

RAY TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES
TUESDAY, FEBRUARY 21, 2023 AT 7:00 P.M.
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Location: Ray Township Hall
64255 Wolcott, Ray, MI 48096

Present: Joe Jarzyna, Supervisor
Lori Lascoe, Clerk
Betsy Bart, Treasurer
Betty Grader, Trustee
Doug Stier, Trustee

Absent: None

Also Present: 15 residents

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES & ROLL CALL.
Supervisor Jarzyna called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. Clerk Lascoe called roll; Jarzyna, Lascoe, Bart, Grader and Stier.

2. APPROVAL OF AGENDA –
Lascoe added to the agenda for Correspondence: 3) Pinewood Lawn Care
and New Business: 11.) k. Advertise for Lawn Service
l. Recreation Leader
m. Glass partitions for counter area

MOTION by Bart supported by Grader to approve the agenda as amended.

MOTION carried.

3. CORRESPONDENCE:
2-21-23 George Schuran of Pinewood Lawn Care submitted a letter to the Board of his notice of retirement and will no longer be cutting the lawn at the Township including the park and Fire Hall

MOTION by Stier supported by Lascoe to receive and file the correspondence with deep regret.

MOTION carried.

4. PUBLIC COMMENTS: - For Agenda Items
There were no public comments.

5. APPROVAL OF MINUTES – January 17, 2023, January 30, 2023 & February 15, 2023
Clerk Lascoe stated the numbering on the January 17, 2023 meetings has two item sevens.

MOTION by Grader supported by Lascoe to approve the meeting minutes for January 17, 2023 as corrected.

MOTION carried.

MOTION by Lascoe supported by Grader to approve the meeting minutes for January 30, 2023 as submitted.

MOTION carried.

MOTION by Grader supported by Bart to approve the meeting minutes for February 15, 2023 as submitted.

MOTION carried.

6. PUBLIC HEARING: Proposed FY 2023-2024 Budgets; General Operating, Building and Fire Fund.
Supervisor Jarzyna stated the public hearing is for the proposed Fiscal Year 2023-2024 Budgets; General Operating, Building and Fire Fund.

MOTION by Stier supported by Lascoe to open the public hearing at 7:05 p.m.

Motion carried.

Public Comments: None.

**MOTION by Stier supported by Bart to close the public hearing at 7:06 p.m.
Motion carried.**

7. APPROVAL OF BILLS LIST

Treasurer Bart stated the bills list through February 9, 2023 are \$94,742.58.

MOTION by Stier supported by Lascoe to approve the bills lists \$94,742.58 through February 9, 2023 as presented.

MOTION carried.

8. OFFICER'S REPORTS

- a. Supervisor Jarzyna reported he was contacted by the Macomb County Department of Public Works; they have advised him they will be starting the work on the Five Points Drain earlier than anticipated but will not be charging for the work until the next fiscal year.
- b. Clerk Lascoe stated the Armada and Utica School Districts have called for a special election for Tuesday, May 2, 2023. Absentee ballot applications will be mailed out to voters on the permanent absentee list the end of February.

Lascoe thanked Trustee Stier for scheduling the ALICE training for the office, and stated it was very beneficial for everyone.

- c. Treasurer Bart reported in April of 2022 she applied for a grant in the amount of \$750,000.00 for renovation of the Fire Hall. Unfortunately our project was not included in the FY'23 omnibus funding package.

Bart stated she submitted for the Michigan Sparks grant through the DNR for two pickleball courts. Unfortunately the Township was not chosen for the grant. There were over 460 applications for over \$280 million dollars, only five percent of the applicants were accepted.

Stier asked if it would be beneficial for the Township to hire a grant writer?

Jarzyna explained the Township does not have high density and is not a low income community.

Grader stated she saw a community to the south of Ray that received 50/50 funding for a path from the Macomb County Department of Roads, if we had money, we could get funding.

Bart explained the Sparks grant required the Township to contribute toward the project.

Jarzyna stated the grant required a ten percent contribution and the Township would have contributing twenty-five percent for the project.

Bart advised that the last day to pay summer and winter taxes is February 28, 2023 and the office will be open until 5:00 p.m. for tax payments.

- c. Trustee Grader had nothing to report.

Trustee Stier had nothing to report.

**MOTION by Grader supported by Lascoe to receive and file the Officers Reports.
MOTION carried.**

9. DEPARTMENT REQUEST/REPORTS

Supervisor Jarzyna read each department report.

- a. Assessing Report
- b. Budget Report
- c. Building Department

- d. Fire Department Report
- e. Library Report
- f. Senior Report
- g. SMART/Richmond Lenox EMS Report

**MOTION by Bart supported by Lascoe to receive and file the January 2023 Department Reports.
MOTION carried.**

10. UNFINISHED BUSINESS

- a. Fire Department phone system

Bart stated she has received several quotes for phone systems and recommended tabling the item.

MOTION by Grader supported by Lascoe to table Fire Department Phone system for additional information.

MOTION carried.

11. NEW BUSINESS

- a. Cost Recovery Ordinance 80

Jarzyna stated the ordinance was written by Township Attorney Bob Seibert.

Chief Hoskin explained the Cost Recovery Ordinance would be billed to non-residents and would be a revenue stream for the Fire Department. He stated the costs would be billed to non-residents for services provided in vehicle accidents, airport accidents, etc.

MOTION by Stier supported by Lascoe to Approve Ordinance 80 – Cost Recovery Ordinance, as follows:

**RAY TOWNSHIP
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 80**

COST RECOVERY ORDINANCE

TITLE

AN ORDINANCE to regulate and prohibit the discharge or threatened discharge of hazardous materials which result in the necessity of an emergency response by the Township of Ray, to provide for the reimbursement of recoverable expenses to Ray Township as the result of costs incurred by the Township in connection with the discharge or threatened discharge of hazardous materials, to provide for the recovery of costs incurred by Ray Township for emergency responses relating to utility line failures, motor vehicle accidents, vehicle fires and incidents involving individuals operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substances, and to repeal any and all Ordinances and/or Regulations in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY,
MACOMB COUNTY, MICHIGAN, ORDAINS:

SECTION 1 - AN ENABLING AUTHORITY

This Ordinance shall be known and cited as the “Ray Township Cost Recovery Ordinance. This Ordinance is adopted pursuant to and in accordance with MCL 41.806a.

SECTION 2. DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Ordinance, except when the context clearly indicates a different meaning:

Costs of Emergency Response shall mean the actual costs incurred by the Township and by any other governmental entity providing services at the request or direction of the Township’s Fire Department as the result of an emergency response. Such costs shall include:

- (a) All labor costs for Township personnel including wages, salaries, fringe benefits and reimbursable expenses;
- (b) All costs for materials, supplies, resources and equipment utilized or damaged in connection with an emergency response;

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- (c) All costs for repair or replacement of Township-owned equipment, property, facilities and infrastructure damaged or destroyed in connection with an emergency response;
- (d) All costs incurred for clean-up, inspections, testing, abatement, mitigation and/or restoration at the site of an emergency response;
- (e) All costs for investigation, enforcement and prosecution in connection with the emergency response;
- (f) All costs for the decontamination of equipment contaminated during an emergency response; and
- (g) All legal expenses incurred in connection with an emergency response including costs incurred in the collection of costs of an emergency response.

Emergency Response shall mean:

- (a) The dispatch and/or utilization of fire and rescue services or other emergency services by the Township or any other governmental or intergovernmental entity providing such services at the request or direction of the Township's Fire Department in response to a call for assistance from any person, property owner, governmental agency, emergency service provider, or other entity relating to a discharge or threatened discharge of any hazardous materials;
- (b) The dispatching of or the response by personnel of the Fire Department of the Township in relation to an accident involving a motor vehicle where one or more of the persons operating an involved motor vehicle are under the influence of intoxicating liquor or a controlled substance or a combination of the two, or were operating an involved motor vehicle while their ability to operate such vehicle was visibly impaired by the use of intoxicating liquor and/or a controlled substance;
- (c) The dispatch and/or utilization of fire and rescue services relating to the failure of or disabling of operation of a cable, conduit, wire, pipeline or other transmission device used to transport electricity, natural gas, communication or electronic signals when the party responsible for maintaining such utility lines fails to undertake repairs within a reasonable time, not to exceed one hour from the time the party responsible received notice of the utility line failure, or when the party responsible fails to complete repair of the failing or disabling line within a reasonable amount of time; and
- (d) The dispatch and/or utilization of fire and rescue services or other emergency services by the Township or any other governmental or intergovernmental entity providing such service at the request or direction of the Township's Fire Department in response to a motor vehicle accident or vehicle fire.

Hazardous Material means any material(s) classified as hazardous by any federal regulation or legislation, state legislation or regulation, or any Township Ordinance including, but not limited to, the following:

- (a) Any substance listed in the list of toxic pollutants in 40 CFR §401.15, as amended.
- (b) Any compressed gas, explosive, flammable liquid, flammable solid, oxidizer, poison, or radioactive material. As used in this Ordinance, the following terms shall have the following meanings:
 - (i) *CFR* means the Code of Federal Regulations. The numbers immediately preceding and immediately following the initials CFR shall refer to the volumes, divisions and sections used to identify parts of the Code of Federal Regulations.
 - (ii) *Compressed Gas* means any substance regulated as a compressed gas by the United States Department of Transportation.
 - (iii) *Explosive* means any substance regulated as a Class A or Class B explosive by the United States Department of Transportation.
 - (iv) *Flammable Liquid* means any substance regulated as a flammable liquid by the United States Department of Transportation.
 - (v) *Flammable Solid* means any substance regulated as a flammable solid by the United States Department of Transportation.
 - (vi) *Oxidizer* means any substance regulated as an oxidizer by the United States Department of Transportation.
 - (vii) *Poison* means a liquid or gas that is life-threatening when mixed with air in small amounts, and shall also include all those substances regulated as poison Class A by the United States Department of Transportation.

- (viii) *Radioactive Material* means any substance required by the United States Department of Transportation to have type A packaging or other special protection or closed transport vehicles.
- (c) Any explosive, pyrotechnics, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, oxidizing material, any flammable material, poisonous gas, poisonous liquid, irritating material, gas under such pressure that an explosion hazard exists, radioactive material, corrosive material or liquified petroleum gas.
- (d) Any substance designated as a pollutant or hazardous substance pursuant to the Federal Water Pollution Control Act.
- (e) Any element, compound, mixture, solution or hazardous substance designated by the United States Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.
- (f) Any hazardous waste having the characteristics identified under or listed pursuant to the United States Solid Waste Disposal Act, as amended.
- (g) Any pollutant listed pursuant to the Federal Water Pollution Control Act, as amended.
- (h) Any hazardous air pollutant listed pursuant to the Federal Clean Air Act, as amended.

Responsible Person shall mean any individual, firm, corporation, association, partnership, commercial entity, joint venture, or other entity that creates the need for an emergency response, or who owns, operates, maintains, occupies, or controls any building, premises, or property in a manner that causes an emergency response to arise.

SECTION 3. RESPONSIBILITY FOR EMERGENCY RESPONSE

All persons causing or contributing to an emergency response by the Township shall be responsible to the Township for the costs of the emergency response resulting from such action. Such responsibility shall be in addition to all penalties and/or remedies provided by law.

SECTION 4. RECOVERY OF EXPENSES

- (a) The reimbursement of costs associated with an emergency response by the Township shall be provided in accordance with this Ordinance.
- (b) Township personnel involved in an emergency response shall retain itemized records of recoverable expenses resulting from an emergency response. Promptly after completion of an emergency response, appropriate Township personnel shall certify those expenses to the Township Clerk.
- (c) The Township shall submit a written itemized claim for the total expenses incurred by the Township for the emergency response to the responsible party and/or the party's insurance carrier and a written notice that unless the amounts are paid in full within thirty (30) days after the dates of mailing the claim and notice, the Township will institute appropriate legal proceedings to recover such amounts. The collection of the recoverable expenses shall be performed by the Township or a third party designee.
- (d) The Township or its third party designee shall initially invoice the responsible party's insurance carrier for reimbursement of costs associated with an emergency response by the Township. In the event a nonresident responsible party does not have insurance or adequate insurance to cover the costs of the Township's emergency response, the Township shall pursue all available legal remedies against the responsible party.

SECTION 5. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 6. PUBLICATION

This Ordinance, or a summary thereof, shall be published in full in a newspaper of general circulation in the Township of Ray within thirty (30) days after its adoption.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from and after publication of a true copy or summary thereof in a newspaper circulating within the Township of Ray.

FOR THIS ORDINANCE: Yes: Stier, Lascoe, Bart, Grader, Jarzyna
 No: None.

MOTION carried.

b. Resolution Approving Fee Schedule for Emergency Response Cost Recovery Resolution 2023-03

Chief Hoskin explained the cost recovery resolution would be utilized when the Fire Department is sent out on an emergency call for a non-resident and the insurance company would be billed for the personnel and equipment of the Fire Department.

MOTION by Stier supported by Bart to Approve the Resolution Approving Fee Schedule for Emergency Response Cost Recovery, Resolution 2023-03, as follows:

**RESOLUTION APPROVING FEE SCHEDULE FOR
EMERGENCY RESPONSE COST RECOVERY**

RESOLUTION NO. 2023-03

WHEREAS, on February 28, 2023 the Ray Township Board of Trustees adopted the Ray Township Cost Recovery Ordinance which, in part, provides for the reimbursement of recoverable expenses to Ray Township for costs incurred by the Township in connection with the discharge or threatened discharge of hazardous materials, emergency responses relating to utility line failures, motor vehicle accidents, vehicle fires and incidents involving individuals operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substances; and

WHEREAS, it is necessary to adopt a cost recovery fee schedule in connection with the Ray Township Cost Recovery Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY, MACOMB COUNTY, MICHIGAN:

The Township Board adopts the emergency response cost recovery schedule attached to this Resolution and incorporated herein for reimbursable costs incurred by the Township in connection with the implementation of the Ray Township Cost Recovery Ordinance.

AYES: Members Stier, Bart, Grader, Lascoe, Jarzyna.

NAYS: Members None.

RESOLUTION DECLARED ADOPTED.

c. AccuMed Billing Service Contract

Chief Hoskin stated AccuMed Billing Service would handle all of the billing for the Cost Recovery Ordinance for the Fire Department. Further stated many municipalities use AccuMed for billing.

Supervisor Jarzyna stated Bob Seibert reviewed the contract.

MOTION by Stier supported by Jarzyna to Approve the AccuMed Billing Service Agreement.

FOR THIS MOTION: Yes: Stier, Jarzyna, Bart, Grader, Lascoe

No: None

MOTION carried.

d. Amendment to Hazardous Material Abatement Ordinance 57

Chief Hoskin stated the amendment to the ordinance is because the Cost Recovery Ordinance incorporates the Hazardous Material Abatement ordinance.

MOTION by Stier supported by Bart to Approve the Amendment to Hazardous Material Abatement Ordinance 57, as follows:

**RAY TOWNSHIP
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 57**

AMENDMENT TO HAZARDOUS MATERIAL ABATEMENT ORDINANCE

TITLE

AN ORDINANCE repealing the Ray Township Hazardous Material Abatement Ordinance, being Ordinance No. 57, and repealing any and all Ordinances and/or Resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY,
MACOMB COUNTY, MICHIGAN, ORDAINS:**

SECTION 1. REPEAL

The Ray Township Hazardous Material Abatement Ordinance, being Ordinance No. 57 of the Ray Township Ordinances, as amended, is hereby repealed in its entirety.

SECTION 2. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 3. PUBLICATION

This Ordinance, or a summary thereof, shall be published in full in a newspaper of general circulation in the Township of Ray within thirty (30) days after its adoption.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from and after publication of a true copy or summary thereof in a newspaper circulating within the Township of Ray.

FOR THIS MOTION: **Yes: Stier, Bart, Grader, Lascoe, Jarzyna**
 No: None.

MOTION carried.

- e. Amendment to Ray Township OUIL Cost Recovery Ordinance 62
Supervisor Jarzyna explained the amendment would be repealing the OUIL Cost Recovery Ordinance. Further advised the Board that Bob Seibert the Township Attorney wrote the ordinance.

MOTION by Stier supported by Jarzyna to Approve the Amendment to Ray Township OUIL Cost Recovery Ordinance 62, as follows:

**RAY TOWNSHIP
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. 62

AMENDMENT TO RAY TOWNSHIP OUIL COST RECOVERY ORDINANCE

TITLE

AN ORDINANCE repealing the Ray Township OUIL Cost Recovery Ordinance, being Ordinance No. 62, and repealing any and all Ordinances and/or Resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY,
MACOMB COUNTY, MICHIGAN, ORDAINS:**

SECTION 1. REPEAL

The Ray Township OUIL Cost Recovery, being Ordinance No. 62 of the Ray Township Ordinances, as amended, is hereby repealed in its entirety.

SECTION 2. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 3. PUBLICATION

This Ordinance, or a summary thereof, shall be published in full in a newspaper of general circulation in the Township of Ray within thirty (30) days after its adoption.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from and after publication of a true copy or summary thereof in a newspaper circulating within the Township of Ray

**FOR THIS MOTION: Yes: Grader, Stier, Bart, Lascoe, Jarzyna.
 No: None.**

MOTION carried.

- f. Request to purchase two Thermal Imaging Cameras
Chief Hoskin requested to purchase two thermal imaging cameras from Madison Electric. Further stated the current cameras are about 15 years old and past their life expectancy.

MOTION by Stier supported by Bart to purchase two Thermal Imaging Cameras from Madison Electric for \$14,561.70.

**FOR THIS MOTION: Yes: Stier, Bart, Grader, Lascoe, Jarzyna
 No: None.**

MOTION carried.

- g. Employee request to carry over one week of vacation.
Jarzyna stated the employee is requesting to carry over one week of vacation.

MOTION by Lascoe supported by Grader to approve for the employee to carry one week of vacation as requested.

MOTION carried.

- h. Room Request for Library – May 21, 2023
Jarzyna stated the room request in case of rain, for Shakespeare in the Park for Sunday, May 21, 2023.

MOTION by Grader supported by Lascoe to approve for the Room Request for Sunday, May 21, 2023 for Shakespeare in the Park in case of rain.

MOTION carried.

- i. Resignation from Recreation Committee member
Supervisor Jarzyna stated Mary Guzik has submitted a notice of resignation from the Recreation Committee.

MOTION by Stier supported by Lascoe to accept the letter of resignation from Mary Guzik from the Recreation Committee with deep regret.

MOTION carried.

- j. MI Municipal Treasurers Association Conference
Treasurer Bart requested to attend the 2023 Basic Institute Conference by Michigan Municipal Treasurers Association in Mt. Pleasant.

MOTION by Stier supported by Lascoe to approve for the Treasurer to attend the Municipal Treasurers Association Conference and for the cost not to exceed \$1200.00.

MOTION carried.

k. Advertise for Lawn Service – *Added to Agenda.*

Lascoe stated with the retirement notice from the current lawn care company. The Board will need to advertise for lawn service and accept sealed bids for the work to be done as weekly as needed. Further stated the advertisement will be published in The Record newspaper and on the Township website and Face Book page.

**MOTION by Lascoe supported by Jarzyna to advertise for lawn service and accepted sealed bid for the Township campus, which includes the Township Hall, Park, Library and Fire Department.
MOTION carried.**

l. Recreation Leader – *Added to Agenda*

Bart recommended Jessica Hicks for the Recreation Leader position for one year. Further stated she has been on the Recreation Committee.

**MOTION by Bart supported by Grader to offer the Recreation Leader position to Jessica Hicks for one year.
MOTION carried.**

m. Glass Partitions for Counter Area – *Added to Agenda*

Jarzyna stated after the ALICE training he spoke with Look'n Glass & Mirror about measuring and providing a quote for tempered glass partitions in the offices area. He has provided a quote.

**MOTION by Stier supported by Bart to accept Look'n Glass bid of \$3,243.95 to install glass partitions in office areas.
MOTION carried.**

12. PUBLIC COMMENTS – None

13. ADJOURNMENT

**MOTION by Stier supported by Grader to adjourn the meeting at 7:48 p.m.
MOTION carried.**

Joe Jarzyna, Supervisor

Lori R. Lascoe, MiPMC
Clerk

Date

Lisa Hall, Recording Secretary