

## RILEY TOWNSHIP BOARD - REGULAR MEETING

Held on November 14<sup>th</sup>, 2023 at 7:00 pm

Located at 13016 Belle River Road, Riley, Michigan 48041

### CALL TO ORDER:

- Meeting called to order by Supervisor Titus at 7:00 p.m.
- Pledge of Allegiance

### ROLL CALL:

**Present:** Supervisor Al Titus, Clerk Dawn Behem, Treasurer Mike Rushing, Trustee Duane Hagle, Trustee Mark Baranowski

**Other Officials Present:** Building Inspector Doug Wendland, Ordinance Enforcement Officer Kyle Kallek, Deputy Treasurer Dawn Sawicki-Franz

### GUEST SPEAKERS:

Representatives invited from 123.NET presented on their Metro Act Permit Application. Services include Connectivity Program for Local Governments and was awarded a federal grant to provide internet service to underserved communities. Plans include installing fiber optic lines from Port Huron to Flint and will run thru Riley Township along Riley Center Road up to Belle River Road and along Belle River Road. The Metro Act Permit is the first step in the project which is expected to take approximately 2 to 3 years.

### PUBLIC HEARINGS:

#### 1. Special Assessment Annual Public Hearing for Trash Collection:

- *Motion to open public hearing at 7:15 pm made by Hagel, seconded by Baranowski. All in favor; Motion carried.*

Supervisor presented purpose of the Annual Public Hearing.

Clerk reported the cost of trash pickup for the calendar year of 2024 will be \$174.12 per residential unit to be collected with the Winter Tax Bill. This is the third year of contracted rates.

Supervisor called for Public Comments: None presented.

Clerk reported an email was received from resident on July 17<sup>th</sup>, 2023 for the public hearing and commenting in favor of contracting one company to provide service and paying through taxes as it is more economical and efficient having one company traveling the roads once a week within the township and would be in favor of curbside recycling or closer recycling station.

- *Motion to close public hearing at 7:17 pm made by Baranowski, seconded by Hagle. All in favor; Motion carried.*
- *Motion to approve Resolution # 2023-21 Confirmation of Special Assessment Roll as amended for Trash Collection made by Behem, seconded by Hagle. Roll Call: Ayes-5, Nays-0; Motion carried.*

**2. Dangerous Building located at 11897 Masters Road; Property ID 7429-022-1004-000**

- *Motion to open public hearing at 7:18 pm made by Hagel, seconded by Baranowski. All in favor; Motion carried.*

Supervisor presented on purpose of Dangerous Building Hearing. Dangerous buildings are not only a safety risk for residents but also a township liability.

Building Official reported on the condition of the property in violation of several Michigan building codes indicating it poses a risk to public safety.

Written Notice dated October 16<sup>th</sup>, 2023 delivered to property owner on record, Nikoleta Vacaj, indicated the following items required to bring building to code: Smoke detectors, provide egress in all bedrooms, spray foam on interior walls, provide fire-resistance rating per code or remove existing spray foam, repair decks, and remove mold.

Photos taken on inspection of the property held on October 17<sup>th</sup>, 2023 indicate extensive deterioration and damage to both the interior and exterior structures within of the building with a presence of mold to the interior of the building; four exterior air conditioning units installed to the building without township permits obtained; and four furnaces installed to electrical service without township permits obtained.

A citizen presented himself and identified as the property owner's son stating he would like to repair the house and planned on living in the house.

Supervisor requested if property owner was in attendance for the hearing and was not identified to be present in attendance. The Clerk reported the property owner was not identified as being in attendance and that the township has not receive any legal document naming a legal representative or agent of the property owner Nikoleta Vacaj to speak on their behalf.

When asked what is needed to bring the house up to code to be made safe, the Building Inspector reported all items indicated on the written notice, and stamped engineered plans to be approved including all electrical, plumbing and mechanical work that would need to make safe and bring to code including a mold assessment.

A citizen presented himself with concerns on Riley Township Ordinance #22 procedures and reported concerns of contamination to their neighboring property and residence indicating it had been a marijuana grow house.

The Building Official recommends demolition of the posted unsafe building due to the level of damage, mold and cost to repair.

- *Motion to close public hearing at 7:41 pm made by Titus, seconded by Baranowski. All in favor; Motion carried.*
- **Board Action Taken:** *Motion to Approve Order for property owner, Nikoleta Vacaj, to acquire necessary permits for the demolition of house located at 11897 Masters Road within 7 days and to complete demolition within 30 days of permit receipt made by Hagle,*

*seconded by Baranowski. Discussion: Property Owner is required to acquire necessary demolition permit within 7 days and complete demolition within 30 days of permit receipt; If demotion is not completed by the property owner, the township may contract demolition service to be charged to the owner and lien placed on property if not completed in 30 days. Roll Call: Ayes-5, Nays-0; Motion carried.*

**3. Dangerous Buildings located at 2005 Braidwood Road; Property ID 7429-009-3007-000**

- *Motion to open public hearing at 7:45 pm made by Baranowski, seconded by Hagle. All in favor; Motion approved.*

Supervisor presented on purpose of Dangerous Building Hearing. Dangerous buildings are not only a safety risk for residents but also a township liability.

Building Official reported on the condition of the property that contains both a house and barn in violation of several Michigan building codes indicating it poses a risk to public safety. Both buildings are in disrepair in which the property owner had previously obtained a demolition permit that was cancelled.

Written Notice dated October 16<sup>th</sup>, 2023 delivered to property owner on record, Joseph Auito, indicated the house and barn were posted Dangerous and Unsafe on August 14<sup>th</sup>, 2023 siting the buildings were not secured and illegal entry is taking place.

Photos taken on inspection of the property indicate unsecured access to both buildings with severe deterioration and damage.

Property Owner, Joseph Aiuto, in attendance, indicated he understood that both the house and barn need to be demolished, that are now secured but did not have the equipment or time earlier to do so. Joseph stated he would be able to demolish both buildings by the Spring.

Building Inspector recommends demolition within 30-day period due to the time period of being vacant for many years with illegal entry.

A citizen commented concern that it is a safety hazard and favors sooner demolition date.

- *Motion to close public hearing at 7:51 pm made by Baranowski, seconded by Hagle. All in favor; Motion carried.*
- **Board Action Taken:** *Motion to Approve Order for property owner, Joseph Aiuto, to acquire necessary permits for demolition of House and Barn located at 2005 Braidwood Road within 7 days and to complete demolition within 30 days of permit receipt made by Hagle, seconded by Baranowski. Discussion: none further. Roll Call: Ayes-5, Nays-0; Motion carried.*

**4. Dangerous Building located at 2529 Braidwood Road; Property ID 7429-004-3004-000**

- *Motion to open public hearing at 7:52 pm made by Baranowski, seconded by Hagle. All in favor; Motion carried.*

Supervisor presented on purpose of Dangerous Building Hearing. Dangerous buildings are not only a safety risk for residents but also a township liability.

Building Official reported on the condition of the property that house had been vacant for many years that is unsafe and is in disrepair. Violation letters have been written since 2012.

Written Notice dated October 16, 2023 delivered to property owner in care of on record, Willard Waggoner, indicated the house was posted Dangerous and Unsafe on August 21<sup>st</sup>, 2023 siting the buildings were not secured and illegal entry is taking place.

Photos taken on inspection of the property indicate unsecured access to the house with severe deterioration and damage.

Willard Waggoner, in attendance, agreed the house should be demolished but there were items inside that he would like to try to get out but could not access due to the property's extremely wet areas. Willard's daughter, in attendance, inquired if house was safe to enter to try to remove items. Willard asked if a fire department could use the house as training and was responded to by the Memphis Fire Chief in attendance that would be unlikely since an asbestos test would be necessary and all shingles removed. The house has been vacant since 2005 and there may not be anything left of value.

- *Motion to close public hearing at 7:58 pm made by Hagle, seconded by Baranowski. All in favor; Motion approved.*
- **Board Action Taken:** *Motion to Approve Order for property owner in care of Willard Waggoner to acquire necessary permits for the demolition of the house located at 2529 Braidwood Road within 7 days and will have 30 days to remove any items wanted items from the house, with an additional 30 days to complete the demolition made by Baranowski, seconded by Hagle. Discussion: none further. Roll Call: Ayes-5, Nays-0; Motion carried.*

**PUBLIC COMMENT - Citizens Wishing to Address the Board:** Comments were received from three members of the public in attendance. Deputy Treasurer Sawicki-Franz reported on securing an anonymous donation of \$10,000 to be used toward the Parks & Recreation walking path project.

**APPROVE BUDGET AMENDMENTS:** Motion to Approve Budget Amendment to 208 Park and Recreation Fund: to increase 000 General Interfund Revenue Budget in the amount of \$8,427.81; and to increase 901 Capitol Outlay Project Expense Budget in the amount of \$8,427.81 for Park Improvements using ARPA funds made by Behem, seconded by Baranowski. Discussion: Amendment to adjust budget for invoice from last year's project received in current year using ARPA funds. Roll Call: Aye-5, Nay-0; Motion carried.

**APPROVE CONSENT AGENDA:** Motion to approve Consent Agenda: RTB Meeting minutes for 10-10-2023; October Treasurer Report; Revenue & Expense Report PE 10-31-2023; Monthly Bills/Claims: Checks #25633-25667, EFTs #52-543, Tax Checks #3205-3217; Payroll Vouchers 9SE #440001-440026 and Payroll Check 9SE #1048; Check Request for Table & Chair Deposit refund; Bond Permit Refunds for BN100001, BN220008, BN230004, BG230004, BG230008, BG230010, BG230012, BG230015, BD230004; Permit Cancellation Refund Requests for PM230029, PB210035, PB230045, PE230036, PP230005; Purchase Order for Election and Early Voting Equipment and Supplies; RLEMS Monthly Report; and Communications

received from MTA, Dept. of Licensing & Regulatory Affairs, Senator Lauwers & Rep. Jaime Green, Invite to Quarterly SCC MTA Meeting, MISD and DTE Notice of Hearing made by Hagle, seconded by Baranowski. Roll Call: Ayes-5, Nays-0; Motion carried.

**APPROVE REGULAR MEETING AGENDA for November 14<sup>th</sup>, 2023:** Treasurer added to New Business: KCI

- Motion to approve agenda with addition made by Baranowski, seconded by Hagle. All in favor, motion carried.

**TOWNSHIP NEWS AND ANNOUNCEMENTS:**

→ BS&A Online Public Record Search for Riley Township is available and located at: <https://bsaonline.com/?uid=1802> or click the Riley Township website button at: <https://rileytownship.com/public-records/>.

→ The Riley Township Website has quick access to pages using QR Codes. The online complaint form can be easily accessed by clicking on the top menu “How Do I...” then selecting “File a Complaint” to complete the form that will immediately notify the Clerk when a complaint has been submitted.

**COMMITTEE REPORTS:**

*Parks and Recreation:* Selected a bench style to use as memorial benches along the walking path and in park area for a cost of approximately \$1500. This would be a not-for-profit program. County has used a program like this successfully. Emmett Township has enquired about Riley’s Park & Rec programs for information on starting their own. Discussed having rubber mulch but the cost for what we could get is too high. Discussed having a sledding hill and the space necessary.

- Motion to approve **Memorial Bench Program** for Riley Township Park as presented, effective December 1<sup>st</sup>, 2023 made by Hagle, seconded by Baranowski. Roll Call: Ayes-5, Nays-0; Motion carried.

*Planning Commission:* Update of Master Plan is delayed until 2024; A public hearing is scheduled for the Pond Ordinance amendment at next meeting; Waiting to hear back from Metro Planning on submitted amendments.

*Zoning Board of Appeals:* No meeting held.

*Building Department:* Permits issued for a demolition, new home, pond and pole barn. Inspectors met on Saturday, November 4<sup>th</sup>, 2023 to meet with Township Attorney to review and discuss building & code ordinances, enforcement, and the addition of International Property Maintenance Code if adopted by the Township Board.

- Motion to approve meeting stipend of \$50 for each inspector in attendance at requested November 4, 2023 inspector meeting made by Baranowski seconded by Hagle. Discussion: none further. Roll Call: Ayes-5, Nays-0; Motion carried.

*Ordinance Enforcement:* New complaints received and logged. Several violation letters have been sent out. Ordinance Enforcement Officer requested purchasing a specific camera with ideal zoom capabilities, crystal clear display, and date/time stamp embedded on each photo taken. Recommended purchase of Cannon PowerShot SX540 HS Digital Camera.

- Motion to approve purchase of recommended camera at a total cost not more than \$600 for Enforcement Officer made by Baranowski seconded by Rushing. Discussion: Camera can be available to Building Inspectors upon request when needed. Roll Call: Ayes-5, Nays-0; Motion carried.

*Roads:* 2024 Local Road Funding Assistance Program Agreement was received from the Road Commission with an estimated township cost share of \$25,000. Work order was received for Miller Road culvert with no action taken. Recommended seeking if a temporary fix can be done until it can be repaired.

- Motion to approve and accept the **2024 Local Road Assistance Program Agreement** as presented made by Baranowski seconded by Hagle. Discussion: none further. Roll Call: Ayes-5, Nays-0; Motion carried.

### **UNFINISHED BUSINESS**

- 1. 2018 International Property Maintenance Code:** Motion to Approve and Adopt Ordinance #37-2023 Building Code and Maintenance Ordinance Amendment as presented made by Baranowski, seconded by Rushing. Discussion: Ordinance Enforcement Officer recommended adopting the Maintenance Code into the Building Code that was discussed during inspector meeting on November 4<sup>th</sup> with the Township Attorney. Amendment will take immediate effect upon publication. Roll Call: Aye-5, Nay-0; Motion carried.
- 2. Snow Removal Bids for 2023-2024 Winter Season:** Motion to Accept and Approve bid received from Cottington's Lawn Care as presented for Snow Removal Services for the 2023-2024 Winter Season made by Behem, seconded by Baranowski. Discussion: Two bids were received from local businesses who have both provided services for the township in the past. Both are from reputable businesses and qualified choices. Markers will be needed to mark the location of the new railroad ties placed in Park area while plowing. Roll Call: Aye-5, Nay-0; Motion carried.

### **NEW BUSINESS**

- 1. Metro Act Permit Application for 123.Net, Inc.:** Motion Accept and Approve Metro Act Permit Application form 123 Net, Inc. as a bilateral permit made by Rushing, seconded by Baranowski. Discussion: Metro Act Permit application is the first step before construction begins to install the fiber optic cable for internet along the roadways indicated on the map in the permit packet. Roll Call: Aye-5, Nay-0; Motion carried.
- 2. Schedule and Publish Notice of Annual Public Hearing – Fire Protection:** Motion to Schedule and Approve Notice of Annual Public Hearing for Special Assessment Roll for Fire and Rescue Protection to be held on March 12<sup>th</sup>, 2024 as presented made by Behem, seconded by Rushing. Discussion: Notice will be included and mailed with Winter Tax bills. All in favor; Motion carried.
- 3. Proposed County Provided Service Agreement:** Motion to Approve Participation in County Provided Service Agreement for a 6-Year Commitment at a cost of \$1000 per year as described in Memorandum dated October 5<sup>th</sup>, 2023 received from St. Clair County Director of Equalization made by Behem, seconded by Rushing. Discussion: Clerk recommended participation in the new program being offered by the county. Maps and services included in the program will be needed for the Master Plan update. Services include aerial photography, interactive maps, PDF copies, wall maps and more. A formal agreement will be sent for signature once participation is approved by the Board. Roll Call: Aye-5, Nay-0; Motion carried.
- 4. Resolution 2023-22 Notice of Public Hearing on Necessity Special Assessment of Local Public Roads:** Motion to Approve Resolution #2023-22 Notice of Public Hearing on Necessity for Special Assessment of Local Roads scheduled on January 9<sup>th</sup>, 2024 at 7:00 pm at Riley Township Hall made by Behem, seconded by Hagle. Discussion: Clerk reported this public hearing is the first step to discuss and

consider the necessity of a special assessment district as a way to defray costs and maintain the townships local public roads. Costs for Dust Control and Annual Limestone Haul to maintain the local roads are increasing every year becoming difficult to budget for unexpected and costly repairs. ARPA funds are not a reliable source for ongoing annual maintenance for local roads. Riley is also known to contain the most miles of gravel roads within the county and the township needs to explore all options to be fiscally responsible within the next budget cycle. Roll Call: Aye-5, Nay-0; Motion carried.

**5. Township Hall Incidents/Police Reports/Signage:** Clerk gave report on recent incidents that occurred at the Township Hall/Park parking lot.

First incident occurred on September 30<sup>th</sup>, 2023 reported by the Deputy Supervisor while performing contracted work for the township witnessed reckless driving in the parking lot located at the Riley Township Hall/Park, and recorded the vehicle's license plate number, and had contacted the Michigan State Police to file a report and investigate the license plate. Clerk was notified of the incident and contacted Michigan State Police in Lapeer and spoke with Seargent Peckman who filed incident number #34-3391-23. A FOIA request was made to obtain the report made for the Board and was received.

Second incident took place when various debris was noticed in passing of the parking lot located at the Riley Township Hall/Park upon arriving to work by the Clerk on Monday, October 9<sup>th</sup>, 2023. Security camera footage was reviewed with Supervisor revealing numerous vehicles parked, with individuals loitering, littering, urinating and vomiting in the township parking lot after dusk and remaining overnight. An individual appeared to have fallen over after vomiting in the parking lot and remained face down while others with cell phones recording the event in their hands stood around the individual on the ground. Photographs of the debris in the parking lot consisting of alcoholic containers, discarded food, pizza box, and several areas contaminated from urination and vomit from multiple individuals who remained overnight in the parking lot and were recorded on the security camera. The Clerk contacted St. Clair County Sherrif to file police report incident # 23-0041660. Sheriff remarked at the time of the report the individuals can be charge for public urination if can be identified. A FOIA request was made to obtain the report for the Board and was received.

Third incident took place when several vehicles that appeared to be parked overnight were noticed in passing of the parking lot located at the Riley Township Hall/Park upon arriving to work by the Clerk on November 1<sup>st</sup>, 2023. Photographs were taken of the parked vehicles and license plates. Vehicles left the parking lot soon afterwards and no police report was made of the incident.

Clerk recommended more visible signage at the entrance of the Riley Township Hall/Park parking lot. Current signs are located on the pavilion overhang and at the office parking lot side of the park are not visible upon entrance especially at night. Trustee Baranowski agreed to explore options for better signage and will bring to next meeting.

**6. KCI Services for Winter Tax Bills and Newsletter:**

Motion to approve to use KCI Services to publish and mail Winter Tax Bills with Newsletter and two Public Hearing Notices at a cost up to \$2700 made by Rushing, seconded by Baranowski. Discussion: KCI to send out Winter tax bills with Newsletter, Notice of Annual Special Hearing, and add Notice of Public Hearing on Necessity. Additional notice will increase cost and postage. Roll Call: Aye-5, Nay-0; Motion carried.

**COMMENTS FROM THE BOARD OF TRUSTEE'S NOT ALREADY ADDRESS:** Clerk would like to ask the board for permission to use the Township Hall on December 7<sup>th</sup>, 2023 to host the St. Clair County Clerk Association Quarterly Meeting Luncheon.

- Motion for permission to use Riley Township Hall on December 7<sup>th</sup>, 2023 to host the St. Clair County Clerk's Association Quarterly Meeting Luncheon made by Baranowski, seconded by Hagle. Discussion: Approximate 50 attendees are expected. All in favor; Motion carried.

**NEXT REGULAR MEETING SCHEDULED:** December 12<sup>th</sup>, 2023 at 7:00 pm at Riley Township Hall

**ADJOURNMENT:** Motion to adjourn at 9:32 pm made by Hagle, seconded by Baranowski. All in favor, motion carried.

Respectfully submitted by Patricia Gondert, Recording Clerk

Approved December 12<sup>th</sup>, 2023,

Dawn Behem, Riley Township Clerk