

NORTHFIELD TOWNSHIP

Township Board

Minutes

February 25, 2020

CALL TO ORDER

The meeting was called to order at 7:09 P.M. by Supervisor Chockley at 8350 Main Street.

PLEDGE/INVOCATION

Supervisor Chockley provided a brief invocation and led those present in the Pledge of Allegiance.

ROLL CALL

Marlene Chockley, Supervisor	Present
Kathleen Manley, Clerk	Present
Lenore Zelenock, Treasurer	Present
Tawn Beliger, Trustee	Absent with notice
Janet Chick, Trustee	Present
Wayne Dockett, Trustee	Present
Jacki Otto, Trustee	Present

Also present:

Public Safety Director William Wagner
Wastewater Treatment Plant Superintendent Dan Willis
Township Manager Steven Aynes
Township Attorney James Fink, Fink & Fink PLLC
Recording Secretary Lisa Lemble
Members of the community

FIRST CALL TO THE PUBLIC

Mike Cicchella, 7789 Sutton, commented on bonding for the sewer plant equalization basin and planning for the downtown area. Jessica Mizer and Anne Hunter, 8176 Fair Oaks Drive, Green Oak Township, commented on the equalization basin and sewer lines. Ken Dignan, 9210 Hillcrest Drive, commented on the equalization basin bonding and the North Village property. Sue Shink, 600 W. Joy Road, Margaret Riddell, 65141 W. Eight Mile, and Jim Nelson, 7777 Sutton, commented on development of the North Village property. Lee Cole, 9062 Pine Cove Drive, commented on the public hearing regarding Sam Iaquinto. Udo Huff, 6431 Whitmore Lake Road commented on the equalization basin. Brian Trim, 254 Lakeview, commented on the Town Hall meeting and the North Village site. Craig Warburton, 450 W. Joy Road, commented on the process leading to the public hearing regarding Sam Iaquinto.

BOARD MEMBER RESPONSE

Board members discussed how to proceed regarding the North Village property and getting more public input, and how to reconcile doing this with the motion made at the last meeting to have the Township attorney and Manager proceed with negotiations with Livonia Builders.

- ▶ **Motion:** Zelenock moved, Otto, that the Township Board hold a Town Hall Meeting on April 7th at 7:00 P.M. to discuss the North Village plan.

There was discussion about the purpose of the meeting, and whether the intent is to change the Master Plan and/or the synthesis plan. Comments included that the Livonia Builders plan does not conform to the synthesis plan, and a consultant should be hired to develop a concept plan for the park.

Motion carried 6—0 on a voice vote.

Otto reported a public hearing regarding the equalization basin was held in Green Oak Township on February 20th which concentrated on the proposed location, removal of trees, use of Fair Oaks Drive during construction, and color of the basin.

CONSENT AGENDA:

- **Manager's Report**
- **Fire Department Report**
- **Correspondence**

- ▶ **Motion:** Chockley moved, Manley seconded, that the consent agenda be accepted as presented.

Dockett asked when the issue of turning over Building Department functions to the County will be placed on a Board agenda. Aynes noted the subject was tabled several times by the Board last year. Chick noted she, Zelenock, and Beliger are on the Building Committee and have been working on this.

Motion carried 6—0 on a voice vote.

ADOPT BALANCE OF AGENDA

- ▶ **Motion:** Chockley moved to add consideration of all purchase offers for 75 Barker Road after agenda item 5. **Motion died for lack of second.**
- ▶ **Motion:** Chockley moved, Zelenock seconded, to hold a special Board meeting on March 3, 2020, to consider a purchase offer for 75 Barker Road.

There was discussion about getting an appraisal of the property and the various offers that had been submitted. In answer to a question, Fink said there is no statute requiring the Township to sell property at fair market value, but the sale should be reasonably related to the value of the property and the benefit of the Township.

Motion carried 5—1 on a roll call vote, Dockett opposed.

- ▶ **Motion:** Chockley, moved, Manley seconded, that the balance of the agenda be adopted as presented. **Motion carried 6—0 on a voice vote.**

**PUBLIC HEARING:
Consider Removal of Sam Iaquinto from the
Northfield Township Planning Commission**

Chockley read the charges regarding consideration of removal of Sam Iaquinto from the Planning Commission due to alleged malfeasance, specifically failure to disclose a conflict of interest related to property he owns and votes he cast regarding a marijuana ordinance.

Ken Dignan asked who is alleging the malfeasance.

- **Motion:** Chockley moved, Manley seconded, to open the public hearing.

There was discussion about whether Iaquinto or his attorney should be allowed to speak prior to the public hearing. Fink said there is no requirement for how the public hearing should be conducted. Chockley called the question. Chick and Otto said Iaquinto should be allowed to speak first. Zelenock said the Board should have been notified about the matter first.

Motion failed 2—2—2 on a roll call vote, Zelenock and Dockett opposed; Chick and Otto abstaining.

James Kelly, attorney for Sam Iaquinto, said his client has a right to speak publicly to the charges.

- **Motion:** Chick moved, Chockley seconded, that Mr. Iaquinto and his attorney be allowed to speak publicly regarding the charges.
Motion carried 6—0 on a roll call vote.

AGENDA ITEMS

**1.
Consider Removal of Sam Iaquinto from the
Northfield Township Planning Commission
due to Alleged Malfeasance**

Sam Iaquinto said Chockley is accusing him of not putting the Township first, but his actions since June of 1993 shows the opposite. He described his extensive public service involvement in sponsoring events, serving the public schools sports department, and serving on many public boards, including the Downtown Development Authority, morning Kiwanis, and the Planning Commission for 18 years. He noted he was also a founder of the *Courant* newspaper and was elected to the Township Board for one term.

He said he has not had a conflict of interest regarding his votes on the Township's marijuana business ordinance. He said all recommendations from the Planning Commission, a recommending body, were based on research. He said Chockley has had a personal vendetta against him due to him not supporting her candidacy for Township Supervisor, and she attempted to replace him on the Planning Commission, but the Township Board did not support it and he was later reappointed.

He said he received notice of the charges and proposed public hearing by certified mail only five days ago, on February 19th, without a list of charges or any of the materials in the Township Board packet being provided.

He said he and his business have given tens of thousands of dollars to the community and served it for 27 years. He said his actions and discussion regarding the marijuana ordinance were related to general ordinances only, not specific properties.

James Kelly, attorney for Sam Iaquinto, said the charges against Iaquinto are false because Iaquinto studied an issue applicable to the entire community; he did not rezone his own property or act on specific applications related to property he owns. He said Iaquinto acted on a generally applicable zoning ordinance in the same way the Township Board has acted on a Master Plan covering property each of the Board members own, but it would be ridiculous for each of them to recuse themselves from that matter.

He said Iaquinto committed himself publicly to a vote on the marijuana business ordinance prior to his property being involved in any contract related to a potential marijuana business and continued to vote the same way after entering into the contract. He said the Township Board also voted the same way when approving the ordinance. He said the marijuana license applications are just now being accepted and considered, and Iaquinto had no way of knowing whether his property would be among them.

Kelly said the memo the Supervisor provided refers to a meeting Iaquinto did not vote at (May 28, 2019), and his comments at a public hearing, meetings at which the Board voted on the ordinance, none of which constitute a conflict of interest. He said the Planning Commission by-laws require that a conflict of interest be declared regarding votes on specific properties, and do not require him to recuse himself, but Iaquinto has said he will recuse himself from voting on any of the specific marijuana business applications, which is not required.

Kelly said Chockley did not disclose that she was the one bringing the charges. He said Iaquinto wants his name cleared. He noted the Board has a policy against one Board member asking for the services of the Township attorney, and that was not followed in this case. He said a proper investigation would involve interviewing witnesses, looking at the Township Board's actions to see if they were influenced in any way, and looking at Iaquinto's votes to see if they changed the outcome of any action related to the ordinance (which they did not). He said Iaquinto should also have properly been given an opportunity to address the charges and to do so in closed session if he wished.

Kelly said Iaquinto did not violate any ordinances or rules, went above and beyond the requirements, and has publicly stated that he will recuse himself regarding voting on any specific marijuana business license applications. He said Iaquinto should be allowed to continue to serve on the Planning Commission through the end of his term.

- **Motion:** Otto moved, Chick seconded, that Sam Iaquinto not be removed from the Northfield Township Planning Commission due to alleged malfeasance.

Chockley said the Township first received the letter from Iaquinto regarding his intention to recuse himself from voting on marijuana business applications on January 24, 2020, and she said more information is needed. Fink said

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the Board may not remove Iaquinto from the Planning Commission without a public hearing, but Board members may ask Iaquinto questions if including members of the public is part of the normal process.

Otto said although Chockley was entitled to schedule a public hearing, it was not appropriate for Chockley to ask Iaquinto to resign because he was appointed by the full Board. She said the marijuana ordinances were brought to the Board on April 23, 2019, and until they were approved in November the Planning Commission had no further involvement.

Chockley asked Iaquinto to answer some questions. Fink said Iaquinto declines. Chockley said State law requires disclosure of a conflict of interest and the Planning Commission by-laws state the reasons for a conflict of interest must be declared, and on March 20th the Planning Commission sent the proposed ordinances to the Board. She said on April 23rd the Board made ten motions to change the ordinances to prohibit retail and provisioning centers in the WLD district, and then Iaquinto made a motion to not consider those ten changes and return the ordinance to the Board. She asked when Iaquinto first thought to sell his property for use as a marijuana business. Fink said an idea is not a conflict of interest.

Chockley said Iaquinto signed the agreement for his property on May 10th, and on May 15th he refused to rescind the previously-made motion regarding the ordinances sent to the Board. She said he later spoke at a Township Board public hearing in support of having retail marijuana establishments in the downtown area. She said this is a matter of integrity, and Iaquinto had multiple opportunities to share his involvement in the sale of his property for future use as a retail marijuana business.

Otto called the question.

Dockett left the room. Chockley called for a five minute recess.

RECESS

Dockett called the question.

Motion carried 5—1 on a roll call vote, Chockley opposed.

**2.
February 11, 2020, Minutes**

- ▶ **Motion:** Chockley moved, Otto seconded, that the minutes of the January 11, 2020, Regular Board Meeting be approved as presented.

Chockley made one minor correction.

- ▶ **Motion:** Chockley moved, Manley seconded, that the minutes of the January 11, 2020, Regular Board Meeting be approved as amended.
Motion carried 6—0 on a voice vote.

**3.
Approve Payment of Open Bills
(expected check run date 02-26-2020)**

- ▶ **Motion:** Chockley moved, Otto seconded, to approve payment of Open Bills (expected check run date 02-26-202) for a total of \$128,851.39 from all funds in the Municipal Investment Fund (MIF) account.

Dockett said he will vote against this due to bids not being sought for engineering services.

Motion carried 4—2 on a roll call vote, Dockett and Zelenock opposed.

**4.
Resolution 20-620: Notice of Intent to Issue
Capital Improvement Bonds**

Steven Mann of Miller Canfield and Stephen Hayduk of Bendzinski & Company Municipal Finance Counselors answered questions about the effect of various bonds on the Township's finance ratings, the difference between general obligation and revenue bonds, and how to proceed.

Dockett objected to bids not being sought for legal services related to the bonding.

- ▶ **Motion:** Chockley moved, Chick seconded, to adopt Resolution 20-620 Authorizing Publication of Notice of Intent to Issue Capital Improvement Bonds and Declaration of Intent to Reimburse from Bond Proceeds.

Zelenock asked about the contingency. There was discussion regarding the type of bond to use. Mann noted the amount in the resolution is the absolute ceiling and will be lower after bids are received.

Motion carried 4—2 on a voice vote, Zelenock and Dockett opposed. Resolution adopted.

Otto noted the Board must send out a postcard to residents per ordinance due to the amount. Mann noted a legal notice must also be placed.

In answer to questions, Willis said it would cost hundreds of thousands of dollars more to place the equalization basin in a location mentioned by area residents, a tank is needed due to the sewer line coming in under pressure, and while blue is the standard color, other colors can be chosen at an additional cost. Willis said the Township can plant trees to help block the view of the tank.

**5.
Resolution 20-619: Resignation of
Timothy Greene and Severance Agreement**

- ▶ **Motion:** Chockley moved, Manley seconded, to approve Resolution 20-619, to accept the Resignation of Timothy Greene and Approve the Severance Agreement for \$230,000.

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In answer to questions, Wagner and Fink said Greene will receive a retirement badge, he is allowed to keep his gun, and generally when employees resign they are not eligible for unemployment benefits. **Motion carried 6—0 on a roll call vote. Resolution adopted.**

**6.
Hiring of Part-Time Police Officers**

- ▶ **Motion:** Chockley moved, Chick seconded, to hire Part-time Police Officer Brandon Diacono pending medical and psychological exam at the rate of \$18.16 per hour. **Motion carried 6—0 on a voice vote.**

**7.
Hiring of Front Desk Clerk/
Building Department Assistant**

- ▶ **Motion:** Chockley moved, Zelenock seconded, to remove this item from the agenda as a decision has not been made regarding the hiring of a Front Desk Clerk. **Motion carried 6—0 on a voice vote**

**8.
Update on Goals & Priorities List**

Aynes referred to the document prepared primarily by Otto and asked if the goals listed represent what the Board wants. Otto noted the ranking is based on the 2017 goals, which is the last time a ranking was done.

ANNOUNCEMENTS

- Trees may be ordered through the Washtenaw County Conservation District through March 20th.
<https://www.washtenawcd.org/>
- Taxes were due on February 14th without interest and penalty, and payments will be accepted at the Township until March 2nd with interest and penalty.
- The Board of Review will hear tax appeals on March 10th and 12th.
- Absentee ballots are still available for the March 10th election.
- The next Town Hall meeting, concentrating on plans for the North Village property, will be April 7th at 7:00 P.M.

Submitted by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:
Wording removed is ~~stricken through~~;
Wording added is underlined.

Approved by the Township Board on _____, 2020.

Kathleen Manley, Clerk

Official minutes of all meetings are available on the Township's website at
http://www.twp-northfield.org/government/township_board_of_trustees/

SECOND CALL TO THE PUBLIC

Bob van Bemmelen, 2775 E. North Territorial, made suggestions regarding the April 7th Town Hall Meeting. Faith Wheeler asked about radon test kits, the County tree sale, and plans for revenues when the Township Hall debt is retired. Craig Warburton commented on Township leadership. Udo Huff commented on objectionable public comments on Facebook. Adam Olney, Northfield Township, asked about sewer problems on Barker Road and commented on the public hearing regarding Sam Iaquinto and the sale of 75 Barker Road. Marissa Prizgint, 32 Schrum Drive, commented on the Town Hall meetings, Board member conduct, and the public hearing regarding Sam Iaquinto.

BOARD MEMBER COMMENTS

The Board made comments about the Washtenaw County Community College millage proposal, and the need for a better policy regarding the process for removal of public officials, and the Town Hall meetings.

ADJOURNMENT

- ▶ **Motion:** Chockley moved, Zelenock seconded, that the meeting be adjourned.
Motion carried 6—0 on a voice vote.

The meeting adjourned at 10:24 P.M.