

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES – REGULAR MEETING
TUESDAY, FEBRUARY 17, 2009**

Supervisor Reaume called the meeting to order at 7:03 p.m. and led in the Pledge of Allegiance to the Flag.

MEMBERS PRESENT: Richard Reaume, Supervisor
Joe Bridgman, Clerk
Ron Edwards, Treasurer
Kay Arnold, Trustee
Robert Doroshewitz, Trustee
Michael Kelly, 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
Patrick Fellrath, Township Civil Engineer
Thomas Hollis, Public Works Manager
Timothy Cronin, Township Attorney
Michael Bailey, Dietrich Bailey Associates
Alice Geletzke, Recording Secretary
23 Members of the Public

D. APPROVAL OF AGENDA

Regular Meeting: Tuesday, February 17, 2009

Mr. Reaume asked for two additions to the agenda: J.14, TEAM Vehicle, under New Business; and Attorney-Client Privileged Communication under Closed Session.

Mr. Bridgman moved to approve the agenda for the Board of Trustees regular meeting of February 17, 2009, as amended. Seconded by Ms. Arnold. Ayes all.

Presentation: Christine Kenzie of The Senior Alliance

Christine Kenzie, representing Bob Brown, Executive Director of The Senior Alliance which is part of the Area Agency on Aging, informed Board members of the services they provide.

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E. CONSENT AGENDA

- E.1 Approval of Minutes
 - Special Meeting: Tuesday, January 20, 2009
 - Regular Meeting: Tuesday, January 20, 2009

- E.2 Approval of Township Bills

		Year 2009
General Fund	(101)	\$1,325,802.72
General Fund Loan to Downtown Development Authority	(101)	-
Water/Sewer	(592)	608,584.88
Improvement Revolving	(246)	2,360.71
Solid Waste Disposal	(226)	98,914.87
Trust and Agency	(701)	17577.00
Tax Pool	(703)	1,313.38
Drug Forfeiture	(265)	11,963.78
Special Assessment Capital Project Fund	(805)	350.00
Total:		\$2,066,867.34

- E.3 Approval of Easements
 - a. Water main at Gateway Plaza
- E.4 Communications-Resolutions-Reports
 - a. Communications:
 - Thank you letter to firefighters Gross and Ramsay from Cheryl L. Smith
 - c. Resolutions: N/A
 - d. Reports:
 - Building Department, January 2009
 - Fire Department, January 2009
 - Police Department, December 2008
 - FOIA Report, January 2009
 - Planning Commission Annual Report 2008
 - Western Townships Utility Authority Report, September 30, 2008

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Ms. Arnold moved to postpone approval of the minutes of the Board of Trustees regular meeting of January 20, 2009, until March 10, 2009. Seconded by Mr. Edwards. Ayes all.

Mr. Bridgman moved to approve the consent agenda for the Board of Trustees regular meeting of February 17, 2009, with the exception of approval of the minutes of the regular meeting of January 20, 2009. Seconded by Ms. Arnold. Ayes all.

F. PUBLIC COMMENT AND QUESTIONS – There was none.

G. PUBLIC HEARING-N/A

H. COMMUNITY DEVELOPMENT-N/A

I. UNFINISHED BUSINESS

I.1 Board of Review appointments
Postponed at the January 20, 2009 meeting

Mr. Edwards moved to appoint Michael Litwin, Edward G. Snage, and Stephanie Goecke to the Board of Review with two-year terms expiring on December 31, 2010. Seconded by Ms. Arnold. Ayes all.

The Board discussed the possibility of naming alternates, if needed, in the future.

J. NEW BUSINESS

J.1 GASB 45 Report

Mr. Chris Veenstra of Watkins, Ross & Co., Actuaries, presented the report required by the Governmental Accounting Standards Board (GASB) Number 45 for recognizing and recording on Township financial records post-employment benefits other than pensions.

Ms. Arnold moved to receive and file the GASB 45 Other Post Employment Benefits report as presented by Watkins, Ross & Co., actuaries. Seconded by Mr. Edwards. Ayes all.

J.2 Request from Stardock Systems, Inc. to create Industrial Development District
Set date for public hearing

Mr. Bridgman moved that March 10, 2009, be established for public hearing on the request from Stardock Systems, Inc., to declare and Industrial Development District for

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property located at 15090 Beck Road, Plymouth Township, Wayne County, Michigan. Seconded by Ms. Arnold. Ayes all.

J.3 Wayne County Annual Permit “C’s”
Resolution No.09-02-17-01

Thomas Hollis, Public Works Manager, reminded the Board of the yearly requirement by the County for these permit approvals.

Ms. Arnold moved to approve Resolution 09-02-17-01, authorizing the execution of the Annual Maintenance Permits with Wayne County to allow the Township to work within the Wayne County Road right-of-ways and further authorize the Township Supervisor to sign the Annual Permit “C” ‘s on behalf of the Township. Seconded by Mr. Doroshewitz. 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;

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,

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agents 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.

(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.

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

J.4 Request from Max and Erma’s Restaurants, Inc. for Liquor License
Resolution No.09-02-17-02

Mr. Scott Edwards, Attorney for Max and Erma’s Restaurants, addressed the Board and answered questions.

Mr. Edwards moved to approve Resolution 09-02-17-02 from Max and Erma’s Restaurants, Inc. (A Delaware Corporation) to transfer all stock in 2008 Class C licensed business located at 15257 Beck Road, Plymouth Township, from Public Corporation to new stockholder, G & R Acquisition, Inc. (through merger). Seconded by Ms. Arnold. Ayes all on a roll call vote.

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

J.5 Delegation of preparation of Capital Improvements Program/Public Act 33
Resolution No.09-02-17-03

Attorney Cronin and Mr. Anulewicz explained the requirement for an annual Capital Improvements Program required by Public Act 33 of the Public Acts of 2008. This is to be prepared by the Planning Commission unless the requirement is delegated to the Township Board, the chief elected official, or a non-elected administrative official with final approval by the Township Board.

Mr. Edwards moved to approve Resolution 09-02-17-03 to exempt the Planning Commission from the Public Act 33 Capital Improvements Program requirement and to delegate the annual Capital Improvements Program preparation to the chief elected official. Seconded by Mr. Doroshewitz. Ayes all on a roll call vote.

The Resolution reads as follows:

WHEREAS, the Charter Township of Plymouth established a Planning Commission under State Law; and

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WHEREAS, Public Act 33 of the Public Acts of 2008 now requires that the Planning Commission must annually prepare and adopt a Capital Improvements Program, separate from or as part of the annual budget, unless the Planning Commission is exempted from the requirement by Charter or otherwise; and

WHEREAS, it is the desire of the Plymouth Township Board of Trustees to exempt the Planning Commission from the requirement of preparing and adopting an annual Capital Improvements Program; and

WHEREAS, Section 65 of Public Act 33 of the Public Acts of 2008, the Michigan Planning Enabling Act, specifically provides that if the Planning Commission is exempted from preparing and adopting a Capital Improvements Program, then the legislative body (the Township Board) shall either prepare and adopt a Capital Improvements Program, separate from or as part of the annual budget, or shall delegate the preparation of the Capital Improvements Program to the chief elected official or a non-elected administrative official, subject to the final approval by the Township Board; and

WHEREAS, the Board of Trustees of the Charter Township of Plymouth does wish to delegate the preparation of the annual Capital Improvements Program to the chief elected official.

NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Plymouth Board of Trustees does delegate the preparation of the Capital Improvements Program as required by Public Act 33 of the Public Acts of 2008 to the chief elected official, and does grant final approval to such delegation.

BE IT FURTHER RESOLVED, THAT THE Capital Improvements Program shall show those public structures and improvements in the general order of their priority, that in the delegated individuals' judgment will be needed or desirable and can be undertaken within the ensuing six (6) year period. The Capital Improvements shall be based upon the requirements of the Township for all types of public structures and improvements. Each department of the township with authority for public structures or improvements shall, upon request, furnish the delegated official with lists, plans, and estimates of time and costs of those public structures and improvements, all as required by Public Act 33 of the Public Acts of 2008.

J.6 Setting Building Department fees
Resolution No.09-02-17-04

Attorney Cronin and Chief Building Official Lewis addressed the Board and answered questions.

Ms. Arnold moved to approve Resolution No. 09-02-17-04, approving the Building Department Fees Schedule. Seconded by Mr. Bridgman. Ayes all on a roll call vote.

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The Resolution reads as follows:

WHEREAS, the Charter Township of Plymouth Board of Trustees is considering for second reading the Building Department Fees Ordinance; and

WHEREAS, the Building Department Fees Ordinance provides that the Township Board shall adopt, by resolution, a Building Department Fees Schedule, and

WHEREAS, a Building Department Fee Schedule has been drafted by Mr. Lewis in consult with other members of the department staff and electeds; and

WHEREAS, attached is a copy of the proposed Building Department Fee Schedule establishing fees for all of the activities for which permits, inspections, or approvals as required by the Building Department.

NOW, THEREFORE, be it resolved that the Building Department Fee Schedule is approved.

A copy of the Building Department Fee Schedule is on file in the Clerk's office for public perusal.

J.7 Ordinance to adopt 2006 International Fire Code/Repeal of Ordinance C-05-07
 Ordinance No.C-2009-01
 First Reading

Attorney Cronin and Assistant Fire Chief Wendel addressed the Board and answered questions.

Mr. Bridgman moved to approve the first reading of Ordinance No. C-2009-01, adopting by reference the 2006 Edition of the International Fire Code with Appendices as the Township Fire Code and the repeal of Ordinance C-05-07. Seconded by Ms. Arnold. Ayes all on a roll call vote.

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

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J.8 Private Road Construction and Maintenance Ordinance
Ordinance No.C-2009-02
First Reading

Attorney Cronin explained there were inconsistencies between the 2008 International Fire Code and the Township's Private Road Ordinance.

Mr. Anulewicz indicated the following changes in the copy presented were requested by Mr. Mann:

Page 2, Item (B) paragraph d. add to last line after "hydrant": "unless otherwise approved by the Township Board."

Page 3, Item (B) paragraph e, add "Board" after Township on second line and strike "or its representative"

Page 4, Item (2), paragraph d, add "Board" after Township on second line and strike "or its representative"

Mr. Edwards moved to approve the first reading of Ordinance C-2009-02, the Private Road Construction and Maintenance Ordinance, with the recommended changes. Seconded by Mr. Doroshewitz. Ayes all.

J.9 Hurst Extrication equipment purchase

Assistant Chief Wendel explained the problems with the current equipment.

Ms. Arnold moved to approve the purchase of the Hurst Extrication Equipment in an amount not to exceed \$30,820. Seconded by Mr. Doroshewitz. Ayes all.

J.10 Fire Department Vehicle-heavy duty pickup

Mr. Wendel and Mr. Reaume indicated that this is an excellent price for this vehicle under the State Purchasing Contract.

Mr. Edwards moved to approve the purchase of a 2009 Ford F-350 Crew Cab pickup in the amount of \$33,183. Seconded by Mr. Kelly.

AYES: Edwards, Kelly, Bridgman, Arnold, Reaume
NAYS: Doroshewitz

Motion carried.

J.11 Improvement Revolving Fund-Amend 2009 Budget

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Resolution No.09-02-17-05

Ms. Arnold moved to approve Resolution 09-02-17-05, amending the 2009 Improvement Revolving Budget as submitted. Seconded by Mr. Reaume. Ayes all on a roll call vote.

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

J.12 Board of Review-Letters of Protest
Resolution No.09-02-17-06

Mr. Bridgman moved to approve Resolution 09-02-17-06 that will authorize resident taxpayers to file a letter of protest to the March Board of Review and establish the deadline to receive resident and non-resident letters of protest. Seconded by Ms. Arnold. Ayes all on a roll call vote.

The Resolution reads as follows:

WHEREAS, Michigan Compiled Law (MCL) 211.30 (4) provides for a non-resident taxpayer to file letters of protest and papers in support of their protest to the March Board of Review and their personal appearance is not required, and

WHEREAS, Michigan Compiled Law (MCL) 211.30 (7) gives the governing board of a township by adoption of an ordinance or resolution the authority to allow resident taxpayers to file their protest before the March Board of Review by letter without a personal appearance by the taxpayer or their agent, and

WHEREAS, if the ordinance or resolution is adopted, the township shall include a statement notifying taxpayers of this option in each assessment notice and on each notice or publication of the meeting of the Board of Review, and

WHEREAS, passing this resolution will allow residents to protest by letter and will establish the deadline for accepting letters of protest from both resident and non-resident taxpayers,

NOW, THEREFORE, BE IT RESOLVED, the Charter Township of Plymouth shall approve the acceptance of letters of protest from residents for the March Board of Review, and all notices of assessment change and all advertisements of Board of Review meetings are to include a statement that the resident taxpayers may protest by letter to the Board of Review and letters of protest from residents and non-residents must be received in the Assessor's Office, no later than 4:30 p.m. on the Friday following the third Monday in the month of March.

Ms. Arnold left the meeting at 9:08 p.m.

J.13 Authorization for the sale of NHV/RV sewer capacity

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Resolution No.09-02-17-07

Attorney Cronin explained the reasons for this authorization and that the City of Plymouth has the first right of refusal to purchase any of the NHV/RV sewer capacity offered for sale.

Mr. Edwards moved to approve Resolution No. 09-02-17-07, authorizing the sale of sewer capacity in the NHV/RV System at \$1 million dollars per CFS (cubic feet per second), up to a total of 4 CFS. Seconded by Mr. Kelly.

ROLL CALL	AYES:	Edwards, Kelly, Bridgman, Reaume, Doroshewitz
	ABSENT:	Arnold

Motion carried.

The Resolution reads as follows:

WHEREAS, the agreements making up the Western townships Utility Authority (WTUA) provide that the orderly disposal of excess Wayne County (NHV/RV) capacity is to be handled by WTUA; and

WHEREAS, WTUA is made up of the Charter Townships of Plymouth, Canton and Northville; and

WHEREAS, WTUA did establish a negotiating team to contact interested parties to see whether they might purchase excess NHV/RV sewer capacity; and

WHEREAS, the negotiating team has conducted such negotiations, most recently with the City of Novi; and

WHEREAS, the Plymouth Township Board of Trustees did by resolution grant to the City of Plymouth the right to first purchase any sewer capacity that is offered for sale; and

WHEREAS, negotiations have reached the point between the negotiating team from WTUA and the representatives of the City of Novi that the amount and price of the sewer capacity that is being offered for sale should be established and authorization should be given to the negotiating team to convey that amount and price to the City of Plymouth in order to assuage the City of Plymouth's right of first refusal; and

WHEREAS, the negotiating team recognizes that the Plymouth Township Board of Trustees must authorize the sale of any Plymouth Township NHV/RV sewer capacity; and

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WHEREAS, the negotiating team is hereby asking that the Board of Trustees authorize the sale of four (4) CFS (cubic feet per second) of capacity at an amount of 1 Million Dollars per CVS to any interested parties subject to any necessary legal and contractual requirements.

NOW, THEREFORE, be it resolved that the Plymouth Township Board of Trustees does authorize the negotiating team for WTUA to offer four (4) CFS NHV/RV sewer capacity currently held by Plymouth Township to interested purchasers for the purchase price of 1 Million Dollars per CFS.

Ms. Arnold returned to the meeting at 9:12 p.m.

J.14 TEAM Vehicle

Mr. Reaume explained that TEAM stands for Teaching, Educating and Mentoring. This was formerly the DARE program. Blackwell Ford has been donating a 4-year leased vehicle which expires in March and they're now offering a 4-year leased Ford Edge at a value of approximately \$15,900.

Mr. Edwards requested that a thank you letter be sent to Blackwell Ford and perhaps a plaque could be made up for their showroom.

Ms. Arnold moved to authorize the Supervisor and Clerk to sign the agreement for the Ford vehicle to be used in the TEAM program. Seconded by Mr. Edwards. Ayes all.

K. SUPERVISOR COMMENTS

Mr. Reaume commented on the new County road-clearing policy and the many spinouts during bad weather on Saturday evening. He indicated residents have commented on the fine response of the Police and Fire Departments.

He also updated members on new and expanded business investment in the community by Stardock and Secure 24 and noted the new program of Wayne County called "Fast Track for Economic Development." They have identified four communities who are already involved: Plymouth Township, Livonia, Romulus and Taylor.

Mr. Reaume also informed Board members that on Thursday night at 7 p.m. in the Town Hall meeting room he'll be hosting the Michigan Round Table for Diversity and Inclusion within the community.

L. TRUSTEE COMMENTS

Mr. Edwards said today was the last day to pay the winter taxes without penalty. Collections are down as expected.

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M. PUBLIC COMMENT – There was none.

N. CLOSED SESSION

At 9:22 p.m., it was moved by Mr. Bridgman and seconded by Ms. Arnold that a closed session be called for the purpose of

RE: Attorney-Client Privileged Opinions, Separation vs. Severance
Employment Agreement
Pending Litigation-AFSCME Unfair Labor Practices with MERC
Contract Negotiations-POAM & COAM
Attorney-Client Privileged Communication

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

Ayes all on a roll call vote.

At 10:30 p.m., it was moved by Ms. Arnold and seconded by Mr. Edwards to return to open session. Ayes all on a roll call vote.

Mr. Edwards moved to approve the Severance Agreement and Release of all Claims for Rebecca Armstrong, and authorize the Supervisor and Clerk to sign said agreement. Supported by Ms. Arnold. Ayes all.

Ms. Arnold moved to approve the Letter of Understanding between Plymouth Township and Michigan AFSCME Council 25 and Local 2958 as submitted. Supported by Mr. Bridgman. Ayes all.

O. ADJOURN

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

Meeting adjourned at 10:36 p.m.

Joseph Bridgman, Clerk
Charter Township of Plymouth