

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
JUNE 25, 2012

The Supervisor called the meeting to order at 7:00 p.m.

Members present: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller
Members absent: None

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

Kyle Martin, Meadowbrook Drive, stated new fireworks displays have gotten out of control. He does not feel safe in his yard. Hot ash is flying on his house and landing in his yard from neighbors shooting fireworks. He called the sheriff department and received no response to the call. Fireworks are a personal safety and fire hazard.

Larry Swiercz, 4829 Baxman Road, concurred with the statements made by Mr. Martin. Swiercz has been in contact with Governor Snyder's office. People are setting off fireworks in the road with no regard to people or cars in the immediate area. Fireworks are being shot intermittently from 10:00 p.m. to 3:00 a.m. every night. He has talked to the State Police and Sheriff Department and was told he needs to video tape the people in the act with the video showing their faces for them to do anything. Swiercz would like the township to notify Snyder, stating the problems residents are experiencing and send out this information to township residents in a newsletter.

Brandt stated the township can pass a fireworks ordinance, however the problem will be enforcement. At 3:00 a.m. the township relies on the county-wide sheriff deputy that is on duty. Brandt has sent e-mails to the County Commissioners requesting the county to address the restriction of fireworks by a county ordinance rather than each township and city passing their own ordinance. By doing so, Brandt feels this would make the regulation uniform throughout the county and make it easier for state and local police to enforce it. Several board members cited instances in other township neighborhoods where fireworks were also being set off at all hours of the day and night without regard or consideration for the people who live in the immediate vicinity or their property.

Another issue Swiercz would like the township to make people aware of relates to the illegal running of 4-wheelers on public streets. He was recently almost hit by one while riding his bike. Law enforcement was called and the officer gave a verbal warning to the offenders, but no citations were issued. Given the speed these 4-wheelers are zipping down the road, Swiercz is concerned that people are going to be hit by one, or the person on the 4-wheeler will be hit by a car.

Public Input closed at 7:26 p.m.

Motion by Kowalski supported by Pike to adopt the agenda as presented.

Motion carried.

Motion by Miller supported by Kochany to approve the minutes of the June 11, 2012 regular meeting as presented.

Motion carried.

Motion by Kowalski supported by Miller to pay the bills in the amount of \$36,379.39 from General Fund.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None

Absent: None

Motion carried.

Motion by Kowalski supported by Malkin to receive the Treasurer's Report for May 2012.

Motion carried.

Cost Recovery Appeal of Depcinski

The township received a cost recovery appeal request from Arlene Depcinski, on behalf of Travis Depcinski, for fire department response to an incident on February 11, 2012. Ms. Depcinski stated the vehicle Travis was driving slid part-way into a ditch. Neither Travis nor the vehicle sustained damage and a wrecker was all the assistance that was required. A person driving by called 911 without checking with Travis if assistance was needed. Their insurance company will not pay the claim because this was a non-injury event and emergency assistance was not needed.

Motion by Malkin supported by Arnold to grant the appeal submitted by A. Depcinski to waive cost recovery charges in the amount of \$408.52 based on the reasons stated in her appeal letter to the township board.

Roll call vote:

Yes: Brandt, Pike, Arnold, Kochany, Malkin, Miller

No: Kowalski

Absent: None

Motion carried.

Fireworks Display Permit of C. Holm

Motion by Kowalski supported by Malkin to approve the fireworks permit submitted by C. Holm for a fireworks display at 1796 Wheeler Rd. on July 28, 2012, contingent upon Fire Department inspection of the site prior to the event.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None

Absent: None

Motion carried.

SUPERVISOR'S REPORT

A copy of the June 15, 2012 e-mail K. Martin sent to Brandt was included in the board packet for discussion. Brandt reported he has received several fireworks complaints from residents similar

to those stated tonight by Mr. Martin and Mr. Swiercz. Brandt reviewed copies of the fireworks ordinances adopted by Essexville and proposed by Bangor, and found them to be very similar in wording. An item of concern with the Essexville ordinance is that Section 9.2004, titled *Prohibition on Use of Consumer Fireworks; Exception:* states, *Consumer fireworks ignited, discharged, or used on the dates allowed by this section to be shall strictly conform to the definition of consumer fireworks as stated in this chapter and state statute by only creating visual but not audible effects by their combustion and if not so conforming shall be prohibited on said dates as well as all other times.* In review of the state statute, Brandt believes the Essexville ordinance cannot prohibit fireworks on the dates specified by statute by the additional prohibition of *audible effect*.

Malkin stated the township can draft an ordinance to provide restrictions for the days not covered by the law.

Kowalski stated one item of significance in favor of Essexville's ordinance, is the fact that they have their own police department to handle the enforcement of the ordinance and do not have to rely on one county-wide sheriff deputy for enforcement after 10:00 p.m. which is when the majority of violations occur.

Pike stated we could include a one page sheet informing the residents of the state law regarding fireworks with the tax bills being mailed on Friday. She will check with the printer Tuesday morning to see if this is possible.

Arnold stated it was his interpretation the state law allowed fireworks only on the three days around a holiday (the day before, the day of, and the day after, a federally recognized holiday) and questioned if those are the only days it is allowed, if the township needs to adopt an ordinance.

Brandt reported there is a provision in the statute that townships/municipalities can adopt an ordinance to regulate fireworks on the days not specified by statute.

Fireworks will be included on the July 9, 2012 agenda.

Brandt reported additional items of interest:

The Bay County Road Commission is planning to repave 3 Mile from Midland to N. Union in 2012, and do Midland Road from 3 Mile to 4 Mile in 2013.

The date for the next water plant meeting has been rescheduled from June 28th to July 12, 2012 at 7:00 at Bangor Township Hall.

The meeting adjourned at 8:22 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor