

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, FEBRUARY 13, 2007**

Supervisor Reaume called the meeting to order at 7:15 p.m. and led in the Pledge of Allegiance.

MEMBERS PRESENT: Richard Reaume, Supervisor
Ron Edwards, Treasurer
Marilyn Massengill, Clerk
Kay Arnold, Trustee
Charles Curmi, Trustee
Robert Doroshewitz, Trustee
Steven Mann, Trustee, arrived at 7:30 p.m.

ABSENT: None

OTHERS PRESENT: James Anulewicz, Direct of Public Services
Randy Maycock, Fire Chief
Thomas Hollis, Public Works Manager
Mark Lewis, Chief Building Official
Thomas Tiderington, Police Chief
Timothy Cronin, Township Attorney
Michael Bailey, Dietrich Bailey & Associates
Joe Bridgman, Deputy Clerk
Alice Geletzke, Recording Secretary
6 Members of the Public

Presentation by Dale Yagiela, Growth Works, Inc. Mr. Yagiela was not present.

Presentation by Adam Rujan, Plante & Moran. Regionalization of Fire Services. Mr. Rujan presented copies of a study for the possibility of combining fire services between five downriver communities. He addressed the possibility of several area governmental units being tentatively interested in undergoing such a study: Townships of Plymouth, Northville, and Canton, and the Cities of Plymouth, Livonia, and Westland. Plante and Moran is in the process of putting together a proposal for such a study.

Mr. Mann arrived at 7:30 p.m.

D. APPROVAL OF AGENDA

Regular Meeting - Tuesday, February 13, 2007

Mrs. Massengill amended the agenda by the removal of Item H.1 under Community Development, Approve the stipulation and order amending the original Consent Judgment entered on November 19, 1997, between Guido Tartaglia (Plaintiff) and the Charter Township of Plymouth (Defendant). She also added Item J.6, Board of Review Appointments, and Item J.7, Blue Cross/Blue Shield Data Sharing Agreement, under

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New Business, and under Closed Session added Revisit a written Township Attorney’s Opinion Regarding Fire Department Personnel. She then moved to approve the Agenda for the Board of Trustees Regular Meeting of February 13, 2007, as amended. Seconded by Mr. Edwards. Ayes all.

E. CONSENT AGENDA

E.1 Approval of Minutes
Regular Meeting - Tuesday, January 9, 2007

E.2 Approval of Township Bills

		Year 2007
General Fund	(101)	\$1,343,071.21
General Fund Loan to Downtown Development Authority	(101)	-
Water/Sewer	(592)	1,049,852.15
Improvement Revolving	(246)	22,617.13
SWD	(226)	173,331.92
Trust and Agency	(701)	9,190.39
Tax Pool	(703)	8,595.73
Drug Forfeiture	(265)	260.00
Special Assessment Capital Project Fund	(805)	-
Total:		\$2,606,918.53

E.3 Approval of Easements

a. Paul & Joyce Bohlander and Trustee for Paul Thomas Bohlander

E.4 Communications-Resolutions-Reports

a. Communications

b. Resolutions – N/A

c. Reports

Building Department, Yearly 2006

Fire Department, December 2006

Fire Department, January 2007

Police Department, October 2006

Mr. Edwards asked that the bills be removed from approval of the consent agenda. Mrs. Massengill moved to approve the consent agenda for the Board of Trustees Regular

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Meeting of February 13, 2007, as presented, with the exception of the Township Bills. Seconded by Ms. Arnold. Ayes all.

Mr. Mann was given permission to abstain from voting on approval of the bills because of the inclusion of bills for his employer, Miller, Canfield, Paddock and Stone.

Mr. Edwards amended the amount listed for the General Fund by \$81,997.34. This change resulted from payment of taxes by Tower Automotive and a refund of a portion of those taxes mandated by the Michigan Tax Tribunal.

		Year 2007
General Fund	(101)	\$1,425,068.55
General Fund Loan to Downtown Development Authority	(101)	-
Water/Sewer	(592)	1,049,852.15
Improvement Revolving	(246)	22,617.13
SWD	(226)	173,331.92
Trust and Agency	(701)	9,190.39
Tax Pool	(703)	8,595.73
Drug Forfeiture	(265)	260.00
Special Assessment Capital Project Fund	(805)	-
Total:		\$2,688,915.87

Mr. Reaume moved to approve payment of the Township bills as amended. Seconded by Mrs. Massengill. Ayes all, with Mr. Mann abstaining.

F. PUBLIC COMMENT AND QUESTIONS – There were none.

G. PUBLIC HEARING – N/A

H. COMMUNITY DEVELOPMENT

H.1 Approve the stipulation and order amending the original Consent Judgment entered on November 19, 1997 between Guido Tartaglia (Plaintiff) and the Charter Township of Plymouth (Defendant)

This item was removed from the agenda.

I. UNFINISHED BUSINESS

I.1 Approve Revised Intergovernmental Government Services Agreement

Attorney Cronin reviewed the changes with Board members.

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Mr. Mann moved to approve the Revised Intergovernmental Communications Services Agreement and authorize the Supervisor and Clerk to sign same. Ayes all.

Mr. Curmi was excused from the meeting at 7:58 p.m.

I.2 Township Vehicle Policy

Ms. Arnold moved to postpone the submitted revised policy regarding use of Township-owned or leased vehicles. Seconded by Mr. Edwards. Ayes all, with Mr. Curmi absent.

J. NEW BUSINESS

**J.1 Wayne County Annual Permit “C’s” for 2007 for the following: Street Sweeping, Calcium Magnesium Chloride, Water Mains, Sanitary Sewers, and Sidewalks and the 2007 (MDOT) Michigan Department of Transportation Annual Permit
Resolution No. 07-02-13-01**

Thomas Hollis, Public Works Manager, informed the Board that these permits are required on an annual basis.

Ms. Arnold moved to authorize the Township Supervisor to sign the Annual Permit “C’s”, MDOT permit and approve the Performance and Indemnification Resolution No. 07-02-13-01, allowing the Charter Township of Plymouth to work within the right-of-way roads under the jurisdiction of the County of Wayne and State of Michigan. Seconded by Mr. Edwards. Ayes all on a roll call vote, with Mr. Curmi absent.

The Resolution reads as follows:

WHEREAS, the Charter Township of Plymouth, hereinafter referred to as the “GOVERNMENTAL BODY,” periodically applies to the Michigan Department of Transportation, hereinafter referred to as the ‘DEPARTMENT,’ for permits, referred to as “PERMIT,” to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right-of-way at various locations within and adjacent to its corporate limits;

NOW, THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party’s liability for, or immunity from tort claims.

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This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL BODY by a contractor of subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor of subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

2. The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right-of-way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

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6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within the state trunkline right-of-way on behalf of the GOVERNMENTAL BODY:

Richard H. Reaume, Township Supervisor
James D. Anulewicz, DPS Director
Patrick Fellrath, Township Engineer
Thomas R. Hollis, DPW Manager

J.2 Approve the First Addendum to the AccuMed Billing Service Agreement

Attorney Cronin explained the addendum is needed to provide billing service to support HazMat Extrication, Stand-by Suppression and Emergency Response services in addition to the billing services provided in the original agreement. A three-year term is also established in return for a lesser rate for services rendered by AccuMed.

Mr. Edwards moved to approve the First Addendum to the AccuMed Billing Service Agreement and authorize the Supervisor and Clerk to sign. Seconded by Ms. Arnold. Ayes all, with Mr. Curmi absent.

J.3 Revision to Water and Sewer System Ordinance Rates for Water, Sewage and Unmetered Water
Ordinance No. C-07-01

Mr. Edwards explained the need for updating the minimum water and sewage rates and unmetered water rates to be consistent with the overall rate. These rates have remained unchanged for a number of years.

Ms. Arnold moved to approve for first reading Ordinance No. C-07-01, revising the Water and Sewer System Ordinance Minimum Water Rates, Minimum Sewage Rates and Single Residences Unmetered Water Rates. Seconded by Mr. Edwards. Ayes all on a roll call vote with Mr. Curmi absent.

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- J.4** Second Amendment to Cost Reimbursement for Emergency Services Ordinance
Ordinance No. C-07-02

Attorney Cronin discussed changes with Board members, noting the definition for “emergency response” was amended to add extrication, standby suppression and medical assistance and these terms are defined.

Mr. Edwards moved to approve the first reading of the Second Amendment to Cost Reimbursement for Emergency Services Ordinance No. C-07-02. Seconded by Mr. Mann. Ayes all on a roll call vote, with Mr. Curmi absent.

- J.5** 35th District Court Building Authority Refunding Resolution No. 07-02-13-02

Building Official Mark Lewis discussed the need for passage of the resolution because of the possibility of refunding prior bonds through the issuance of refunding bonds, thus resulting in interest savings.

Mr. Edwards asked that the 25% listed as the percentage allocated for the Charter Township of Plymouth on Exhibit A of the resolution be checked to see if it is the current, accurate rate. He indicated time constraints for the bonding may require a special meeting to pass the resolution once this information is received.

Mrs. Massengill moved to confirm the appointment of Mark Lewis as a member of the Commission of the 35th District Court Building Authority for the term ending June 30, 2009. Seconded by Ms. Arnold. Ayes all, with Mr. Curmi absent.

- J.6** Board of Review Appointments

Board members reviewed the resumes of four candidates for three additional spots on the Board of Review. Candidates were Roy Banks, Robert W. Harris, Michael Litwin, and Richard L. Sharland.

Mr. Edwards moved to appoint Roy Banks, Robert W. Harris, and Michael Litwin to the Board of Review for a two-year term expiring on December 31, 2008. Ayes all, with Mr. Curmi absent.

- J.7** Blue Cross/Blue Shield Data Sharing Agreement

Mr. Reaume, Mr. Edwards, and Mr. Cronin informed the Board of the necessity for this agreement under the Medicare Part D program in order to authorize BC/BS to send data files, part of which are covered by HIPPA regulations, to CMS (Centers for Medicare and Medicaid Services). This is in connection with the Township’s eligibility to receive a subsidy from the federal government if they continue to provide retiree drug coverage.

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Mr. Cronin felt the Township would be choosing Option A. Mr. Reaume indicated this was recommended by both BC/BS and CMS to choose Option A, Submission of Data to CMS. Under paragraph 9 - Indemnification, page 6, Mr. Cronin recommended adding to the first line following the word indemnify “to the extent allowed by law”.

Mr. Edwards moved to approve the Data Sharing Agreement to provide administrative services for the retiree drug subsidy for Blue Cross/Blue Shield of Michigan and Blue Care Network groups as amended. Seconded by Mrs. Massengill. Ayes all, with Mr. Curmi absent.

K. SUPERVISOR’S COMMENTS

Mr. Reaume informed the Board of MDOT’s agreement to install a light at Ann Arbor and Ridge Roads.

Mr. Edwards noted the work of Chief Tiderington, residents of the area, and State Senator Bruce Patterson in obtaining the light. Ms. Arnold said she would like the Board to send a letter of thanks to Senator Patterson.

Mr. Reaume also indicated the installation of the wall mural donated by the Community Arts Council in conjunction with Pewabic Pottery is complete.

L. TRUSTEE COMMENTS – There were none.

M. PUBLIC COMMENT – There was none.

N. CLOSED SESSION

At 8:55 p.m., it was moved by Mrs. Massengill and seconded by Ms. Arnold that a closed session be called for the purpose of discussing:

RE: A Sewer Backup Claim; and to
Revisit the Township Attorney’s Opinion Regarding Fire Department
Personnel

This is a permissible purpose under the Michigan's Open Meeting Act, Public Act No. 267, Article 15.268, Section 8, Paragraph (e) & (h)

Ayes all on a roll call vote, with Mr. Curmi absent.

At 9:25 p.m., it was moved by Mrs. Massengill and seconded by Ms. Arnold to return to open session.

Ayes all on a roll call vote.

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Mr. Edwards moved to approve the Angelo Iafrate Construction invoices for \$33,500 for completion of the Lake Pointe Soccer Park, provided the Township receives a release of all claims. Seconded by Mr. Mann. Ayes all with Mr. Doroshewitz voting no.

O. ADJOURN

Mr. Massengill moved to adjourn the meeting. Seconded by Arnold. Ayes all.

The meeting was adjourned at 9:28 p.m.

Marilyn Massengill, Clerk
Charter Township of Plymouth

The Charter Township of Plymouth will provide necessary reasonable aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon two weeks notice to the Charter Township of Plymouth. Individuals with disabilities requiring auxiliary aids or services should contact the Charter Township of Plymouth by writing or calling the Human Resource Office, Charter Township of Plymouth, 9955 N. Haggerty Road, Plymouth, Michigan, 48170, (734) 453-3202, TDD users: 1-800-649-3777 (Michigan Relay Service).