

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, APRIL 17, 2007**

Supervisor Reaume called the meeting to order at 7:02 p.m. and introduced Cub Pack 1540 from Isbister Elementary School who led in the Pledge of Allegiance.

MEMBERS PRESENT: Richard Reaume, Supervisor
Ron Edwards, Treasurer
Marilyn Massengill, Clerk
Charles Curmi, Trustee
Robert Doroshewitz, Trustee
Steven Mann, Trustee

ABSENT: Kay Arnold, Trustee, Excused

OTHERS PRESENT: Joanne Coobatis, Director of Human Resources
Thomas Hollis, Public Services Manager
Mark Lewis, Chief Building Official
Randy Maycock, Fire Chief
Thomas Tiderington, Police Chief
Ronald Witthoff, Township Attorney, left meeting at 8:35 p.m.
Timothy Cronin, Township Attorney, arrived at 8:35 p.m.
Michael Bailey, Dietrich Bailey & Associates
Joe Bridgman, Deputy Clerk
Alice Geletzke, Recording Secretary
21 Members of the Public

Proclamation – National Police Week

Mr. Reaume read the proclamation for National Police Week which is May 13-19. He then presented it to Police Chief Tiderington, along with the thanks of the community for the Police Department's dedication and protection.

D. APPROVAL OF AGENDA

Regular Meeting - Tuesday, April 17, 2007

Mrs. Massengill amended the Closed Session portion of the agenda by the addition of Letter of Understanding between Plymouth Township and POAM. She then moved to approve the agenda for the Board of Trustees Regular Meeting of April 17, 2007, as amended. Seconded by Mr. Mann. Ayes all.

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, APRIL 17, 2007**

E. CONSENT AGENDA

- E.1 Approval of Minutes
 - Regular Meeting – Tuesday, March 27, 2007
 - Special Meeting – Wednesday, April 4, 2007

E.2 Approval of Township Bills

		Year 2007
General Fund	(101)	\$385,184.68
General Fund		-
Loan to Downtown Development Authority	(101)	
Water/Sewer	(592)	227,293.89
Improvement Revolving	(246)	44,811.57
SWD	(226)	83,611.03
Trust and Agency	(701)	-
Tax Pool	(703)	-
Drug Forfeiture	(265)	130.00
Special Assessment Capital Project Fund	(805)	-
Total:		\$741,031.17

- E.3 Approval of Easements
 - a. Koyo Corporation of USA, an Ohio Corporation

E.4 Communications-Resolutions-Reports

- a. Communications
 - Thank you letter from Natalie McLaughlin
 - Thank you letter from DeKiere Family
- b. Resolutions – N/A
- c. Reports
 - Building Department, January 2007
 - Building Department, February 2007
 - Building Department, Revenue Report, March 2007
 - Fire Department, March 2007
 - Police Department, March 2007

Mrs. Massengill moved to approve the consent agenda for the Board of Trustees Regular Meeting of April 17, 2007, with the exception of the township bills. Seconded by Mr. Mann. Ayes all.

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, APRIL 17, 2007**

Mr. Curmi had questions regarding some bills and stressed the necessity for restraint even with expenditures under \$1,000.

Mr. Curmi moved to approve payment of the township bills as presented, in the amount of \$741,031.17. Seconded by Mr. Edwards. Ayes all.

F. PUBLIC COMMENT AND QUESTIONS - There were none.

G. PUBLIC HEARING

G.1 Request from DADCO Inc., for a twelve (12) year Industrial Facilities Exemption Certificate
Resolution No. 07-04-17-04

Mary Pew, Controller of DADCO, addressed the Board and answered questions.

Mr. Reaume opened the public hearing at 7:17 p.m. There being no public comment, the hearing was closed at 7:18 p.m.

Mr. Edwards moved to approve Resolution No. 07-04-17-04, granting the request from DADCO, Inc., for a twelve (12) year Industrial Facilities Exemption Certificate for new personal property improvements for their facility located at 43850 Plymouth Oaks Blvd., Lots 10 & 11, Plymouth Oaks Business Park, Plymouth Township, Michigan. Seconded by Mr. Curmi. Ayes all on a roll call vote.

The Resolution reads as follows:

WHEREAS, pursuant to P.A. 198 of 1974, as amended, after a duly noticed public hearing held on July 17, 1990, the Board of Trustees of the Charter Township of Plymouth, by resolution, established an Industrial Development District for Plymouth Oaks Business Park, Plymouth Township, Wayne County, Michigan; and

WHEREAS, DADCO, Inc., filed an application on March 6, 2007, requesting a twelve (12) year, after completion, Industrial Facilities Exemption Certificate, with respect to the cost of new machinery and equipment to be purchased and installed within the facility located at 43850 Plymouth Oaks Blvd.; and

WHEREAS, before acting on said application, the Board of Trustees held a public hearing on Tuesday, April 17, 2007, in the Town Hall Meeting Room at Plymouth Township Hall, 9955 N. Haggerty Road, Plymouth, MI, commencing at 7:00 p.m., at which hearing the applicant, the assessor, and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, APRIL 17, 2007**

WHEREAS, the installation of the new machinery, equipment within the facility had not begun earlier than six (6) months before March 6, 2007, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the installation of the new machinery and equipment is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the Charter Township of Plymouth; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the Charter Township of Plymouth, after granting this certificate will exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Charter Township of Plymouth that:

1. The Board of Trustees finds and determines that the granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of Public Acts of 1974, as amended, and Act No. 255 of the Public Acts of 1978, as amended, shall not have the effect of substantially impeding the operation of the Charter Township of Plymouth, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the Charter Township of Plymouth.
2. The application of DADCO, Inc., for an Industrial Facilities Exemption Certificate with respect to the installation of new machinery and equipment to be acquired and installed on the following described parcel of real property situated within an Industrial Development District, to wit:

43850 Plymouth Oaks Blvd.
Lots 10 and 11
Plymouth Oaks Business Park
Plymouth Township, Michigan

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in effect for a period of twelve (12) years, after completion, in accordance with Township requirements and applicable statutory provisions found in MCL et seq.

H. COMMUNITY DEVELOPMENT – N/A

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, APRIL 17, 2007**

I. UNFINISHED BUSINESS

I.1 Revised Surviving Spouse Benefit Agreement

Board members had questions for the labor attorney who drafted the wording of the revised agreement. Revisions are to eliminate the possibility of the Township changing the surviving spouse benefit upon the employee's death prior to retirement if no changes are made to the surviving spouse benefit as a whole. The labor attorney was not present at this point in the meeting.

Mr. Edwards moved to table Item I.1, Revised Surviving Spouse Benefit Agreement, until later in the meeting. Seconded by Mr. Mann. Ayes all.

I.2 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)

Mr. Reaume indicated an informational meeting regarding specific changes in the proposed project was held with approximately 25 Lake Pointe residents in attendance, after notification by Mr. Anulewicz' office to 711 residents as directed by the Board at the March 6 meeting.

Mr. Richard Ludwig, connected with the retail portion of the project, addressed the Board and answered questions.

Mr. Edwards moved to approve the stipulation and order amending the original Consent Judgment entered on November 19, 1997, between Guido Tartaglia (Plaintiff) and Charter Township of Plymouth (Defendant) and authorize Attorney Ronald A. Witthoff and the Supervisor and Clerk to sign said stipulation and order on behalf of the Township. Seconded by Mr. Curmi. Ayes all.

J. NEW BUSINESS

J.1 Water Main Interconnection with Northville Township

Township Engineer Michael Bailey explained the advantages of proceeding with this interconnection with Northville Township. This would allow non-interruption of service to St. John's Golf and Conference Center during construction of the PRV station at Five Mile and Sheldon Roads.

Mr. Edwards moved to postpone the water main interconnection with Northville Township for up to 60 days. Seconded by Mr. Mann. Ayes all.

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, APRIL 17, 2007**

J.2 Pressure Reducing Valve Chamber at 5 Mile and Sheldon

Mr. Bailey explained the installation is to maintain constant water pressure to homeowners. This construction is in conjunction with the installation of the new water storage tank.

Mr. Edwards moved to award the bid for the Pressure Reducing Valve Chamber at Five Mile and Sheldon Roads to MDS Excavating in the amount of \$272,085.00, and authorize the Supervisor and Clerk to execute the contract for same. Seconded by Mr. Mann. Ayes all.

J.3 Site Improvements for Elevated Water Storage Tank

The site improvements include connection to the tank system, installation of the gravel road, and a small amount of landscaping.

Mr. Edwards moved to award the bid for the Site Improvements for the Elevated Water Storage Tank to MDS Excavating in the amount of \$54,789.00, and authorize the Supervisor and clerk to execute the contract for same. Seconded by Mr. Doroshewitz. Ayes all.

J.4 Wayne County Model Community Resolution Authorizing Execution of Annual Maintenance Permits
Resolution No. 07-04-17-05

Thomas Hollis explained this new requirement of Wayne County for a resolution as part of issuing community permits to work in roadways.

Mr. Mann moved to approve Resolution No. 07-04-17-05, authorizing the individuals named in the resolution to sign for the Wayne County Annual Maintenance Permit “C’s”, A-07042 and A-07009. Seconded by Mr. Edwards. Ayes all on a roll call vote.

The resolution reads as follows:

WHEREAS, the Charter Township of Plymouth (hereinafter the “Community”) periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the “County”) for permits to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities on, over and under County road right-of-ways at various locations within and adjacent to its corporate limits.

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 *et seq.* the County permits and regulates such activities and related temporary road closures;

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, APRIL 17, 2007**

NOW, THEREFORE, in consideration of the County granting such Permit, the Community agrees and resolves that:

(1) It will fulfill all permit requirements and will save harmless, represent and defend the County of Wayne and all of its officers, agents and employees:

from any and all claims and losses occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the Community as the result of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road; and

from any and all claims of every kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the Community's installation, construction, operation, repair or maintenance activities which are being performed under the terms of the Permit on, over, and/or under the County right-of-way or any local road.

Notwithstanding any language to the contrary in this paragraph (1), the Community shall not indemnify, hold harmless, represent or defend the County of Wayne, or its officers, agent or employees from any claims based on negligence or statutory liability on the part of Wayne County, its employees, agents, officers, or contractors. Notwithstanding any language to the contrary in this paragraph (1), all defenses of Governmental Immunity available to either the County or the Community are preserved and not waived.

(2) Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, 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, unless those liabilities are based on the alleged statutory liability or negligence of the County, its officers, agents or employees.

(3) The Community shall take no unlawful action or unlawful 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 County and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, APRIL 17, 2007**

(4) With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor's behalf, it shall require that such insurance provide minimum coverage amounts of \$2,000,000.

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

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

(7) No part of this Resolution is intended for the benefit of third parties, consequently this Resolution has no Third Party Beneficiaries.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the County of Wayne Department of Public Services Engineering Division Permit Office for the necessary permit to work within County road right-of-way or local roads on behalf of the Community.

Richard M. Reaume, Township Supervisor
Patrick Fellrath, Township Engineer

James D. Anulewicz, DPS Director
Thomas R. Hollis, DPW Manager

The Board recessed briefly at 8:10 p.m. and resumed the meeting at 8:20 p.m.

J.5 AT&T/Uniform Video Service Local Franchise Agreement

Attorney Tim Cronin, who was familiar with this item, was not yet present at the meeting.

Mr. Edwards moved to table Item J.5, AT&T/Uniform Video Service Local Franchise Agreement, until later in the meeting. Seconded by Mr. Curmi. Ayes all.

J.6 Change May Board of Trustee Meeting Dates

The Board discussed canceling the May 8 meeting because of election day and moving the May 22 meeting forward to May 15, which would better equalize the periods between meetings.

Mr. Mann moved to cancel the May 8 Board of Trustees Meeting and moved the May 22 meeting to May 15. Seconded by Mr. Edwards. Ayes all.

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, APRIL 17, 2007**

J.7 Investment Report

Mr. Edwards presented a report of Township investments and their return.

Mr. Doroshewitz moved to receive and file the Investment Report. Seconded by Mr. Edwards. Ayes all.

The Board then returned to consideration of the items below, which were tabled earlier in the meeting.

I. UNFINISHED BUSINESS

I.1 Revised Surviving Spouse Benefit Agreement

Board members discussed wording changes in the revised agreements with Labor Attorney Eric Cholak.

Mr. Reaume moved to approve the revised benefit agreement for the Director of Public Services James D. Anulewicz and Fire Chief Randolph Maycock, and authorize the Supervisor and Clerk to execute same.

AYES: Massengill, Mann, Doroshewitz, Reaume

NAYS: Edwards, Curmi

Motion carried.

J.5 AT&T/Uniform Video Service Local Franchise Agreement

Attorney Cronin discussed with Board members the possible challenges to Public Act 480, changes in the act with regard to setting gross revenues, and that there are no access to easements under the Act. He recommended putting in \$80,000 or 2% percent PEG fee and let the applicant choose, along with a letter of explanation that they had the wrong box pointed to for franchise fees. He wants the Board to note that it's Section VI, A(i) that applies and VIII, A(1) that needs to be filled in,.

He explained that in the current contract negotiated in 1998 Comcast paid \$80,000 as a one-time up front payment to Plymouth and Northville Townships and whoever else was involved, and \$325,000 to Canton. In turn, Canton was to allow Plymouth and Northville Townships and any others to use their studio and resources. Ameritech, who was negotiating at the same time, paid the 2% PEG fees.

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, APRIL 17, 2007**

Mrs. Massengill moved to approve the Uniform Video Service Local Franchise Agreement submitted by AT&T and to insert \$80,000 or 2% under Section VIII, PEG Fees, Subsection A.(1). Seconded by Mr. Mann.

AYES: Massengill, Mann, Curmi, Doroshewitz, Reaume

NAYS: Edwards

Motion carried.

K. SUPERVISOR COMMENTS

Mr. Reaume thanked members of the Board of Review for their hard work.

He informed members of Earth Day activities on Saturday, April 21, at 10 a.m. There will be some in-planting of trees around Township Hall.

April 28 is the Hazardous Waste day in the Compuware parking lot.

He announced the Mayor of Livonia is not seeking reelection and wished him well.

This year the Memorial Day Parade will begin at Kellogg Park and end at Veteran's Park.

L. TRUSTEE COMMENTS

Mr. Doroshewitz asked when dispatch figures would be forwarded to the City. Mr. Edwards said audited figures will be available shortly and forwarded.

Mr. Curmi requested follow-up on the lack of Township information appearing on WOW. He also requested a report shortly after the May 8 election. He had questions for the Conference of Western Wayne on 911 phone charges. He discussed the Building Department report with Mr. Lewis and he asked that other firms be looked at to manage retirement funds.

Mr. Edwards said the field work should be done on the audit by this Friday with the finished report to be presented to the Board at the May 15 meeting. He spoke out against granting tax abatements to Ford Motor Company and others when they are granted and accepting huge compensation packages in spite of their enormous losses. He informed Board members of the Detroit Ignition indoor soccer finals which will be broadcast nationwide on Versus this Saturday, 4 p.m., from Compuware.

M. PUBLIC COMMENT – There was none.

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, APRIL 17, 2007**

N. CLOSED SESSION

At 9:30 p.m., it was moved by Mrs. Massengill and seconded by Mr. Mann that a closed session be called for the purpose of

RE: Teamsters Contract Negotiations
IAFF Contract Negotiations
Letter of Understanding between Plymouth Township and POAM

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

Ayes all on a roll call vote.

At 10:11 p.m., it was moved by Mr. Mann and seconded by Mrs. Massengill to return to open session.

Ayes all on a roll call vote.

Mr. Mann moved to approve the tentative agreement with the Teamsters Unit 214, and authorize the Supervisor and Clerk to execute the agreement. Seconded by Mr. Edwards. Ayes all.

O. ADJOURN

Mr. Edwards moved to adjourn the meeting. Seconded by Mr. Mann. Ayes all.

Mr. Reaume adjourned the meeting at 10:13 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).