

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, SEPTEMBER 23, 2008**

Supervisor Reaume called the meeting to order at 7:08 p.m. and led in the Pledge of Allegiance to the Flag.

MEMBERS PRESENT: Richard Reaume, Supervisor
Marilyn Massengill, Clerk
Kay Arnold, Trustee
Charles Curmi, Trustee
Robert Doroshewitz, Trustee
Steven Mann, Trustee

ABSENT: Ron Edwards, Treasurer, Excused

OTHERS PRESENT: James Anulewicz, Director of Public Service
Mark Lewis, Chief Building Official
Robert Smith, Assistant Police Chief
Thomas Tiderington, Police Chief
Mark Wendel, Acting Fire Chief
Timothy Cronin, Township Attorney
Michael Bailey, Dietrich Bailey Associates
Stephanie Harbour, Dietrich Bailey Associates
Patrick Fellrath, Township Civil Engineer
Joseph Bridgman, Deputy Clerk
32 Members of the Public

Proclamation for Fire Prevention Week

Mr. Reaume read the proclamation for Fire Prevention Week which is October 5-11. He invited everyone to attend the annual open house to be held at Fire Station 1 on Saturday, October 11.

He also thanked all the first responders who aided victims of the recent tornado—Dispatch, Police Department, Fire Department, and members of the Urban Search and Rescue Club and the Salvation Army.

Swearing In of new Police Officer Christopher Roosen

Police Chief Tiderington introduced new Police Officer Christopher Roosen and his family. Clerk Massengill then administered the oath of office to Officer Roosen, who thanked the community for the opportunity to serve.

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Wayne County Commissioner Laura Cox gave an update on Sheldon Road underpass progress, indicating the completion date is still scheduled for this December. She said the next Hazardous Waste Day is scheduled for November 8 at the Westland DPS. She will be at the library on October 12.

Mr. Curmi asked her to investigate the snow removal plan for the coming winter.

Ms. Arnold asked Mrs. Cox to check into having the high grass cut along the railroad overpass on Ann Arbor Road, which is an MDOT responsibility but cut by Wayne County. Mr. Anulewicz agreed to check into having the Township do the cutting, as he was informed there would be no additional cuts funded by MDOT.

D. APPROVAL OF AGENDA

Regular Meeting – Tuesday, September 23, 2008

Mrs. Massengill moved to approve the agenda for the Board of Trustees regular meeting of September 23, 2008, as submitted. Ayes all.

E. CONSENT AGENDA

E.1 Approval of Minutes

Regular Meeting – Tuesday, September 9, 2008

E.2 Approval of Township Bills

		Year 2008
General Fund	(101)	\$882,439.67
General Fund Loan to Downtown Development Authority	(101)	-
Water/Sewer	(592)	983,634.50
Improvement Revolving	(246)	-
Solid Waste Disposal	(226)	101,525.20
Trust and Agency	(701)	-
Tax Pool	(703)	-
Drug Forfeiture	(265)	-
Special Assessment Capital Project Fund	(805)	3,037.50
Total:		\$1,970,636.87

E.3 Approval of Easements – N/A

E.4 Communications-Resolutions-Reports

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- a. Communications
Thank you letter to Kathy Pumphrey from Verizon Wireless USA
- b. Resolutions – N/A
- c. Reports
Assessing Department, September 2008
Building Department, August 2008
Fire Department, August 2008
Police Department, August 2008

Ms. Arnold asked that the bills be removed from the consent agenda.

Mrs. Massengill moved to approve the consent agenda as presented with the exception of payment of the Township bills. Seconded by Ms. Arnold. Ayes all.

Ms. Arnold asked that the bill for ADP, a portion of which included enterprise time charges in the amount of \$1,984.50, be removed for further research.

Ms. Arnold moved to approve payment of the Township bills, with the exception of Invoice No. 159044 from ADP in the total amount of \$2,836.43. Seconded by Mr. Mann. Ayes all.

F. PUBLIC COMMENT AND QUESTIONS

Mr. Don Schnettler, resident of Ann Arbor Road and candidate for Township Supervisor, had several questions regarding Board review of Township charge card billings, particularly those over \$15,000, and whether the payments for them came from the Water and Sewer Fund. Mr. Reaume said there is a policy in place whereby they are reviewed at a department level and charged back to the various departments. The amounts are for aggregate purchases.

Ms. Arnold requested that charge card payments be left for Tuesday bills and detail be provided such as is given for jail meals and car washes. Mr. Curmi asked that it be investigated as to what fund the summary charges are being taken from.

Mr. Schnettler also questioned the payment to Risk Management as to whether it came from the Water and Sewer Fund. Mr. Reaume agreed to investigate.

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Mr. Schnettler reiterated his past questions regarding accounting for the picnics.

He noted that Joe Heffernan of Plante & Moran, the Township's auditors, contributed to the campaigns of Mr. Reaume and Mr. Edwards.

Mr. Steve Wilson, news reporter for WXYZ-TV, spoke regarding their September 12 FOIA request for information, some of which was provided. However, today a denial was received on one of the issues, a settlement involving a considerable amount of tax money paid out to a former police officer. They were told the denial was issued because the request was worded as asking for information on the police officer who was dismissed. They were told the officer was not technically dismissed. Tonight he is appealing to the Board for information they believe the public has a right to see, all documentation relating to any settlement between this Township and its former police officer.

The public's right-to-know cannot be bargained away, even in an out-of-court settlement. There's been recent litigation regarding that issue, and they are prepared to pursue it that way, but he's sure the Board is not trying to hide the details of this settlement from the public.

Mr. Reaume said the Township immediately complied with three of the four FOIA requests from WXYZ. The fourth request was regarding a "discharge" of an employee, but Plymouth Township has not "discharged" any employees in 2007 and 2008. Dismissing comes with a negative connotation and we don't want to impugn anybody's integrity with the term "discharge."

Mr. Wilson said now, the request has been amended to include any severance of his employment and they're interested in knowing the deal that was made.

Mr. Reaume said certainly, that one could be taken care of, but they weren't going to go on record to say someone was discharged.

Mr. Wilson asked if it was not any longer the Board's position that this information cannot be made public, as the Clerk told them earlier today because the deal was a confidential deal. Mr. Wilson said the request was amended to ask for all documents, agreements, anything whatsoever directly or indirectly related to the severance of the employment of the former police officer, including any amount of money that either has been paid, has agreed to be paid, or is expected to be paid.

Mr. Reaume said certainly the information could be forwarded to them, the request has been amended, the request can be honored, and the recording secretary has taken that down. He finds the camera presence somewhat disconcerting. The Township's gone out

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of their way to work cooperatively with WXYZ, but not at the risk of disparaging an employee or former employee.

Mr. Wilson said they never intended to do that, but he does appreciate that they will be given the documents, including the settlement agreement.

Mr. Reaume said it was an amended request, but didn't feel that it took the grandstanding of cameras.

Mr. Wilson said the request was amended this afternoon, by the Clerk. When asked who they should appeal that decision to they were informed to the Board of Trustees—that's why he is here, and he travels with a camera. He asked for some idea as to when the information would be released.

Mr. Reaume said the request would be turned over to the FOIA coordinator, the Clerk, Mrs. Massengill.

Mr. Wilson said she's already denied it.

Mrs. Massengill said Mr. Wilson is appealing it, that's what she told him to do. It is up to the Board to make that decision.

Mr. Reaume said we have Mr. Wilson's appeal, the request has been amended, and we will look into complying with the request. If it can be complied with, it will be done in an expeditious manner as was done with the other requests.

Mr. Wilson asked if he understands that it's been agreed to comply with the request for all documents related to his severance of employment.

Mr. Reaume said the amended request has been received and it's certainly something they will talk to their attorneys about and if it's something that can be done, they will certainly do that.

Mr. Wilson asked if there's any reason they cannot do that, since it is public money being spent.

Mr. Reaume said they certainly want the request disclosed. If individuals have a request for documents, specifically identify them without disparaging our employees that are currently here or may have been employed here, we certainly will abide by that.

Mr. Wilson said they look forward to that and offered his thanks.

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G. PUBLIC HEARING

- G.1** Request for an Industrial Facilities Exemption Certificate for Plymouth Bakery Division of Perfection Bakeries, Inc., (Aunt Millie’s Bakeries) covering the expansion of an existing facility and new machinery and equipment
Resolution No. 08-09-23-21

Mr. Mark Poirier, Senior Vice President of Operations for Plymouth Bakeries, addressed the Board and answered questions.

Mr. Reaume opened the public hearing at 8:02 p.m. There being no public comment, the hearing was closed at 8:03 p.m.

Mr. Curmi moved to approve Resolution No. 08-09-23-21, granting the request from Plymouth Bakeries Division of Perfection Bakeries, Inc., for an Industrial Facility Exemption Certificate covering the expansion to their existing facility, and the installation of new personal property located at 45789 Port Street, Metro West Industrial Park, Plymouth Township, Wayne County, Michigan. Seconded by Ms. Arnold. 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 May 22, 1984, the Board of Trustees of the Charter Township of Plymouth, by resolution, established an Industrial Development District for Metro West Industrial Park, Plymouth Township, Wayne County, Michigan; and

WHEREAS, Plymouth Bakery Division of Perfection Bakeries, Inc., filed an application on August 7, 2008, requesting a twelve (12) year, after completion, Industrial Facilities Exemption Certificate, with respect to the cost of a 30,000 square foot expansion to their existing facility, and new personal property, located at 45789 Port Street; and

WHEREAS, before acting on said application, the Board of Trustees held a public hearing on Tuesday, September 23, 2008, 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

WHEREAS, commencement of the addition to the existing facility had not begun earlier than six (6) months before August 7, 2008, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

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WHEREAS, the addition to the facility 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 Plymouth Bakery Division of Perfection Bakeries for an Industrial Facilities Exemption Certificate with respect to the expansion to the existing facility on the following described parcel of real property situated within an Industrial Development District, to wit:

Plymouth Bakery Division of Perfection Bakeries, Inc.
45789 Port Street
Metro West Industrial 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.

G.2 Request from Brembo North America, Inc., for a twelve year Industrial Facilities Exemption Certificate for the construction of a new facility, including new machinery and equipment
Resolution No. 08-09-23-22

Mr. Adrian Smith of Brembo North America addressed the Board and answered questions.

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Attorney Cronin indicated there was a question about the lease not containing a clause requiring the company to pay the taxes that will have to be addressed.

Mr. Reaume opened the public hearing at 8:12 p.m. There being no public comment, the hearing was closed at 8:13 p.m.

Mrs. Massengill moved to approve Resolution No. 08-09-23-22, granting the request from Brembo North America, Inc., for an Industrial Facility Exemption Certificate for the construction of a new facility to be constructed on Lot 30 B, Metro West Industrial Park, Plymouth Township, Wayne County, Michigan, conditioned upon the submission of a new lease concerning the question of the taxes being paid directly to the Township by the company. 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 April 8, 1986, the Board of Trustees of the Charter Township of Plymouth, by resolution, established an Industrial Development District for Metro West Technology Park, Plymouth Township, Wayne County, Michigan; and

WHEREAS, Brembo North American, Inc., filed an application on August 13, 2008, requesting a twelve (12) year Industrial Facilities Exemption Certificate, with respect to the cost of a new leased 45,000 square foot facility located on Lot 30B, Metro West Technology Park; and

WHEREAS, before acting on said application, the Board of Trustees held a public hearing on Tuesday, September 23, 2008, 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

WHEREAS, commencement of the new facility had not begun earlier than six (6) months before August 13, 2008, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the addition to the facility 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;

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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 Brembo North American, Inc., for an Industrial Facilities Exemption Certificate with respect to the expansion to the new facility on the following described parcel of real property situated within an Industrial Development District, to wit:

Brembo North American, Inc.,
Lot 30B
Metro West Technology 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.

G.3 Transfer of Industrial Facilities Exemption Certificate #2000-384 from
Motor City Mold to Superior Controls
Postponed upon request of applicant

Mrs. Massengill explained the applicant asked that the request be postponed. The applicant informed her that is possible that a request may be forthcoming to withdraw the application.

H. COMMUNITY DEVELOPMENT – N/A

I. UNFINISHED BUSINESS – N/A

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J. NEW BUSINESS

J.1 Liquor License Request – Chinatown Bistro, LLC
Resolution No. 08-09-23-23

Police Chief Tiderington addressed the Board and answered questions, as did Candice Ngai, owner of Chinatown Bistro, LLC, doing business as Red Dragon.

Mrs. Massengill moved to approve Resolution 08-09-23-23, approving the transfer of ownership of 2008 Class C licensed business, located at 44515 Ann Arbor Road, Plymouth, MI. 48170, Plymouth Township, Wayne County, from Pagoda Inn, Inc., to Chinatown Bistro, LLC (dba Red Dragon). Seconded by Mr. Mann. Ayes all on a roll call vote.

A copy of the Resolution is on file in the Clerk's office for public perusal.

J.2 IAFF Agreement

Mr. Reaume explained the contract up for approval was a result of a binding arbitration ruling made in July, 2008.

Board members requested an opportunity to review the contract before authorizing the Clerk and Supervisor to sign it.

Ms. Arnold moved to postpone consideration of the IAFF Local 1496 contract to the next regular meeting. Seconded by Mr. Mann.

AYES: Arnold, Mann, Curmi, Doroshewitz, Massengill

NAYS: Reaume

Motion carried.

Fire Captain Jim Jury expressed his disappointment at the postponement.

J.3 Bank Deposit Safety

Mr. Curmi asked that a risk management strategy be formed regarding the deposit of Township funds. Though the maximizing of interest is laudable, review of risk is necessary. He proposes a certain percentage of funds be mandated to go into treasury bills, a safer option. He recommended this item be brought back to the Board at the next meeting, with Mr. Edwards providing data on the ratings of the various banks the Township deals with, as well as the dollar amount in each of the banks. He also suggested finding out what other communities are doing. In some cases, the money is collected for other agencies such as the school district, Schoolcraft Community College, etc., not just for the Township.

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Mr. Mann said it would be helpful to have Mr. Cronin or Plante & Moran look into the authority of the Board to give direction as far as percentages, etc. He knows the Board can set the depositories, but maybe the investment policy can be changed to no more than a certain percentage in a type of investment vehicle.

Mr. Curmi moved to postpone to the next Board meeting discussion and action around bank deposit safety and risk mitigation. Supported by Mr. Mann. Ayes all.

J.4 Freedom of Information Act Request Policy

Mr. Bridgman, Deputy Clerk, reviewed the proposed policy with Board members.

Mr. Curmi felt that the policy needs refinement and further review by other departments.

Mr. Curmi moved to postpone consideration of the Freedom of Information Action Request Policy until the next regular meeting. Seconded by Ms. Arnold.

AYES: Curmi, Arnold, Doroshewitz, Mann, Reaume

NAYS: Massengill

Motion carried.

K. DEPARTMENT REVIEW AND COMMENTS – N/A

L. SUPERVISOR AND TRUSTEE COMMENTS

Acting Fire Chief Wendel, at Mr. Reaume's request, reviewed the events coming up at the Fire Department's Open House on October 11.

Mr. Lewis indicated the owners of the apartments damaged in the tornado are moving quickly applying for permits.

Ms. Arnold reiterated the request for picnic and fireworks accounting for the next meeting.

Mr. Curmi asked that the Board have input prior to issuance of the next newsletter. He also asked that the photos of the Sheldon Road progress be posted to the Township web site.

Board members also asked about the budget time line and when the policy book will be reviewed.

M. PUBLIC COMMENT

Mr. Schnettler asked if the Town Hall room usage policy was being changed to allow the upcoming League of Women Voter's forum.

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Mr. Reaume said the policy for room usage is being reviewed by the Attorney, but hasn't been discussed at Board level. The upcoming forum is already scheduled at the library.

N. ADJOURN

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

Mr. Reaume adjourned the meeting at 9:05 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)-