

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, NOVEMBER 18, 2008**

Supervisor Reaume called the meeting to order at 7:22 p.m. and led in the Pledge of Allegiance to the Flag.

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

ABSENT: Steven Mann, Trustee, Excused

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

Presentation of Proclamations to Charles Curmi, Trustee, and Marilyn Massengill, Clerk.

Mr. Reaume presented a proclamation to Charles Curmi, thanking him for his service as a Plymouth Township Planning Commissioner and for his service as a Trustee for four terms.

Mr. Curmi then expressed his thanks for the opportunity to have served his community.

Ms. Arnold presented a proclamation to Marilyn Massengill, thanking her for her years of service in the Building Department beginning in 1969, continuing in the Planning Department and the Clerk's office, and culminating with her election as Clerk beginning in 1992, serving four consecutive terms.

Mark Corriveau, State Representative, thanked Mr. Curmi for his service and presented Mrs. Massengill with a proclamation.

Laura Cox, Wayne County Commissioner, also made a presentation to Mrs. Massengill and thanked her for a job well done.

A representative from State Senator Bruce Patterson's office thanked Mrs. Massengill and presented her with a proclamation.

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A representative from U.S. Representative Thaddeus McCotter’s office said Mr. McCotter made a speech on the floor of the United States House regarding her retirement, which was shown on C-SPAN. The speech was entered into the Congressional Record where it will forever be housed in the Library of Congress in Washington. She was then presented a framed copy of that speech.

Mrs. Massengill expressed her enjoyment at the opportunity to have worked with all the Township employees and boards and commissions, and to have been part of the Township as it grew from a rural area. She thanked the employees of the Clerk’s office, the precinct inspectors, and the residents of the community who supported her over the years.

D. APPROVAL OF AGENDA

Regular Meeting – Tuesday, November 18, 2008

Mrs. Massengill asked to add Item I.3 under Unfinished Business, Ordinance C-2008-02, Elected Officials Health Insurance Retirement Benefits, Second Reading. Mr. Edwards asked, on the advice of the Attorney, to table Item I.2 under Unfinished Business, Liquor License request from Faisal and Sons Investment, Inc., (d.b.a. Shell Gas Station) to hold a closed session later in the meeting after Public Comment to discuss this matter. With those changes, she moved to approve the agenda for the Board of Trustees Regular Meeting of November 18, 2008, as amended. Seconded by Ms. Arnold. Ayes all.

E. CONSENT AGENDA

E.1 Approval of Minutes

Regular Meeting – Tuesday, October 28, 2008

Special Meeting – Monday, November 10, 2008

E.2 Approval of Township Bills

		Year 2008
General Fund	(101)	\$861,727.41
General Fund Loan to Downtown Development Authority	(101)	-
Water/Sewer	(592)	1,262,741.96
Improvement Revolving	(246)	258,116.14
Solid Waste Disposal	(226)	103,746.39
Trust and Agency	(701)	13,500.00
Tax Pool	(703)	-3,410.47
Drug Forfeiture	(265)	3,451.46
Special Assessment Capital Project Fund	(805)	18,090.00
Total:		\$2,517,962.89

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- E.3 Approval of Easements – N/A
- E.4 Communications-Resolutions-Reports
 - a. Communications – N/A
 - b. Resolutions – N/A
 - c. Reports
 - Building Department, October 2008
 - Fire Department, October 2008
 - Passport Recap, 2008

Mrs. Massengill moved to approve the consent agenda for the Board of Trustees Regular Meeting of November 18, 2008, as presented. Seconded by Mr. Edwards. Ayes all.

F. PUBLIC COMMENT AND QUESTIONS

John Stewart, resident and former State Representative, spoke of being proud to represent the Township. He complimented Police Department employees Nicole Hunt, Steve Rapson, Kevin Lauria, Jamie Senkbeil, Bob Antal, Donna Pawlowski, and Chief Tiderington on their professionalism.

G. PUBLIC HEARING – N/A

H. COMMUNITY DEVELOPMENT

- H.1** Approve a Second Extension of the Cluster Housing Option for Edinburgh Estates

Mr. Anulewicz explained that the reason for the request for an additional extension by applicant Marcello Scappaticci was because of the current economic conditions and status of the housing market. He indicated the ordinance does not limit the number of extensions that may be given.

Ms. Arnold moved to approve the extension of the Cluster Housing Option for Edinburgh Estates to December 13, 2009. Seconded by Mr. Edwards. Ayes all.

I. UNFINISHED BUSINESS

- I.1** Payment of ADP bills
Postponed at October 28, 2008 meeting

Ms. Arnold moved to postpone payment of the ADP bills to the special meeting of November 25, 2008, as presented. Seconded by Mr. Edwards. Ayes all.

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- I.2** Liquor License request from Faisal and Sons Investment, Inc. (d.b.a. Shell Gas Station)
Postponed at October 28, 2008 meeting

Item I.2 was postponed to later in the meeting for discussion at a closed session to be held after public comment.

- I.3** Ordinance No. C-2008-02, Elected Officials Health Insurance Retirement Benefits, Second Reading.

Mr. Edwards explained the ordinance was discussed thoroughly and the labor attorney was present at Saturday's special meeting when the first reading was held.

Mr. Edwards moved to approve Ordinance No. C-2008-02, Elected Officials Health Insurance Retirement Benefit Ordinance. Seconded by Mr. Doroshewitz.

AYES: Arnold, Doroshewitz, Edwards, Massengill, Reaume

NAYS: Curmi

Motion carried.

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

Mr. Curmi said he was out of town when last Saturday's meeting was held and asked how a basic conflict could be reconciled when the people (the three elected officials) who should be negotiating a contract in the best interests of the Township, will themselves be deriving a benefit from the contract. He asked what other communities are doing and indicated he felt codification of the ordinances could have caught the conflict with present law and should be done as part of the upcoming budget.

Mr. Edwards said they wanted something set as a benchmark to guarantee Mrs. Massengill's benefits going out. Any board can change this down the road. If the AFSCME contract changes, the same changes go for the non-represented employees.

Mr. Doroshewitz said there has to be something to measure against.

Carol Pyykkonen, AFSCME union president, said she wants to protect Mrs. Massengill but feels AFSCME Local 2958 should not be in this ordinance because AFSCME does not represent nor bargain for elected officials. She feels pressured because any future changes would also affect Mrs. Massengill. She feels the Board should use the policy for the non-represented employees as a standard, which could be changed easier by the Board without dealing with the union, and not tie Mrs. Massengill's benefits to the AFSCME contract. She indicated a grievance has been filed today. She doesn't feel anyone that is not represented in their bargaining unit should be affected by what is negotiated.

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J. NEW BUSINESS

J.1 Approve DDA Contract Award for Streetscape Landscape Maintenance Services

Township Civil Engineer Patrick Fellrath explained that the current 3-year maintenance contract with Denny's Landscaping expires in November of this year. Bids were accepted for a new 3-year contract, and Denny's Landscaping was found to be the lowest responsible bidder.

Mr. Edwards moved to accept the request of the DDA to award a three-year contract for Landscape Maintenance Services for DDA Streetscape to Denny's Landscaping in the amount of \$60,405.00. He further moved to authorize the DDA to enter into a three-year contract for Landscape Maintenance Services for the DDA Streetscape with Denny's Landscaping in the amount of \$60,405.00. Seconded by Ms. Arnold. Ayes all.

Mr. Curmi asked if the use of non-documented workers might have an effect on the low bid for the landscaping maintenance contract. Mr. Fellrath agreed to check into that.

**J.2 2008 Sanitary Sewer System Repair Program
Change Order No. 1**

Mr. Fellrath indicated the reason for this agenda item is that two sections of sewer on Ball Street were discovered to have failed when the sewers were being prepared for lining. They needed immediate emergency repair which was done under the existing sanitary sewer repair contract with Pamar Enterprises, Inc.

Mr. Curmi moved to approve Change Order No. 1 on the contract with Pamar Enterprises, Inc., increasing the contract by \$13,481.97, for a revised total of \$71,406.97, and authorize the Supervisor and Clerk to execute same. Seconded by Mr. Edwards. Ayes all.

K. DEPARTMENT REVIEW AND COMMENTS – N/A

L. SUPERVISOR AND TRUSTEE COMMENTS

Mr. Reaume said information had been sent by e-mail regarding the 2009 calendar.

Mr. Curmi commented that the last calendars have not gone to residents who are west of Riverside Drive. Also, the same is true of the newsletters. The calendars and newsletters are being delivered in the City of Plymouth west of Sheldon Road, along N. Territorial.

Mr. Reaume assured Mr. Curmi that the post office has been contacted regarding these situations where delivery has been made by routes, rather than geographical boundaries.

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Mr. Doroshewitz asked if perhaps an affidavit might be drafted for contractors to sign, stating there is no use of undocumented workers.

He also asked Mr. Edwards to comment on the rumors that the Deputy Treasurer received a huge raise by the passing of the resolution last Saturday setting the pay schedule for the Deputy Clerk and Deputy Treasurer.

Mr. Edwards said the Deputy Treasurer is an hourly employee with no benefits. There was an agreement signed back in 2000 when agreements were signed for all appointed officials. At that time, it was expected that she would work 20-25 hours. She works a little bit more than that, and the Board approves the budget for the Treasurer's office. The Treasurer's office has not gone over that budget. This year she is projected to make close to \$44,600, and that's with her taking off three weeks—one week for an extra vacation week for which she doesn't get paid and two weeks for a medical procedure. If she would have worked those three weeks, she would have made over \$47,000. She's taking a cut.

Mr. Doroshewitz asked what the salary for the Deputy Clerk was before the change.

Mr. Edwards said it was approximately \$58,000.

Ms. Arnold asked about the computer for the Fire Chief's office, if there is no Fire Chief.

M. PUBLIC COMMENT

Mr. Richard Silber asked that his name be corrected in Saturday's minutes from Richard Pyykkonen.

He asked about the word "benchmark", but he doesn't see it in the ordinance regarding the elected official's retirement benefits.

Mr. Doroshewitz said the word isn't in the ordinance, but it's an implication because you're making a comparison.

Township Attorney Cronin explained that the term that was used in the ordinance is "as provided in the contract." It doesn't adopt by reference, it doesn't set a standard. It uses the particulars of that contract as what applies to the elected official's retirement program. It's subject to change by a future Board. It doesn't necessarily mean if the contract changes, that the rights or benefits going to the retired official change. It was for the purposes of getting something in place by the deadline they're working with. He's heard a lot of comments as to why they're bargaining for a retired elected official. It's for reference only. It states "as provided" in that contract. It does provide that if the contract, or even the bargaining unit changes, the same benefit applies but that's assuming the same benefit would be included in any future contracts by any future

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bargaining units. If that's not the case, then the Township Board at that time has the disposition to continue a specific benefit. It could be separately defined in a future ordinance. It's just for reference purposes and reference purposes only. That's exactly why it was put in there, as provided in that specific contract for reference purposes only because they didn't have time to go through and pull all those provisions out of the contract and draft them all up separately in ordinance form. So in order to get the job done quickly (as you can tell, they were under a time crunch) it was used as a reference.

Mr. Silber said in regard to the time management, everyone knew Mrs. Massengill was going to be not in public office several months ago and he agrees with Mr. Curmi, who will be missed on the Board for his pertinent questions, as to how the name of a union can be used when members of the Board will be indirectly negotiating with those members.

Mr. Cronin said that's a separate issue. Under state law, charter township law and general township law, the township board is responsible for setting their own salaries and their own benefits. In Plymouth Township the Board adopted a Compensation Commission. The Compensation Commission is limited to salaries. Various members of the Compensation Commission who have done the job have asked about benefits, but the reality is the resolutions have come to the Board from the Compensation Commission setting salaries only. The Township Board, as is provided under state law and ordinance, has one option only—to reject or not reject the award of salaries by the Compensation Commission. If it's going to be rejected, it has to be rejected by a super majority of five. Up until now, no Township Board has rejected the recommendation of the Compensation Commission. That necessarily leaves unmentioned other benefits beyond salaries. The reality is the Township Board has the authority to raise its own salary by statute and it has the right under those same statutes to give itself benefits. Those are automatically, therefore, not a conflict of interest. This Township Board has decided to adopt an ordinance. The timing became an issue because no one had looked at the policies regarding benefits for elected official's retirement health care and no one had looked at full-time elected official's health care benefits. There had been changes in state law since Chapter 4 of the Township policies had been put in effect, which was brought out only as a result of this inquiry. Mr. Cronin further explained the changes and indicated there was never an ordinance in place for full-time elected official's retiree health care benefits as required by state law. The Township Board could have revisited all these benefits in Chapter 4, and his recommendation on Saturday and tonight, is to do that relatively quickly. But in order to get this ordinance passed twice and in place to be effective prior to Mrs. Massengill's retirement, it had to be done in short order. That's why it is only this terse ordinance that uses as a reference point the AFSCME contract. It does not reference the union, doesn't have anything to do with the union in his opinion. It references what was negotiated and adopted in that particular contract. His opinion if asked directly if any of the Township Board members have a conflict of interest in voting for their own fringe or salary benefits, under state law his answer is no, an unqualified no. The law could change, of course, but that's not here tonight. The question is if the ordinance is proper. Does it properly reference the standard that is to be applied? Given

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all the information that he was provided, the answer is still yes. He recommends the second reading. He recommends the adoption. He further recommends, because the general fringe benefit Chapter 4 of the Township code is outdated and the act that it was based on has been repealed, that this should also be revisited. He does not, as far as he can tell, feel it creates any issue for the union, but that's just his opinion. He always has his side, the Township Board's side.

Mr. Silber also asked if other townships provide samples for health care.

Mr. Cronin said it is ad hoc for every township in the state. You will find a difference in all the communities for health care benefits, retirement benefits, or benefits of any kind that elected officials receive.

Mr. Silber asked if other townships have ordinances like this where it's tied to a union.

Mr. Cronin said he has not done an exhaustive search. He'd be very surprised if there is one exactly like this, and it was done because of a very short time frame.

- I.2** Liquor License request from Faisal and Sons Investment, Inc. (d.b.a. Shell Gas Station)
Postponed at October 28, 2008 meeting

At 8:35 p.m., it was moved by Mrs. Massengill and seconded by Mr. Edwards that a closed session be called for the purpose of discussing:

Attorney's Opinion regarding a request from Faisal and Sons Investments, Inc.,
(d.b.a. Shell Gas Station).

This is a permissible purpose under the Michigan Open Meetings Act, Public Act No. 267, Article 15.268, Section 8, Paragraph (h).

Ayes all on a roll call vote.

At 8:56 p.m., it was moved by Mrs. Massengill, supported by Mr. Edwards, to return to open session. Ayes all on a roll call vote.

Mr. Edwards moved to file and receive the police investigation report of Faisal and Sons Investments, Inc. Seconded by Mr. Doroshewitz. Ayes all.

N. ADJOURN

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

Mr. Reaume adjourned the meeting at 8:57 p.m.

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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)-