Location: Ray Township Hall

64255 Wolcott. Ray, MI 48096

Present: Joe Jarzyna, Supervisor

Lori Lascoe, Clerk

Doug Stier, Treasurer

Charlie Bohm, Trustee

Betty Grader, Trustee

Absent: None.

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE AND ROLL CALL.

Supervisor Jarzyna called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

All members were present.

2. APPROVAL OF AGENDA

**MOTION by Lascoe supported by Stier to approve the agenda as presented.**

**MOTION carried.**

3. CORRESPONDENCES: None

4. PUBLIC COMMENTS: Supervisor Jarzyna asked anyone that would like to speak to come to the podium and state their name and address.

There were no public comments.

5. APPROVAL OF MINUTES – September 18, 2018

**MOTION by Bohm supported by Stier to approve the minutes from September 18, 2018 as presented.**

**MOTION carried.**

6. BUDGET MODIFICATION

Stier stated he would like to make a formal request for a budget modification to the following accounts:

1. Move $1,000.00 from Election Reimbursements to Election Wages.
2. Move $500.00 from Election Reimbursements to Election - Operating Supplies
3. Move $100.00 from election Reimbursements to Election – Travel
4. Move $1,000.00 from Land Improvements to Expenditure Account – Repair Maintenance Truck

5. Move $3,000.00 from Building Permits to (1) $1,100.00 to Building Inspector Wages, (2) $900.00 to Electrical Inspector Wages, (3) $700.00 to Mechanical Inspector Wages and (4) $300.00 to Inspector Travel.

**MOTION by Bohm supported by Stier to approve budget modifications as presented.**

**MOTION carried**

7. APPROVAL OF BILLS

Stier stated the bills list is through October 16, 2018 in the amount of $91,594.98.

**MOTION by Grader supported by Stier to approve the bills list dated September 14, 2018 in the amount of $91,594.98.**

**MOTION carried.**

8. OFFICER’S REPORTS

1. Supervisor Jarzyna stated the Township has a 2.4% Consumer Price Index Factor for 2019.

Jarzyna reported that Tony Fortolini has stepped down from Macomb County Public Works and Ken Goike has been appointed as the new Public Works Deputy Commissioner. He stated if any residents have problems or questions they should contact him.

Jarzyna advised that item 11F, Reallocation of funds has been added to the agenda to address the Ray Township Public Library foundation problem for the addition.

b. Clerk Lascoe stated November 6th is the general election, the absentee ballots were mailed on October 3rd, 2018. As of today, 513 absentee ballots have been issued. The Clerk’s office will be open the Saturday, November 3rd from 9 a.m. to 2 p.m. for absentee ballots only. If anyone would like an absentee application, they should contact the Clerk’s office and the application is available on the Township website.

Lascoe reported The Election Commission will conduct the public accuracy test on Monday, October 29th, at 11:00 a.m., to demonstrate that the program and computer that will be used to tabulate the results of the election. She welcomed anyone to attend.

1. Treasurer Stier asked Supervisor Jarzyna if a committee could be formed to review the Recreation by-laws, he advised the current by-laws are vague as how board members are to address issues if any arise.

Supervisor Jarzyna agreed to set up a committee.

Bohm stated he would be willing to participate on a committee, Agatha Show, recreation Director would need to be part of committee.

1. Trustee Grader stated she was pleased with the newsletter showing events in a calendar format, please

continue to list all activities.

Trustee Bohm reported the 29 Mile Road Bridge is progressing as planned and will be open by Friday.

**MOTION by Bohm supported by Grader to receive and file the Officer’s Report as presented.**

**MOTION carried.**

1. DEPARTMENT REQUEST/REPORTS
   1. Assessing
   2. Budget Report
   3. Building Department
   4. Fire Department Report
   5. Library Report
   6. Recreation Report
   7. Senior Report
   8. SMART/Richmond Lenox EMS Report

Jarzyna reviewed the department’s monthly reports for September 2018.

**MOTION by Stier supported by Lascoe to receive and file the September 2018 Department Reports.**

**MOTION carried.**

1. UNFINISHED BUSINESS
   1. Consent Judgment for Four Star Development for proposed sewer connection to Shelby Twp./Macomb Interceptor Drain Drainage District (“MIDDD”)

Jarzyna advised he and Bohm attended a meeting with Shelby Township Public Works, Ray and Shelby Township Attorneys and Engineers and developers. He stated Mr. Moceri has advised he will put two million dollars into an escrow account for the sewer connection.

Bohm stated all is going well and feels the agreement will be good for the Township. Further stated more meetings are needed.

**MOTION by Grader supported by Lascoe to Table 10) a. Consent Judgment for Four Star Development for proposed sewer connection to Shelby Twp./Macomb Interceptor Drain Drainage District (“MIDDD”).**

**MOTION carried.**

* 1. American Tower Lease Agreement Proposal for five additional years.

Stier advised he discussed the proposed lease agreement with Erasmo Nunez, Account Manager from American Tower who advised the amount of the rent is high. The lease agreement provides the same rate escalation as previous lease agreements and the Township can make a counter offer. Further stated the signing bonus is $40,000.00 for the extension.

Bohm asked if the tower is at the Fire Department or the landfill? Further stated the need to confirm which tower this is before proceeding.

**MOTION by Bohm supported by Stier to Table 10. a.) American Tower Lease Agreement Proposal until further information is received.**

**MOTION carried.**

1. NEW BUSINESS

a. SMART Municipal Credit and Community Credit Contract for FY 2019

**MOTION by Bohm supported by Lascoe to approve the Resolution for authorization to Purchase Community Transit services from Richmond Lenox EMS with SMART Municipal Credits and Community Credits – Resolution Number: 2018-07, as follows:**

**Whereas, That the Ray Township is eligible to receive public transportation funds through the Municipal and Community Credit programs; and**

**Whereas, The Richmond Lenox EMS (RLEMS) operates a public Community Transit program; and**

**Whereas, The Ray Township wishes to purchase Community Transit services from the Richmond Lenox EMS; and**

**Whereas, SMART (the Suburban Mobility Authority for Regional Transit) as the regional transportation authority is responsible for coordinating, reporting, and disbursing of funds for all local sub-recipient communities and agencies; and**

**Whereas, The Ray Township and RLEMS have a long-standing collaborative relationship in providing paratransit services to residents in Ray Township, and the surrounding communities;**

**Whereas, The Ray Township and RLEMS wish to continue the existing arrangement; and allow for direct reimbursement to the RLEMS for operating expenses incurred while providing Community Transit services and;**

**Resolved, That THE SUPERVISOR of RAY TOWNSHIP is authorized to execute Municipal and Community Credit agreements in which Municipal and Community Credit funds in the amount of $13,616.00 will be used to reimburse the RLEMS for Paratransit/Community Transit services.**

**For this Resolution: Yes: Bohm, Lascoe, Stier, Grader, Jarzyna.**

**No: None.**

**Absent: None.**

**MOTION carried. Resolution Declared Adopted: October 16, 2018.**

b. SEMCO Energy Request for Grant of Franchise - Ordinance 52

Jarzyna stated the ordinance is a renewal since the existing ordinance will be expiring.

Lascoe stated the Township Attorney reviewed the proposed ordinance and it has been amended to reflect her changes.

**MOTION by Grader supported by Lascoe to approve the Franchise Granted to SEMCO Energy Gas Company Ordinance No. 52A, as follows:**

**An Ordinance, granting to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to conduct a local gas business in the Township of Ray, located in Macomb County, Michigan, for a period of thirty years.**

**THE TOWNSHIP OF RAY ORDAINS:**

**Section 1. GRANT OF FRANCHISE. The Township of Ray, located in Macomb County, Michigan (the “Township”), hereby grants to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, (the “Grantee”) the right, power and authority to construct, lay, operate, maintain and replace in the public streets, highways, alleys and other public places in the Township of Ray, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all purposes to the Township of Ray, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said Grantee, for a period of thirty years.**

**Before Grantee installs new pipes, mains, conductors, service pipe or other apparatus in a right-of-way, Grantee shall provide the Township with advanced notice of such anticipated work by utilizing the Miss Digg System, Inc. including but not limited to the calling in of a "design ticket" and "meet ticket". In the event exigent or emergency circumstances necessitate immediate work in a right-of-way, Grantee shall notify the Township Supervisor of such work as soon as practicable.**

**Section 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, Grantee shall faithfully perform all things required by the terms hereof.**

**Section 3. CONDITIONS. No highway, street, alley, bridge or other public place used by Grantee shall be obstructed longer than necessary during the work of construction or repair and shall be restored to as good order and condition as when Grantee commenced the work. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes. Grantee will use its best efforts to not unreasonably interfere with or disrupt any public utility apparatus or facilities operated by the Township and, to the extent Grantee interferes with or disrupts any such public utility apparatus or facilities, Grantee shall restore such apparatus or facilities to as good order and condition as when Grantee commenced work.**

**Section 4. HOLD HARMLESS. Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense caused by Grantee's construction and maintenance of the structures and equipment hereby authorized. If any action is commenced against the Township seeking relief for damages caused by Grantee's construction and maintenance, Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, costs and damage arising out of such construction and maintenance.**

**Section 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.**

**Section 6. RATES. Grantee shall charge for gas furnished the rates, charges and special taxes as approved from time to time by the Michigan Public Service Commission, or its successors having authority and jurisdiction to fix and regulate gas rates and charges, or as otherwise permitted or required by applicable law or tariff, for the term of this franchise. Such rates shall be subject to Commission review and change at any time upon petition therefore being made by either said Township, acting by its Township Board, or by said Grantee.**

**Section 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.**

**Section 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said township and shall provide service in accordance with the terms and conditions set forth in its applicable tariff as approved from time to time by the Michigan Public Service Commission or its successors.**

**Section 9. SUCCESSORS AND ASSIGNS. The words “SEMCO Energy Gas Company” and “SEMCO Energy, Inc.,” wherever used herein, are intended and shall be held and construed to mean and include SEMCO Energy Gas Company and its parent, subsidiaries, successors, affiliates, and assigns, whether so expressed or not. The word “Grantee,” wherever used herein, is intended and shall be held and construed to mean and include SEMCO Energy Gas Company, SEMCO Energy, Inc., and the successors and assigns of each, whether so expressed or not. Grantee may assign the rights and obligations under this agreement as long as the Grantee provides prior written notice to the Township of any such assignment.**

**Section 10. FORCE MAJEURE. The Grantee shall not be liable for failure to furnish service as herein provided, or for any breach of the Grantee’s obligations hereunder, if such failure or breach is caused by acts of God, labor troubles, riot, or any other causes or contingencies not reasonably within the control of the Grantee.**

**Section 11. EFFECTIVE DATE. Upon adoption, the Township Clerk shall deliver to Grantee a certified copy of this ordinance. Additionally, the** **Township shall publish this ordinance within thirty (30) days of its adoption and this ordinance shall take effect upon the day after the date of publication thereof, continuing for a term of thirty (30) years from that date; provided, however, it shall cease and be of no effect after sixty (60) days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, the ordinance shall constitute a contract between said Township and said Grantee.**

**Motion carried. Resolution Declared Adopted on October 16, 2018.**

c. Request to attend Treasurers’ Guide to Tax Collection on November 14, 2018

Stier requested to attend November 14,2018 Treasurers workshop on the new tax collection guidelines. The workshop cost is $113.00, plus mileage. Further stated lodging is not necessary.

**MOTION by Grader supported by Lascoe to approve $113.00 cost of workshop plus mileage for Treasurer attendance at November 14, 2018 tax collection training.**

**MOTION carried.**

d. Room request; Mitten Thumb Machine Knitters

**MOTION by Stier supported by Lascoe to approve Mitten Thumb Machine Knitters room use request for dates November 17, 2018 and December 9, 2018 from 10:00 a.m. to 4:00 p.m.**

**MOTION carried.**

e. Room request; M.S.U. Extension / Macomb County Health Department

**MOTION by Grader supported by Lascoe to approve M.S.U Extension/Macomb County Health Department room use request for Wednesday December 12, 2018 from 5:30 p.m. to 9:00 p.m.**

**MOTION carried.**

f. Request to schedule public hearing to reallocate CDBG funds – November 20, 2018

Jarzyna stated there is a foundation problem on the library addition that need to be repaired. He stated CDBG funds have been budgeted for the painting of the exterior of the library, but the funds now need to be used toward the library foundation repair.

Lascoe stated a public hearing is required to reallocate CDBG funds. She stated with the CDBG they are restricted on projects and recommended the Macomb County Action Minor Home Repair. She stated Armada Township and Village, Bruce, Lenox, Macomb, Richmond, Shelby, Washington Townships all participate in the minor home repair program due to the restrictions for the use of CDBG funds.

**MOTION by Bohm supported by Stier to set a public hearing date of November 20, 2018 at 7:00 p.m. to reallocate CDBG funds.**

**MOTION carried.**

1. PUBLIC COMMENTS: There were no public comments

1. ADJOURNMENT

**MOTION by Stier supported by Grader to adjourn the meeting at 7:43 p.m.**

**MOTION carried.**

Joe Jarzyna, Supervisor Lori R. Lascoe, Clerk Date

Lisa Hall, Recording Secretary