

**Forsyth Township Board
Regular Meeting
Gwinn Community Center
February 27, 2014**

Supervisor Minelli called the meeting to order at 6:30 p.m. followed by the Pledge of Allegiance to the American Flag.

Board Members Present: Supervisor Minelli, Clerk Nordeen, Treasurer Roberts, Trustee Bodenus and Trustee Adams

Board Members Absent: None

Also Present: Library Board President Donna Adams, Chief of Police Tim Rector, Police Officer Association Representative Justin Wonch, 2nd Assistant Fire Chief Greg Orchard, Assessor Henry DeGroot, a number of township employees and concerned citizens.

Approval of Minutes: Motion by Roberts, supported by Nordeen, to approve the minutes for February 8, 2014 Special Board Meeting as presented. Motion carried.

Public Comment: Lynn Rodgers informed the Board that the Insurance Adjuster for the Building that collapsed, stated there was up to a two year time limit to make the decision to rebuild or keep the land vacant of buildings. She also stated the Binders for the Budget Workshop were near completion.

Agenda: Motion by Nordeen, supported by Roberts, to approve the agenda with the following additions: **10w. Police Dept. – SCI quote and 10x. Alternate to the Board of Review, 12a. Evaluation Reports.** Motion carried.

Department Reports: The following reports were accepted and placed on file: Ambulance, Assessing/Zoning, Senior Citizens, Fire Department, Library, Police Department, and Financial. Reports not filed: Parks Committee and Public Works Department.

Attorney's Report: Attorney Koch had been excused at the prior meeting.

Approval of Bills & Vouchers: Motion by Nordeen, supported by Roberts, to approve bills and vouchers totaling, \$61,238.66, as presented. Motion carried.

**Forsyth Township
Bills For Approval
2/27/14**

Vendor	Description	Amount
Airgas	PW and EMS Supplies	205.40
American Nameplate	Name Plates	27.00

Aramark	Carpet and Uniform Service	1,008.23
Auto Value	Parts and Supplies Various Depts	1,680.28
Beauchamp Plumbing & Heating	Sawyer Community Center Claim	2,407.89
City of Marquette	Bacteriological Analysis	80.00
Clarey's Safety Equipment	Fire Dept Supplies	317.35
Compudyne	Computer Support Police & Office	437.56
Dalco	Clubhouse Supplies	168.59
Dalmatian Fire Equipment	Refurbished Air Packs	14,128.55
Emergency Medical Products	Ambulance Supplies	519.38
Eric Jancsi	Overtime Meal for PW	22.54
Galls	Police Uniforms and Equipment	25.47
Harris	Computer Support and Supplies	7,827.18
Hedmark Sales	Chain Saw & Equipment - Fire Dept	609.00
Holben Environmental	Water Dept Training	150.00
InterAct	Police Science Database	1,820.00
Joe & Son's Plowing	Senior Plowing	290.00
Attorney Kevin Koch	Attorney Fees	2,333.14
Marquette Co Fire Fighters Assoc	Dues, Classes and Supplies - Fire Dept	715.00
Marquette General Hospital	Ambulance Supplies	10.58
Marquette Machining & Fabricating	PW Supplies	56.00
Menards	Water Dept Supplies	245.76
Michigan Municipal League	Work Comp Audit	561.00
Nip & Tuck Alterations	Police Uniforms	54.00
Northern Design Works	Cost Estimate - Assessing	200.00
National Fire Protection Assoc	Subscription Renewal	165.00
Pomasl Fire Equipment	Fire Dept Supplies	4,151.52
Pomp's Tire Service	Active Vehicle Tires	437.76
Quill	Supplies Various Depts	1,902.99
Range	Miss Dig	18.50
Roger Hiironen	Senior Plowing	215.00
Snyder Drug	Police Dept Supplies	81.24
State Tax Commission	MCAO Program - Assessing	500.00
Swick	Sawyer Community Center Claim	1,220.00
The Mining Journal	Publishing	138.08
The Office Planning Group	Copier	226.69
Upper Great Lakes Family Health	DOT Physical	110.00
White Water Associates	Water Analysis	300.00
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		45,366.68

**Forsyth Township
Bills Additional For Approval
1/23/14**

Vendor	Purpose	Amount
Ace Hardware	Supplies Various Depts	1,635.29
Dalco	Clubhouse Cleaning Supplies	250.92
Fox Motors Mqt	Active Vehicle Part	17.57
Holiday Cleaners	Police Dept Drycleaning	73.15
Menards	Supplies Various Depts	713.81
Planning & Zoning News	Assessing Subscription Renewal	185.00
Quill	Supplies Various Depts	17.98
UPEA	Water Project	12,264.00
Leutz Signs	Lights & Wrap for Side-by-Side	714.26
		15,871.98
	Original Bill Listing	45,366.68
	Total Accounts Payable	61,238.66

Voucher Numbers for GO, Police, Clubhouse, Ambulance, Library, Water & Sewer: 65177-65405
Voucher Numbers for Tax 1481-1497

ACTION ITEMS:

Dust Control (10a.): Motion by Roberts, supported by Minelli, to approve the Dust Control for the roads as presented. The roads have not changed from the prior Dust Control approval. Motion carried.

Training Meal Policy (10b.): Motion by Roberts, supported by Nordeen, to approve the Board Member Meal Expense Policy as presented. Motion carried.

Board Member Meal Expense Policy

Let it be the policy of the Forsyth Township Board to pay the Board Members a per diem meal amount, equal to the Steelworkers Union contract, while participating in training functions or in route to or from the function.

Fire Dept. – Purchases (10c., 10d., 10e., 10f.): Motion by Nordeen, supported by Adams, to approve the purchase of 2 Ice Rescue Suits, a Storz fitting, a Drop Tank, and new phones for the Emergency Services Building, which will be split with the EMS, totaling \$2,730.00. Motion carried.

There was also a comment of concern for the Fire Hydrants that are buried with snow. Supervisor Minelli, stated that the Public Works Department, at this time, does not have the time to deal with the situation as there are so many sewer and water issues. Perhaps an ordinance needs to be explored.

Pigs-n-Heat Fire Relief Fund Proclamation (10g.): Motion by Nordeen, supported by Roberts, to adopt the Proclamation honoring the Pigs-n-Heat Fire Relief Fund of Marquette Count, Michigan, as presented. Motion carried.

Clubhouse Painting (10h.): Motion by Adams, supported by Nordeen, to approve the bid from Heric Painting for \$3,950.00 for painting the clubhouse new drywall, commons area, and stairwell. Motion carried.

Insurance Resolution for Police (10i.): Motion by Adams, supported by Roberts, to adopt the Hard Cap option for the Police Association health care cost. Discussion ensued. Officer Wonch asked the Board Members to make an “informed” decision. Motion carried.

Superior Lock Estimate (10j.): Motion by Adams, supported by Nordeen, to approve the quote from Superior Lock and Security Inc. for the office totaling \$2,200.48 as presented. Discussion ensued regarding the specific items on the quote. Motion carried 4-1.

Fireworks Ordinance (10k.): Motion by Adams, supported by Nordeen, to approve the Fireworks Ordinance as presented. Roll call: Nordeen – aye, Roberts – aye, Bodenus – aye, Adams – aye, Minelli – aye. Motion carried.

**FORSYTH TOWNSHIP, MICHIGAN
ORDINANCE NO. 1-2014
Forsyth Township Fireworks Ordinance**

An ordinance to protect the health, safety, and general welfare of persons and property within the Township of Forsyth through the regulation of use of fireworks, as provided in PA 256 of 2011 and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF FORSYTH, MARQUETTE COUNTY, MICHIGAN, ORDAINS:

Section 1: Name

This ordinance shall hereafter be known and cited as the Forsyth Township Fireworks Ordinance.

Section 2: Purpose

In the interest of maintaining public health, safety and general welfare and the comfort and repose of Forsyth Township residents, Forsyth Township hereby provides for the regulation and use of fireworks in Forsyth Township, as provided in PA 256 of 2011, as may be amended, (MCL 28.451, et seq) and repeals all Ordinances or parts of Ordinances in conflict herewith.

Section 3: Definitions

For the purposes of this Ordinance, the following definitions shall apply:

1. **Agricultural and Wildlife Fireworks:** Fireworks devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the United States Department of the Interior or the Department of Natural Resources of Michigan.
2. **Articles Pyrotechnic:** Pyrotechnic devices for professional use that are similar to Consumer Fireworks in the chemical composition and construction but not intended for consumer use, that meet the weight limits for Consumer Fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.
3. **APA:** American Pyrotechnics Association
4. **Consumer Fireworks:** Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3 or 3.5. Consumer Fireworks does not include Low Impact Fireworks.
5. **Display Fireworks:** Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effect by combustion, deflagration, or detonation as provided in 27 CFR 555.11, 49 CFR 162 and APA standard 87-1, 4.1.
6. **Firework or Fireworks:** Any composition or device, except for a starting pistol, a flare gun or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of Consumer Fireworks, Low-Impact Fireworks, Articles Pyrotechnic, Display Fireworks, Wildlife and Agricultural Fireworks and Special Effects.
7. **Low-Impact Fireworks:** Low-Impact Fireworks means ground and handheld sparkling devices as the phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.
8. **Minor:** Individual who is less than 18 years old.
9. **National Holiday:** A National Holiday is defined in 5 USC 6103 and includes: New Year's Day (January 1); Martin Luther King Jr. Day (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); Christmas Day (December 25).
10. **Novelties:** As defined under APA standard 87-1, 3.2, 3.2.1, 3.22, 3.23, 3.24 and 3.25 and all of the following:
 - a. Toy plastic or paper caps for toy pistols in sheets, strips, rolls or individual caps containing not more than .25 of grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cup.
 - b. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in the above paragraph are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
 - c. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
11. **Person:** Individual, agent, association, charitable organization, company, Limited Liability Company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal commercial entity.

12. **Special effects:** A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as in an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

Section 4: Novelties

This Ordinance does not apply to and does not regulate the use of Novelties in Forsyth Township.

Section 5: Consumer Fireworks

1. Consumer Fireworks may be used in Forsyth Township on the day preceding, the day of and the day after a national holiday, (see listed in Section 3, item 9), without restriction.
2. At any time other than the day preceding, the day of and/or the day after a national holiday, (see listed in Section 3, item 9), Consumer Fireworks may be used in Forsyth Township subject to the following requirements and restrictions:
 - a. During the 4th of July holiday, Consumer Fireworks may be used on the weekend/Saturday before the 4th thru the weekend/Sunday, following the 4th of July holiday.
 - b. On Sundays through Thursdays, Consumer Fireworks may be used up to 10:00 p.m.
 - c. On Fridays and Saturdays, Consumer Fireworks may be used up to midnight.
 - d. Use of Consumer Fireworks must be in compliance with the Forsyth Township Noise Ordinance.
 - e. Consumer Fireworks shall not be used if a burn ban is in effect.
 - f. A person shall not ignite, discharge or use Consumer Fireworks on public property, school property, church property or the property of another person, without that person or organization's express written permission to use the Consumer Fireworks on those premises.
 - g. A person shall not use Consumer Fireworks or Low Impact Fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
 - h. Consumer Fireworks shall only be used in accordance with all applicable local, state and federal laws.
 - i. Any person(s) using Consumer Fireworks is/are responsible for cleaning up any debris caused from the use of said fireworks, within a 24 hour period.

Section 6: Display, Article Pyrotechnic, Agricultural or Wildlife, and Special Effects Fireworks

1. Any party wishing to stage a Fireworks Display, Article Pyrotechnic, Agricultural or Wildlife, and/or Special Effects Fireworks, shall, at least 45 days prior to the display, submit an application on a form furnished by the Township and shall secure permission from the Township Board prior to the fireworks event.
2. A site plan of the area where the fireworks event is to be conducted shall be submitted with the application. The site plan shall set forth all structures in the area and the discharge site fallout area. The site plan shall furthermore set forth the distance separating the mortars used to launch the fireworks and the structures, and also set forth the distance separating

the mortars and the spectators viewing the event. All site plans must be approved by the Forsyth Township Fire Department prior to Township Board approval.

3. Requirements and Restrictions:
 - a. The applicant conducting the event shall follow National Fire Protection Association (NFPA) Code 1123 for firework display and/or the Forsyth Township requirements, whichever is more restrictive.
 - b. Applicant must be licensed as required under any and all Federal State of Michigan requirements.
 - c. A copy of any required state or federal permit for the fireworks event shall be submitted with the application.
 - d. The applicant shall maintain Personal Injury Liability Insurance/Property Damage Liability Insurance in the minimum amount of \$1,000,000 during each event. Forsyth Township shall be named as an Additional Insured on the insurance policy. The insurance policy must be submitted with the aforementioned application and shall be subject to the Risk Management review. The insurance policy shall also include coverage for the cleanup after the fireworks display has ended.
 - e. The applicant shall be responsible for all shells being fired. In the event any of the shells do not explode, the applicant shall secure the area until the unexploded shells are found and properly disposed of.
 - f. The consumption of alcohol prior to and during display by the fireworks' shooters or any persons on site employed by the fireworks company is strictly prohibited.
 - g. The area shall be cleaned up within 24 hours after the fireworks event has ended.
 - h. A permit is not transferable and shall not be granted to a minor.

Section 7: Sanctions

Any person (s) that violates any provision of this Ordinance shall be deemed responsible for a Municipal Civil Infraction and fined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st offense within 2 year period*	\$100.00	\$500.00
2 nd offense within 2 year period*	\$300.00	\$500.00
3 rd or subsequent offense within 2 years*	\$500.00	\$1,000.00

**Determined on the basis of the date of commission of the offense(s).*

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Forsyth Township has been put in connection with the Municipal Civil Infraction. In no case, however, shall costs of less than \$100.00 nor more than \$1,000.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance.

Section 8: Severability

Should any section, clause, or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid.

Section 9: Repeal of Conflicting Ordinances

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 10: Effective Date

The undersigned Supervisor and Clerk of Forsyth Township hereby certify that this Ordinance was adopted by the Township Board on the _____ day of _____, 2014, and was published in The Mining Journal on the _____ day of _____, 2014. This Ordinance shall become effective thirty (30) days after said date of publication.

Joseph Minelli, Township Supervisor

Jane Nordeen, Township Clerk

Published: _____

Effective: _____

Fire Bill (10l.): No action taken.

EMS – Purchase Pagers and New Hire (10m. and 10n.): Motion by Nordeen, supported by Minelli, to approve the EMS purchasing 4 pagers from Anderson Communications and approve hiring Becky Barrett. Discussion ensued. Motion carried.

Police – Advertise for New Hire (10o.): Motion by Roberts, supported by Minelli, to approve advertising for a new Police Officer. Discussion ensued. Motion amended by Roberts, supported amended by Minelli, to approve advertising for a Part Time Police Officer. Motion failed 2-3.

Police – Purchase Cabinet (10p.): Motion by Nordeen, supported by Roberts, to approve the purchase of a file cabinet for the Police Department totaling \$200.00. Discussion ensued. There may be a cabinet available for the Police Department at the Assessor’s Office. Motion and support withdrawn. Motion by Nordeen, supported by Roberts, to table the item to see if the cabinet is available for the Police Department.

Police – Purchase AR-15 (10q.): Motion by Roberts, supported by Bodenus, to approve the purchase of an AR-15 weapon for the Police Department. Discussion ensued. More research should be done prior to purchasing the weapon. Motion and support withdrawn. No action was taken.

Police – Purchase Shelving (10r.): Motion by Adams, supported by Roberts, to approve purchase of shelving for the Police Department for \$500.00. Motion carried.

Assessing – Rezoning of Library Parcel (10s.): Motion by Nordeen, supported by Minelli, to approve the rezoning of parcel 52-05-121-020-01, which is currently owned by the Forsyth Township Public Library, from Public Area to Residential-3. Motion carried.

Assessing – Testing Payment (10t.): Motion by Adams, supported by Nordeen, to approve April 4, 2014, July 11, 2014, November 7, 2014 and May 8, 2015 as normal paid work days for Rebecca Stachewicz to attend Certified Assessing Officer testing, then return to the office for the remainder of the day. Motion carried.

MERS Retirement Options (10u.): Motion by Minelli, supported by Nordeen, to approve requesting a projection study, for the Police Department, for MERS Defined Contribution and Hybrid Plans totaling \$700.00. Discussion ensued. Lynn Rodgers explained the information she received regarding the MERS plans during an EVIP meeting she attended. She explained that the study would take approximately 5 weeks, and that it could be used as a tool for future negotiations. The motion and support was amended to approve the negotiating team to order the \$700.00 report when, or if, it is needed and to order the free Hybrid portion at this time. Motion carried.

Clubhouse Rentals (10v.): Motion by Nordeen, supported by Adams, to remove the Clubhouse from the Rental Agreement. Discussion ensued. Motion carried.

Police Dept. – SCI Quote (10w.): Motion by Adams, supported by Minelli, to approve the \$1,350.00 quote from SCI to clean the Police Department basement. Motion carried.

Alternate to the Board of Review (10x.): Motion by Roberts, supported by Adams, to approve Dwight Sunday as an alternate to the Board of Review. Discussion ensued. Motion carried.

DISCUSSION ITEMS:

MTA Hotel Reservations (11a.): It was the consensus of the Board to reserve 7 rooms at this time for the 2015 MTA Conference.

Ordinance Update – Dog Kennels (11b.): Rebecca Stachewicz, Assessing and Zoning Assistant, updated the Board on the progress of updating the ordinances with CUPPAD. In one of training classes she attended, the issue of how to zone Dog Kennel was addressed. The Assessing and Zoning office can only regulate land use. They cannot regulate anything that deals with the animal or owner. The zoning ordinance will be updated. Perhaps the Township Board would like to address those specific issues in the Animal Ordinance.

Summary of Zoning Administrator Training (11c.): Supervisor Minelli thanked Becca for attending. Becca informed the Board she had sent in her test and is awaiting the results.

OLD BUSINESS:

Evaluation Reports (12a.): Supervisor Minelli informed the Board that all the information from the Evaluations have been compiled. He will put the information in each Board Members mailbox and give Chief Rector and Superintendent Jancsi their respective compilations. Should anyone have any questions or issues they want address, please provide it in writing to Supervisor Minelli.

CORRESPONDENCE:

Water Department Thank You (13a.): Superintendent Jancsi had to excuse himself earlier in the meeting because of an alarm in one of the pump houses. Supervisor Minelli commented on how busy the Public Works Department has been, and that they had received quite a few “Thank You”s from the residents. He also informed the Board of the information going to Marquette County in regards to the “State of Emergency” that is being requested.

Cliffs Foundation Contribution (13b.): Supervisor Minelli thanked the Cliff’s Foundation for the continued support and the check for \$10,000, which is the fourth installment of a five year contribution pledged to assist Forsyth Township’s Fire Protection Services as Sawyer.

Public Comment: None.

Board Member Comment: The Board Members thanked the Public Works and Police Departments for all their hard work.

Adjournment: Supervisor Minelli adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Stacy Filizetti
Clerk/Secretary