

CHARTER TOWNSHIP OF MONITOR
SPECIAL TOWNSHIP BOARD MEETING
NOVEMBER 7, 2019
Disciplinary Hearing – D. DeGrow

The Supervisor called the meeting to order at 2:00 p.m.

Members present: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh
Members absent: None
Also present: R. Sheppard, Township Attorney, Chief J. Kramer

Malkin stated DeGrow requested the meeting be recorded and held in closed session. Because the Clerk does not record board meetings for the purpose of minute preparation, a vote should be taken to record this meeting.

Motion by Pike supported by Walsh to allow this meeting to be recorded.

Roll call vote:

Yes: Pike, Brandt, Reder, Walsh
No: Malkin, Kowalski, Kochany
Absent: None
Motion carried.

Malkin asked attorney Sheppard if the meeting is taped and it is closed session, would the recording of the meeting be available to Mr. DeGrow.

Sheppard stated No, under closed session the recording of the meeting would not be available.

DeGrow responded that he would then like the disciplinary hearing to be held in open session.

Board members were supplied copies of the following:

- Building Department Issues with Dave DeGrow and Recommendation – as revised at the 9-25-2019 Personnel Committee meeting.
- Letter from Lt. Baker to the Supervisor dated August 9, 2019, regarding site plan reviews.
- Chief Kramer email to the Supervisor dated August 8, 2019, regarding building inspections.
- Planner G. Elliott email to the Supervisor dated August 7, 2019, regarding the Michigan Building Code.
- Copy of building permit application and permit PB19-0013, issued 3-26-2019, for 1600 S. Euclid Ave.
- Copy of building permit application and permit PB19-0022, issued 5-8-2019 for 5534 Four Mile Rd.
- Copy of building permit application and permit PB19-0059, issued 8-16-2019 for 1550 S. Euclid (Vapor Shop) – H. Miller property at 1600 S. Euclid.
- Letter dated August 12, 2019 from Planning Commission Chair J. Frank to the Supervisor.
- DeGrow 6-6-2019 phone conversation.
- Supervisor synopsis of 7-10-2019 conversation with DeGrow.

- Building Department email from Foundation Systems of Michigan dated August 6, 2019, regarding need to schedule final inspection for 2743 Midland Rd.
- Building Department email from Foundation Systems of Michigan dated August 8, 2019, regarding homeowner dissatisfaction of inspection performed at 2743 Midland Rd.
- List of Dangerous Building Complaints
- Transcript of August 16, 2019 Supervisor meeting with DeGrow.
- Transcript (in-part) of Planning Commission public hearing for 1600 S. Euclid.
- Excerpts of State Construction Code Act 230 of 1972.
- Chapter 1, Scope and Administration of 2012 Michigan Building Code pages 1-10.
- Transcript and Draft Minutes of Personnel Committee 9-25-2019 meeting.

Item 1- Building Department Issues with Dave DeGrow and Recommendation

Chief Kramer stated the fire department has not been notified to do inspections prior to a building permit or occupancy permit. This is a safety issue in that the building may meet the building code but not comply with the fire code. Examples given was Joe Mulders Oxygen business and the former market on Midland Rd.

Chief Kramer stated he notified the building department assistant there was a business (salon) going in at 1600 S. Euclid and asked if the building department knew about it and was told no, only later to discover that DeGrow was and had been, in communication with Mr. Miller.

DeGrow stated the fire department gets a copy of all plans. That is their notification.

DeGrow stated there has also been the new zoning compliance permit requirement where additional inspections are needed.

Malkin stated he has already spoken with the building and zoning assistant to forward copies of all building permits for commercial and industrial to the fire department and zoning administrator.

DeGrow stated he is also not getting information from the fire department citing not receiving a report regarding a recent building fire.

Chief Kramer stated that fire is currently under investigation and he cannot release the report.

Item 2- Building Department Issues with Dave DeGrow and Recommendation

DeGrow stated when these items were brought to his attention in August, he corrected them.

Walsh stated the board has been given all the complaint and background information and after reading it through, most of it seems to be about a particular builder. Walsh stated his consensus is that things are better with this building inspector than the former building inspector.

Malkin responded DeGrow had stated at the August Planning Commission meeting the building code supersedes the zoning ordinance. Malkin and the attorney met with DeGrow to determine a site plan was required for the south end of 1600 S. Euclid prior to a building permit and Malkin told him to issue a stop work order for the salon. DeGrow refused.

DeGrow ignored the need for site plan review a second time when Miller applied for a building permit on the north end of the building at 1600 S. Euclid.

Malkin also stated DeGrow is giving verbal authorization for owners to start construction on buildings before they apply for a permit.

Malkin stated DeGrow argues that he can issue an occupancy permit even though it is against the zoning ordinance. Malkin stated this is not the case and referenced the building code.

Malkin stated he has a recording of a phone call made by DeGrow where he bad mouthed the Supervisor to the public and played the recording for the board.

DeGrow stated he was out of the country on vacation at that time and he must have butt dialed during his private conversation. Malkin has made a private conversation public.

DeGrow stated the Supervisor also overstepped his authority by issuing a temporary occupancy permit for the salon without his knowledge or permission which is in violation of the building code.

DeGrow stated he has been doing this for over 20 years where the Supervisor has only been doing it for 3 years.

He was hired by Supervisor Brandt and his first job was an issue with Mr. Miller at 1600 S. Euclid.

DeGrow stated it is not in his nature to issue stop work orders. DeGrow stated he believes he could have worked things out with Mr. Miller.

DeGrow stated as building inspector he is the “authority of higher jurisdiction” and he is the only one who can interpret the building code the same as the fire chief is the “authority of higher jurisdiction” as it relates to the fire code.

DeGrow asked the board to let him continue to do his job.

Kowalski stated she attended the August Planning Commission meeting; not as Clerk of the township but as a resident who received the notice of public hearing. DeGrow stated to the planning commission that as building inspector he could issue permits and give occupancy per the building code and did not have to follow zoning ordinance requirements. The tone and comments he made were disrespectful and Kowalski was embarrassed on behalf of the township. This was not the first time this has happened. DeGrow had also in the past attended a ZBA meeting where he was there on behalf of the applicant and not the township. DeGrow in his capacity as building inspector is an employee of the township and if he attends meetings it should be on behalf of the township; be it the township board or its subcommittees such as the Planning Commission or the ZBA.

Further, the friction between DeGrow and the Supervisor has created problems with the day to day operation of the building department. DeGrow needs to understand that irrespective of his feelings, the Supervisor is his department head. If he has an issue with the dealings with the Supervisor, he should have then taken the grievance to the personnel committee.

Motion by Reder supported by Walsh to allow DeGrow to continue to do his job as the township building inspector; require he issue an apology to the planning commission at their next regular meeting for the comments that were made at the August meeting; and require when any commercial or industrial building permit applications are received, copies are forwarded and a review is received from the fire department and zoning administration prior to issuance of the building permit.

Roll call vote:

Yes: Pike, Brandt, Kochany, Reder, Walsh

No: Malkin, Kowalski

Absent: None

Motion carried.

Kochany stated if this should happen again, the personnel should bring it to the board sooner; way before it gets to this point.

Walsh stated the personnel committee brought it to the board as in the personnel policy.

Kochany asked if a written reprimand would be placed in DeGrow's file.

Kowalski stated a copy of today's minutes as well as the board packet for today's meeting would be placed in DeGrow's file.

Motion by Malkin supported by Walsh to keep the recording of this meeting if a copy is requested prior to approval of these minutes.

Roll call vote:

Yes: Malkin, Pike, Brandt, Kochany, Reder, Walsh

No: Kowalski

Absent: None

Motion carried.

The meeting adjourned at 3:24 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor