jeremy Maddox and Jonathon Allan for the Erie Fire Department with the customary two (2) yr. probationary period. Motion carried, all in favor. Both have passed their physical, background check etc.

**NEW ERIE
FIREFIGHTERS**

Baum moved, supported by Grodi to have Clerk Jolene Upchurch send a letter suggesting to Kyle Ailiff that he submit the cost recovery bill to his insurance company for payment. Motion carried, all in favor.

**COST RECOVERY-
KYLE AILIFF**

Grodi moved, supported by Baum to go into closed session at 7:35 to hear the appeal of Brian Menge. Motion carried on a roll call vote. All in favor.

**BRIAN MENGE
APPEAL REQUEST**

**CLOSE REGULAR
MEETING**

Supervisor Frey re-opened the regular meeting at 8:05. Roll call was taken.

**RE-OPEN REGULAR
MEETING**

Bill Frey, Supervisor-Present
Cindy Baum, Treasurer-Present
Jolene Upchurch, Clerk-Present
David Cousino, Trustee-Present
Michael Grodi, Trustee-Present

Also present, Attorney Phil Goldsmith.

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Baum moved, supported by Grodi to ratify the decision made by the Personnel Committee to terminate Brian Menge. Motion carried on a roll call vote, Cousino, yes, Baum, yes, Frey, no, Grodi, yes, Upchurch, yes. Majority in favor.

**BRIAN MENGE
TERMINATION**

Baum moved, supported by Cousino to table the mowing requirements for 9500 Baycreek until the next meeting and have Attorney Phil Goldsmith review the paperwork submitted, because of the Federal program that Mr. Robison has enlisted in. Motion carried all in favor.

**ROBISON-
9500 BAYCREEK
SET ASIDE MOWING
REQUIREMENTS**

Upchurch moved, supported by Baum to waive mowing requirements for the property at 3200 Vienna. Motion carried, all in favor. Baum stated that Clerk Upchurch and Mike Demski and herself went out and looked at both of these properties in question.

**SCHARDT
3200 VIENNA SET
ASIDE MOWING
REQUIREMENTS**

Grodi moved, supported by Cousino to approve the special use permit for the Iron Coffins Motorcycle Club on July 24, 2009 and July 25, 2009 as submitted, to benefit abused children. Motion carried, all in favor.

**ICMC TEMPORARY
USE APPROVAL**

Baum moved supported by Upchurch to close the regular meeting and open the public hearing at 8:10 p.m. Motion carried, all in favor.

**CLOSE OF
REGULAR MEETING**

Roll was called for the Public Hearing.

**PUBLIC HEARING
OPENED-
58-05-180-00
850 LOTUS**

Bill Frey, Supervisor	Present
Cindy Baum, Treasurer	Present
Jolene Upchurch, Clerk	Present
David Cousino, Trustee	Present
Michael Grodi, Trustee	Present

Also present was Township Attorney Phil Goldsmith.

Baum moved, supported by Upchurch to give Mr. Nichols 30 days to complete his project. If on August 14, 2009 the project is not complete the Township will demolish. Baum rescinded the motion.

Bill Jacobs the dangerous buildings officer stated that the Township has given Mr. Nichols many opportunities to correct this problem.

Supervisor Frey asked do we need to tear this down to abate the problem, what are our options?

Mr. Jacobs stated to pull permits for the job.

Mr. Nichols stated, he owns the property, and is not in good health. He pulled the permit and it is dated Feb. 2009. He was going to repair the roof and the breezeway but he didn't have the money. Mr. Nichols was sent to MCOP for financial help but they do not cover garages and they are out of money. His nephew has helped tear down the breezeway and he has all the materials for the garage repairs.

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Supervisor Frey suggested waiting until the next Board Meeting.

Attorney Goldsmith suggested reconvening the Public hearing in 30 days and make a decision if you want to demolish at that time. Then the Township will need to get a court order to have it demolished if that is the Board's decision and put a lien against the property for payment.

Baum moved, supported by Grodi to grant an extension to Mr. Nichols until the August 11, 2009 Township Board meeting and at that time continue the Public Hearing. Motion carried, All in favor.

**850 LOTUS
EXTENTION**

Baum moved, supported by Upchurch to adjourn the Public Hearing at 8:19 p.m. Motion Carried, All in favor.

**PUBLIC HEARING
CLOSED**

Supervisor Frey re-opened the regular meeting @ 8:20p.m.

**RE-OPEN REGULAR
MEETING**

Roll call was taken.

Bill Frey, Supervisor-Present
Cindy Baum, Treasurer-Present
Jolene Upchurch, Clerk-Present
David Cousino, Trustee-Present
Michael Grodi, Trustee-Present

Also present Attorney Phil Goldsmith.

Attorney Phil Goldsmith explained the he does not believe the Planning Commissions Moratorium is considered a moratorium, it is more on the lines of legal non conforming/special use approval. He suggested the property owners involved meet with the authorities and go through the proper procedures and get special use approval, and if they do not, then site them for being in violation.

**MORATORIUM FOR
PLANNING
COMMISSION**

Trustee Cousino stated that we can not have a blind eye to this issue. We need to address this. It all started because we had a complaint against a business owner possibly running a business out of their home.

Attorney Phil Goldsmith stated that if they do not apply for special use we need to site them.

Supervisor Frey stated that there was no time limit in the original motion. A time element is needed and a deadline for enforcement procedures.

Attorney Phil Goldsmith stated that we need to survey the properties to find out what is legal non conforming. We need to go through the

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procedures and bring the properties into compliance. If you look at changing the zoning ordinance then it turns into a moratorium.

Trustee Cousino stated it will take a year to complete this process.

Attorney Goldsmith suggested that we shorten the time frame.

Grodi moved, supported by Upchurch to review this procedure in 6 months and see how far the committee has gotten. Motion carried all in favor.

Baum moved, supported by Grodi to transfer \$150,00.00 from 246 PPI to 206 Fire Department until March 2010 and at that time 206 will pay back 246. Motion carried on a roll call vote. All in favor

Baum moved, supported by Upchurch to accept the six (6) contracts from the Monroe County Road Commission as presented with the Townships portion not to exceed \$15,000.00. Motion carried on a roll call vote.

Trustee Cousino wanted to make it clear that Luna Pier Road is a County Road not a Township Road.

Supervisor Frey stated that Monroe County is a donor County, and they are changing the formula for this process.

- Cheryl Vascik suggested that the Township go to a four (4) day work week. It will save the tax payers money. You were closed 1 day a week the last 2 weeks and all got your work done. Clerk Upchurch stated the Township was closed on the 3rd of July only and it was not two (2) weeks in a row. Supervisor Frey stated the officials salaries would not change.
- Joe Ciravolo stated that the Board meetings have been very heated. We need to have calm at these meetings
- Danny Taylor stated that he would “eat crow” concerning his comment, are there any cops left, it was uncalled for and he apologized.
- Garry Kinsey asked for the status of the new sound system. Clerk Upchurch stated that we have one quote so far.
- Trustee Grodi complemented the new walking trail at South Erie Park, job well done.

Baum moved, supported by Upchurch to accept and place on file the letter from Sergeant Anthony Konopka concerning the Police Chief position. The letter was read out loud. Motion carried, all in favor.

PLANNING
COMMISSION-
LEGAL NON-
COMFORMING

206 NEW FIRE
DEPARTMENT-
TRANSFER

MONROE COUNTY
ROAD COMM.
CONTRACTS

PUBLIC COMMENTS

KONOPKA /CHIEF
OF POLICE LETTER

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Discussion was held concerning the Police Chief position. Supervisor Frey wants this issue on the August Township Board meeting agenda.

Treasurer Baum read the letter from Shawn Cousino/Danny Taylor concerning reducing the grass cutting fees.

BILLS APPROVAL

Baum moved, supported by Upchurch to approve checks #22047-22060 and #22070-22167 in the amount of \$496,545.99. Trust and Agency checks #905-911 in the amount of \$16,313.00 Motion carried on a roll call vote. All in favor.

Upchurch moved, supported by Baum to adjourn the meeting @ 8:45p.m.

ADJOURN

Respectfully Submitted



Jolene Upchurch
Erie Township Clerk



Diane LaPlante
Recording Secretary