

~~REGULAR MEETING~~ **SPECIAL MEETING**
LENOX TOWNSHIP BOARD OF TRUSTEES
~~MONDAY, AUGUST 7, 2017~~ **FRIDAY, AUGUST 14, 2020**
9:00 A.M.

1. **CALL TO ORDER:** 6:30 ~~9:00 A~~ PM
MEMBERS PRESENT: Trombly, Kandell, Honold, Clifford, ~~Gurley~~
MEMBER EXCUSED: Gurley
ATTORNEY PRESENT: Steven Joppich Shaun Kelly
RESIDENTS AND GUESTS PRESENT: 391
2. **PLEDGE OF ALLEGIANCE**

3. ~~APPROVAL OF MEETING AGENDA~~ **PUBLIC COMMENT – No public comments were heard.**

~~Supervisor Trombly suggested that b. Fire Department Report be removed from the Consent Agenda and be moved to 8. Items Removed from the Consent Agenda. Motion by Kandell supported by Honold to approve the meeting agenda as amended. All Ayes. Motion passes.~~

4. ~~APPROVAL OF MINUTES~~ **NEW BUSINESS**

a. Special Building Department Inspection Request Revision

Motion: Clifford Support: Honold

Motion to approve the cement contractors for Beaumont (Roncelli) to work beyond the working hours set by ordinance, specifically until 9:00 p.m. tonight (August 14, 2020). This will be in addition to the hours specified at the previous meeting. All Ayes. Motion Carried

b. Employee Unpaid Administrative Leave of Absence

Attorney Kelly specified that at this time no action is required on this matter. The employee has been contacted and is expecting to return to work at the end of the COVID FMLA time frame.

5. **PUBLIC COMMENT – No comments were presented at this time.**

6. **Adjournment**

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Motion: Clifford Support: Kandell

Motion to adjourn the Special Meeting of the Lenox Township Board of Trustees at 9:02 a.m.

All Ayes. Motion Carried.

Respectfully submitted,

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LuAnne Kandell,

Lenox Township Clerk

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Motion by Honold supported by Kandell to approve the minutes as written from June 5, 2017 and June 22, 2017 as written. All Ayes. Motion passes.

5. PUBLIC ANNOUNCEMENTS

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State Representative Jeff Yaroeh: On my listening visiting tour visiting various Boards and Commissions around my district, I think this is the second time I have gotten around the district listening to people's concerns, and allowing me to open up open the hall a half hour early to listen to people's issues. Some updates of things to let the Board know, obviously everyone has felt the pain of the registration increase on their car insurance, adding to the registration and the gas tax increase, which was done by the previous legislature. You should start to see that money trickling down in road funding to the county and that should be available for the Township to improve the roads. We continue to work on reducing bureaucracy to get more money into roads, you should also see a bump in revenue sharing in the next budget. This is a big thing that I have pushed for coming for local government, so it is not where I would like it to be, but it definitely has gone up, so that has been a positive. I see you have a Town Hall on marijuana, just to let you know that we have a resolution in the House, trying to push the Federal Government to make a decision decide, as people know, it is still illegal Federally, and that forms a conflict for local government to follow state law means that they are violating Federal Law. I am trying to work with our Congressional Delegation to push them to make a decision decide what they are going to do, either enforce it, encourage the District Attorney to actually enforce enforce the law, or grant states like ourselves the waiver to regulate it ourselves in the way that we have decided by the vote of the people. With so many first responders in the room, thank you all for your service. Having left the fire house in December to go to the State House, I want to share with you, with so many attacks on EMS, Fire and Police in recent times, so many people attacking emergency responders, because of their frustration with government, I have a bill in the House that will probably be coming up to committee, which would increase the fines when assaults occur on police, firefighter, or paramedic while they are performing their duties. I think it is important that society needs to speak out and say you cannot attack our first responders because you are frustrated with government, they are there to serve our citizens and we are going to step up the fines for that. So So, if there are any other questions, I will be available after the meeting also. Thank you very much.

6. PUBLIC COMMENT

M. Ludeman, Frost Road: I just wanted to catch everybody before they leave, because I know right after, it will be gone. I just want to say to this Fire Department, awesome job- again. Everybody was friendly, the food was awesome, the people that were there were very cordial. I had a great time, you have done it every year and this year, you did it again! And also thank you to

~~the Huron Pointe Sportsman Club, I understand that they always donate that, which is really nice of them. Amen guys, stay safe, we appreciate you thank you!~~

~~**7. CONSENT AGENDA**~~

~~All items listed under this Consent Agenda are considered routine by the Township Board and will be enacted by one motion. According to established Township meeting rules, there will be no separate discussion of these items, unless a member of the Board or public so requests at or prior to the meeting, in which event the chair of the meeting may remove such item(s) from the Consent Agenda for discussion and consideration under Agenda Item No. 8, below. Approval of the Consent Agenda shall be by a majority roll call vote of those present and voting. Under the consent agenda are items a. Sheriff Report, c. EMS Report, d. DPW Report, e. Code Enforcement Report, f. Assessing Department Report, g. Engineer Report, h. Planner Report, i. Library Report, j. Senior Center Report, k. Supervisor's Report, l. Treasurer's Report, m. Order and Bills, n. Trustees Report, o. Clerk's Report.~~

~~Clerk Kandell reported Pre-Paid Bills in the amount of \$1,447,849.50 and Invoices for consideration to be paid in the amount of \$360,810.19 for a total from June 6, 2017 to August 8, 2017 of \$1,808,659.69.~~

~~Motion by Kandell supported by Honold to accept the Consent Agenda as presented, removing the Fire Department Report and placing it under Item 8. All Ayes. Motion passes.~~

~~Roll Call: Kandell—Aye, Honold—Aye, Clifford—Aye, Gurley—Aye, Trombly—Aye. Motion passes.~~

~~**8. ITEMS REMOVED FROM CONSENT AGENDA**~~

~~**b. Fire Department Report – Award Ceremony**~~

~~Fire Chief Denny Fouchia explained that amongst these three gentlemen, there are over 40 years of service to the community, an astounding number for a smaller paid on call department such as Lenox Township. With their awards, they will receive years of service stars that will be placed on their Class A Uniform. Additionally, stars should be sewn on their sleeves for each five years of service.~~

- ~~_____ Firefighter Helmut Thielemann- 10 years of service~~
- ~~_____ Sergeant Dean Collins- 10 years of service~~
- ~~_____ Sergeant Timothy Lenont- 20 years of service~~

~~Fouchia detailed that on Saturday, May 13, 2017, approximately 8:45 AM, the Lenox Township Fire Department and Richmond Lenox EMS were dispatched for a medical emergency of a male patient down and not breathing. Macomb County Sheriff Deputy Chris Cory arrived first to the scene, was directed to the unconscious patient and began CPR after finding no pulse. Lenox Township Fire Department and Richmond Lenox EMS Personnel arrived a short time later and began advanced life support measures as Cory continued chest compressions. EMS Personnel administered a shock as well as medications and the patient was revived and subsequently transported to the hospital. Due to the professional lifesaving actions of all these personnel, the patient was hospitalized, subsequently released and returned home. The following first responders were recognized:~~

- ~~_____ Firefighter Jason Lockwood _____ Firefighter Tim Lenont II~~
- ~~_____ Firefighter Erik Oakes _____ Sergeant Ron Goss~~
- ~~_____ Sergeant Brian Klovski _____ Assistant Chief Marty Hartway~~
- ~~_____ Macomb County Sheriff Deputy Chris Cory _____ Richmond Lenox EMS Paramedic Michelle Genereaux~~
- ~~_____ Richmond Lenox EMS Paramedic Rob Miller _____ Richmond Lenox EMS Paramedic EMT Greg VanHamme~~

Director White detailed EMS Distinguished Service Crosses, very similar to the firefighter's awards, however, the only way that EMS Personnel may receive these awards, is if they respond to a situation where a person is clinically dead, and due to their actions, that person not just survives the trip to the hospital, but leaves the hospital and returns home. EMS Lifesaving Awards were presented to

Paramedic Michelle Genereaux Paramedic Robert Miller
EMT Gregory VanHamme Paramedic Kenneth Stuart (unable to attend)

Richmond Lenox EMS Director Jeff White detailed what really happened on this medical emergency run, which is not just the cooperation of the Sheriff Department, the EMS, and the Fire Department. Deputy Cory gave early cardiopulmonary resuscitation (CPR). Early CPR has been scientifically proven to save lives. A person's chance of survival drops approximately 10% a minute- it takes a minute to call 911, it takes a minute for them to dispatch someone, it takes a minute or more for the personnel to get in the vehicle and drive to the site, it takes a minute once the vehicle is in the driveway to enter a home, it takes another minute to grasp the gravity of the situation. If no one has started CPR, that person may have a very small chance of survival. The public needs to understand the importance of being able to conduct CPR, which could save approximately 50,000 lives every year. White implored the audience to find the way to take a CPR class. CPR classes are done at the Richmond Lenox EMS Building on the second Saturday of every month and the classes cost nothing to take. EMS can conduct classes at churches, schools, even someone's living room where there are several interested people gathered. The take home message for this meeting is to learn CPR.

Fire Chief Fouchia thanked the Board of Trustees for their continued support to the Fire Department and the personnel that work for the community 24 hours a day, seven days a week.

PUBLIC COMMENT

George Drake, representing the Lenox-New Haven Historical Society: On November 8, 2017, the Lenox-New Haven Historical Society will celebrate its 26th Year Anniversary. 26 years of hard work by volunteers from far and near to acquire and restore the historic New Haven Railroad Depot. The one place that contributes so much to the economic development to this part of the County. Since it's restoration, the Depot, has likely become the most photographed site in the County, attesting to this point, photographs of this site have appeared on the cover of the Anchor Bay Chamber of Commerce publications two times, the cover of the local area Yellow Pages, and was recently highlighted in an article in the Macomb NOW Magazine. It is a credit to the image and reputation of the Village and Township. The Village history and its preservation is the responsibility of those of us who are living it. We must do what we can to preserve it for the benefit of our children and future generations. That responsibility is shared by all of us. Earlier today, we launched a project to collect personal recollections of history in the area through personal interviews of Senior Citizens from the Lenox-New Haven area. We video recorded recollections from an 83-year-old Lenox Township resident, I won't mention his name, but many of you know him, he has been around here practically all his life. We presently have approximately 30 people on a list whom we seek to interview. If anyone knows of others who would like to be included, please let us know. The eventual result of these interviews, is intended to avail a window into history of the local area, which can be enjoyed by current and future generations, and hopefully, we eventually hope to be online, so you could look at any of those at your leisure from your home. The Lenox-New Haven Historical Society is a 501(c)(3) Federally recognized non-profit organization. The Society is an open membership organization, anyone can become a member, we are strictly a volunteer organization, all the properties of the organization are fully owned by the organization, which in turn is equally owned by its members. The reason I am before you tonight, is to request a strengthening of the bond between the Historical Society and the community it serves. In order to recognize, strengthen, and acknowledge the value of the Lenox-New Haven Historical Society to the community at large, it is important that its relationship with the community be formalized. Thus, the

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Lenox-New Haven Historical Society is requesting a formal recognition of this organization as the acknowledged historical society for the Township. We propose that the Township adopt a resolution in that regard. I have here a copy of a similar resolution, which has been adopted by the New Haven Village Council. This is Resolution 17-005 from the Village of New Haven:

Whereas, Lenox-New Haven Historical Society is a registered assumed name of "Save Our Depot, Inc.,"
58585 Victoria Street in New Haven, Michigan;

Whereas, Lenox-New Haven Historical Society is a 501(c)(3) non-profit corporation with membership open to the public. Whereas, Lenox-New Haven Historical Society presently operates a museum and actively advocates acquisition and restoration of historical buildings as well as the acquisition and collection of historic artifacts;

Whereas, the Village of New Haven recognizes the significance of the acquisition, collection, and maintenance of historic artifacts and property within the Village, by a private entity, without the contribution of taxpayer funds;

Now therefore be it resolved that: while Lenox-New Haven Historical Society continues in the functions identified above, it shall be recognized as the official historical society of the Village of New Haven;

I would request that the Board adopt a similar resolution as the Historical Society represents the Village of New Haven as well as Lenox Township, we intend to service the two municipalities. The quickest way to lose our way in society, is to forget where we came from. I didn't invent that statement, incidentally. Our long-term mission is to recover history, particularly in the next couple of years. We want to be able to write it down and preserve it for generations that have not even been thought of yet. Clerk Kandell volunteered to draft a resolution and send it to the Township Attorney for his review in time for the September Board of Trustees Meeting.

9. UNFINISHED BUSINESS

There was no Unfinished Business to conduct at this meeting.

10. NEW BUSINESS

Motion by Honold supported by Gurley to table the 2016-2017 Budget Adjustments because there are potential expenses that may need to be evaluated further. All Ayes. Motion passes.

GRADE REVIEW FEE RESOLUTION

Lenox Township Engineer Sermed Saif explained that this Grade Review Fee Resolution would allow his office and the Planner a mechanism to check the proposed grades on residential properties before, during and after a home is constructed to make sure they are in harmony with adjacent properties. The Planning Commission approved the Grade Review Fee at a previous meeting. The fee that is attached to this Resolution covers four hours of a surveyor's time as well as one hour of the Engineer's time to ensure the contractor is building to the plan and that there would be no drainage issues.

Clerk Kandell questioned whether surrounding communities charge for this type of service and if the proposed fee schedule would be in line with others.

Saif recalled that approximately 20 years ago, he constructed a Grade Review Ordinance and Fee Schedule for Macomb Township. Surrounding municipalities charges are similar to this proposed fee schedule. Lenox has been reactive for many years and the Township has paid for that mindset in Code Enforcement and legal fees; this is the proactive solution to a long-term problem. There must be an Ordinance in place when subdivisions begin to come in.

Kandell voiced her concern about the fee schedule that may price the Township out of people building their new homes in Lenox because the fees are so high.

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Supervisor Trombly remembered that this subject came up eight years ago and fees were the number one concern at that time, the Board wanted to remain competitive with neighboring communities. However, this issue has haunted the Township every year since then. Lenox has spent thousands of dollars on Code Enforcement hours and Engineering hours to rectify water run-off issues; going backward to try to remedy a drainage problem is almost impossible. He believes the fees proposed are well worth the money to be proactive and have it done correctly. This has got to be a cost to do business in Lenox Township as there has been so many problems encountered with improper water run-off.

Trustee Clifford remarked that a survey crew would be on site to approve the grade at the preliminary stage and to confirm the final grade before a Certificate of Occupancy were granted.

Saif detailed that new home applicants would be given standards so they know how to grade the property and send the water instead of flooding adjacent properties.

Attorney Joppich reported that the fees could be effective immediately, however the Ordinance would be in effect 30 days after publication.

Motion by Clifford supported by Honold to adopt the Grade Review Fee Resolution as written.

Comment from the audience: Is there a standard fee?

Saif explained that the fee would be charged per application no matter the size of the structure.

a. All Ayes. Motion passes.

Richmond Lenox EMS Director Jeff White explained that the Board would be considering the SMART Municipal and Community Credit Contract Agreement that shows the same amount as in the past several years of \$5,738 in Municipal Credits and \$11,620 in Community Credits for a total amount of \$17,358. These funds can only be used for the provision of public transportation to the Township through SMART, from two sources: 1. the Millage that everyone in Macomb County pays to SMART, the Regional Transportation Authority in Southeastern Michigan, and 2. through fuel taxes. If the Lenox Board of Trustees would like to continue providing a community transit service, he would recommend that they approve the credits be transferred to Richmond Lenox EMS Ambulance Authority for the continued operation of the SMART Busses. To give everyone an idea of Lenox Township's usage in the last year, 1433 residents were transported on SMART Vehicles, approximating each ride cost \$12.00. As most rides travel to the Mt. Clemens area that is pretty inexpensive public transportation.

Motion by Kandell supported by Clifford to approve the SMART Contract and transfer of Municipal Credits of \$5738 and Community Credits of \$11,620 to Richmond Lenox EMS and to authorize the Supervisor to sign the contract for the SMART Fiscal Year 2018. All Ayes. Motion passes.

Comment: You were about to sign a note for several thousand dollars, you should have a roll call. Make it a roll call please.

Roll Call: Gurley—Aye, Clifford—Aye, Honold—Aye, Kandell—Aye, Trombly—Aye. Motion passes.

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GRADE REVIEW ORDINANCE AMENDMENT

Attorney Joppich explained that this amendment is related to the Grade Review Fee Schedule, it was prepared with the assistance of his office and he is satisfied with the result.

Motion by Gurley supported by Clifford to accept the amendment to the Zoning Ordinance, Article 3-32, Section 310.

Roll Call Vote: Gurley—Aye, Clifford—Aye, Honold—Aye, Kandell—Aye, Trombly. Motion passes.

b. DPW SEASONAL WAGE INCREASE REQUEST

DPW Superintendent Cam Trombly reported that in June 2017, all Township employees were awarded a compensation package. Tyler Butt began DPW seasonal employment right after those discussions concluded and did not receive anything

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extra; his increase was missed. He has done the same jobs and worked the same hours, and Trombly feels it is only right to revisit the issue and award him the same increase that the other seasonal employee was given. He requested that this approval be retroactive to July 1, 2017 when the staff received their increase.

Motion by Kandell supported by Honold to approve a retroactive wage increase of 25 cents per hour to Tyler Butt, beginning July 1, 2017. Clerk Kandell explained that the Board Members received a copy of the Hi-Tech Contract. The current contract expires at the end of June and they have submitted a new contract in the amount of \$17,988 for the next year. Lenox is one of numerous local communities that Hi-Tech services, four of those municipalities have contracts that are in line with Lenox Township as far as numbers. There has been an issue with satisfaction recently, however, a change in technicians was done in the hope of resolving that problem. This contract allows the Township and Hi-Tech 30 days and out, not binding either one for the rest of the year.

Motion by Kandell supported by Honold to approve the contract with Hi-Tech Systems in the amount of \$17,988 for the next years' worth of service, keeping in mind that there is a 30 day written provision that the contract can be voided by either party.

Comment: Inaudible.

Kandell reported that \$17,988 is the total yearly amount, the Township would be billed one twelfth of that per month, currently Lenox pays nearly \$1,500 per month, and this contract is not much different.

Clifford inquired if the Board would be approving this with the full intention of bidding this next year, as he would like to test the market.

Kandell explained that the Township could go out for bids next year, however, she was just made aware that the contract was expiring and she did not have the time to complete the necessary legwork to get the Request for Proposal prepared.

All Ayes. Motion passes.

c. BS & A SOFTWARE TRAINING REQUEST

Clerk Kandell explained that she provided the Board with a proposal from BS & A Software to instruct staff members on Budgeting; they agreed to touch on General Ledger, Accounts Payable, Cash Receipting, and Payroll if any employees are having trouble from the past training sessions.

Treasurer Honold reported that she needs additional storage in her office, and as required, she acquired three quotes:

1. Albers, \$2126.40, 2. DeFauw Cabinets, \$1560, and 3. Quality Lumber \$1,284.50. She recommended DeFauw Cabinets as their business is located in Lenox Township.

Motion by Clifford Honold supported by Kandell Clifford to accept the quote from DeFauw Cabinets to add additional storage space to the Treasurer's Office. approve the BS & A Software training for a total of \$1,165. All Ayes. Motion passes.

d. PLANNING COMMISSION RECORDING SECRETARY POSITION

Supervisor Trombly reported that the Planning Commission Recording Secretary resigned and needs to be replaced. He appointed Jeanette Ventimiglia to take the position over, with Karen Kaltz as the alternate.

Trustee Clifford remarked that the Planning Commission Recording Secretary was compensated per diem as she was conducting the work at home, she was an outside employee of the Township. The Board of Trustees Recording Secretary is currently paid regular hourly wages to complete the minutes. He does not have a problem raising the Board of Trustees Recording Secretary to a per diem, as long as the work that is being done is completed the same as in the past, on their own time their lunch hour, before work, or after hours, not on Township time. The Planning Commission Recording Secretary could be compensated hourly instead, however, in the future, if a person was hired off the street to complete this task, this would have to be adjusted again.

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Attorney Joppich added that he has not had an opportunity to review the concept of the per diem payment from a legal standpoint. He knows the meaning of doing the work on their own time, but believes what is being proposed is that the Planning Commission minutes would be done on Township time, just outside of the regular work hours when Deputy Supervisor duties are done. He presumed that Ventimiglia has agreed to undertake the added duties and agreed to be paid on a per diem basis. Clifford stated that both the Planning Commission Recording Secretary and the Board of Trustees Recording Secretary would be compensated the same way.

Comment: Forgive me for not understanding the per diem, are you saying that she will earn her current salary per hour while she is taking over this Planning Commission position? No, what does it mean?

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Trombly detailed that the Planning Commission Recording Secretary was paid a flat rate to transcribe the minutes. Ventimiglia would be getting that amount.

Comment: So, this is going to be an increase for how many hours she does it?

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Trombly remarked that this would not be an increase. She would be getting paid what the previous person got paid, that is all, outside of her other hours. She would not be getting her hourly pay.

Comment: OK, so it could be less? No, it's not less?

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Trombly stated the compensation is a set amount.

Comment: It is a set amount - well, I don't know what the amount is, it has not been said, so that is why I am asking.

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Clerk Kandell recalled that the previous person was compensated \$120 per meeting.

Comment: I did not know that. May I ask a question? Does Carol Swantek earn her hourly wage while she is doing this position or does she consider this another meeting? Is she getting paid \$120 for taking minutes now?

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Trombly stated no.

Comment: So, you are asking an employee who currently works here to get the money that is already set, kind of set \$120 a meeting? And you are all agreeing with that?

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Trombly remarked that she would get the same.

Treasurer Honold agreed that Carol should receive the same.

Comment: OK, alright, that is what I wanted to know, how much it was and everything. Thank you.

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Trombly remarked that no one wanted to change the existing practice, but wanted it to be fair to everybody.

Comment: I understand that, fair is the way to go.

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Joppich questioned whether the proposal is to also change how Mrs. Swantek completes the minutes for the Board of Trustees in terms of how she is paid, he understands that the task is done during work hours.

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Clifford explained that the Planning Commission Recording Secretary is paid per diem. Mrs. Fouchia resigned from the Planning Commission. The Deputy Supervisor was hired as a replacement. Instead of dropping that per diem to the hourly rate, he proposed to raise Mrs. Swantek's rate to the same per diem that the Planning Commission Recording Secretary receives.

Joppich inquired if the proposal would change the way the work is done, because tied to the proposal is that the work would not be done during work hours. Currently, the Deputy Clerk prepares the minutes during work hours, and does not

Clifford stated that he is new to the Board of Trustees, but the per diem was paid to Mrs. Fouchia because she was outside the Township, that was her only job, she would come in just to record the minutes. Mrs. Swantek is currently doing the Board Minutes for her hourly rate, when Mrs. Fouchia resigned, Ventimiglia was brought in from within compensated the same way. He does not want to drop that per diem in case it would become necessary to hire off the street in the future. To be fair to Mrs. Swantek, the Board of Trustees Recording Secretary position would be brought up to the per diem rate, as opposed to the hourly rate that she currently works for. Tying that in, Mrs. Fouchia did that work at home, both tasks would be done on their own time.

~~Joppich remarked that he is not certain that has been discussed with Mrs. Swantek. The Board should make certain that a proposal like this has been discussed with the employees, perhaps it would be best to postpone this item until the next meeting. Clifford inquired if Carol would like to answer to this issue.~~

~~Deputy Clerk Carol Swantek commented that she would prefer to discuss this with Clerk Kandell detailed that Michigan has mandated that new voting equipment be in place in the near future. A grant for the \$24,000 purchase price would allow Lenox to get the new equipment paid for by the State, however, that actual grant agreement will not be available until mid-June. Due to the fact that there is no Trustee Meeting scheduled in July, she requested that the Board of Trustees give her authorization to sign that grant agreement when it arrives. It is also necessary for the Township to pass a Resolution supporting the acceptance of the grant monies. The Township Attorney reviewed the sample agreement, noting that there are reporting requirements that the Clerk's Office must comply with. The obligation of the Township would be to pay for necessary maintenance costs in years six through ten; all costs are included up to year six.~~

~~Kandell then read the Resolution in its entirety.~~

~~Motion by Clifford supported by Gurley to give the Township Clerk the authorization to sign this Resolution to apply for this grant and the permission to do so. All Ayes. Motion passes.~~

~~Motion by Honold supported by Gurley to adopt Resolution 2017-2 for voting equipment.~~

~~Roll Call: Gurley—Aye, Clifford—Aye, Honold—Aye, Kandell—Aye, Trombly—Aye. Motion passes.~~

~~e. COMMUNITY ROOM CARPET CLEANING REQUEST~~

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~~12. PUBLIC COMMENT~~

~~Supervisor Trombly requested that the EMS Director Jeff White explain the Municipal and Community Credit Transfer.~~

~~White explained that each community is allocated an amount of funds from SMART, based upon a calculation that the SMART Board develops. Those funds come from the millage monies that are paid by Macomb, Oakland, and Wayne County residents to SMART and are allocated back to the communities. SMART advises the municipalities each year what percentage of those millage monies would be returned. Lenox's percentage has been unchanged for the last several years and can only be used for Public Transportation. Richmond Lenox EMS requests that Lenox Township transfer those credits to the EMS, who runs a small public transportation service for the residents in Lenox Township, which is shared by eight other surrounding communities including Chesterfield and Macomb Township, New Baltimore, and all the way up to Memphis. Those communities all do the same thing, so there is a large enough pool of money to make the transportation service work.~~

~~13. CLOSED SESSION~~

~~A. TO CONSULT WITH THE TOWNSHIP'S ATTORNEYS REGARDING PENDING LITIGATION UNDER MCL 15.268(e)~~

~~Motion by Gurley supported by Kandell to enter into Closed Session at 7:48 PM to consult with the Township's Attorneys regarding pending litigation under MCL 15.268(e).~~

~~Roll Call Vote: Gurley—Aye, Kandell—Aye, Clifford—Aye, Honold—Aye, Trombly—Aye. Motion passes.~~

~~The Closed Session portion of this Meeting was held for the purpose of consulting with the Township's Attorneys regarding pending litigation under MCL 15.268(e).~~

~~Motion by Kandell supported by Gurley to return to Open Session at 8:34 PM.~~

~~Roll Call Vote: Kandell- Aye, Gurley- Aye, Honold- Aye, Trombly- Aye. Motion passes.~~

~~Motion by Clifford supported by Gurley to approve Attorney Addis to closely monitor the Sterling Heights lawsuit against the Macomb County Interceptor Drain Drainage District and report to the Board for future consideration of the best interests of Lenex Township.~~

~~Roll Call Vote: Clifford- Aye, Gurley- Aye, Honold- Aye, Kandell- Aye, Trombly- Aye. Motion passes.~~

~~Motion by Clifford supported by Gurley to approve and authorize the Supervisor to enter into the Intergovernmental Agreement to allow a sewer connection for the proposed Pilot Travel Center on 26 Mile Road in Chesterfield Township, Michigan, subject to finalization and approval contract by the Township Attorney.~~

~~—B. INTERGOVERNMENTAL AGREEMENT TO ALLOW A SANITARY SEWER CONNECTION AND PROVIDE SERVICE
— FOR PILOT TRAVEL CENTER, INC. ON 26 MILE ROAD IN CHESTERFIELD TOWNSHIP~~

~~14. — ADJOURNMENT~~

~~Motion by Kandell supported by Gurley to adjourn the meeting at 8:35 PM. All Ayes. Motion passes.~~

~~Respectfully submitted, _____ Respectfully submitted,~~

~~LuAnne Kandell, Clerk _____ Carol A. Swantek, Recording Secretary _____~~