

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, FEBRUARY 14, 2017**

APPROVED MINUTES

Supervisor Heise called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Kurt Heise, Supervisor
Jerry Vorva, Clerk
Mark Clinton, Treasurer
Charles Curmi, Trustee
Jack Dempsey, Trustee
Robert Doroshewitz, Trustee
Gary Heitman, Trustee

MEMBERS ABSENT: None

OTHERS PRESENT: Patrick Fellrath, Dir. of Public Utilities
Dan Phillips, Fire Chief
Thomas Tiderington, Police Chief
Kevin Bennett, Township Attorney
Sandra Groth, Deputy Clerk
Amy Hammye, Deputy Treasurer
Sara Visel, Solid Waste & Public Serv. Coord.
Alice Geletzke, Recording Secretary
18 Members of the Public

B. PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Trustee Gary Heitman.

C. APPROVAL OF AGENDA
Regular Meeting - Tuesday, February 14, 2017

Moved by Mr. Dempsey and seconded by Mr. Clinton to approve the agenda for the Board of Trustees regular meeting of February 14, 2017. Ayes all.

D. APPROVAL OF CONSENT AGENDA

D.1 Approval of Minutes:
Regular Meeting – Tuesday, November 15, 2016 (Receive and File)*
Regular Meeting – Tuesday, January 24, 2017
Study Session – Tuesday, February 7, 2017
Closed Session Minutes – January 17, 2017
Closed Session Minutes – February 7, 2017

D.2 Acceptance of Communications, Resolutions, Reports:
Building Department – Monthly Report – January, 2017

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Fire Department – Monthly Report – January, 2017
FOIA Report – Clerk’s Office
FOIA Report – Police Department

D.3 Approval of Township Bills:

		Year 2017
General Fund	(101)	(382,277.87)
Solid Waste Fund	(226)	105,964.84
Improvement Revolving Fund (Capital Projects)	(246)	3,452.60
Drug Forfeiture Fund	(265)	--
Golf Course Fund	(510)	1,218.94
Senior Transportation	(588)	8,701.76
Water and Sewer Fund	(592)	478,856.94
Trust and Agency Fund	(701)	68,417.55
Police Bond Fund	(702)	7,700.00
Tax Pool	(703)	43,725.33
Special Assessment Capital	(805)	30,592.92
Total:		\$366,353.01

***See Addendum to Proposed Minutes for November 15, 2016 from Trustee Doroshewitz**

It was noted that no modification of the November 15, 2016 minutes can be made because too much time has elapsed, per Attorney Bennett, but comments can be made during Trustee Comments. Approval of the Closed Session Minutes of January 17, 2017 was postponed.

Moved by Mr. Heitman and Mr. Doroshewitz to approve the consent agenda for the Board of Trustees regular meeting of February 14, 2017 as amended. Ayes all on a roll call vote.

E. PUBLIC COMMENTS AND QUESTIONS – There were none.

F. NEW BUSINESS

1) Public Hearing –2017 Community Development Block Grant Funds

Moved by Mr. Heitman and seconded by Mr. Dempsey to open the Public Hearing on 2017 Community Development Block Grant Funds at 7:14 p.m. Ayes all.

Mr. Fellrath, Dir. of Public Services, and Sara Visel, Solid Waste and Public Service Coordinator, presented background information and discussed with Board members the uses allowed.

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Susan Bondie asked if other uses were considered, such as other parks or soccer fields. She was informed that restrictions limit uses for the disabled or senior citizens.

There being no further comment from the public, it was moved by Mr. Heitman and seconded by Mr. Doroshewitz to close the public hearing at 7:28 p.m. Ayes all.

- 2) Engagement Letter and Professional Services Agreement with Plante-Moran - Forensic Audit of Hilltop Golf Course.

Mr. Eric Conforti, representing Plante and Moran, addressed the Board and answered questions regarding the scope of services in connection with their forensic audit of Hilltop Golf Course.

Moved by Mr. Heitman and seconded by Mr. Clinton to approve the recommendation as submitted by the Supervisor to enter into the Professional Services Agreement with Plante-Moran to provide consulting, assembly and forensic services, not to exceed \$7,500, to the Township in connection with the Hilltop Golf Course, and to authorize the Supervisor and Clerk to sign same. Ayes all on a roll call vote.

- 3) Ethics Ordinance – Amendment 19 to Ordinance 1016 – First Reading

Mr. Dempsey discussed the proposed ordinance with Board members and noted that it covers public officials and appointees.

Susan Bondie asked whether Section 11, Anti-Nepotism, would cover anyone bringing in a wife, son or daughter to work for the Township. Mr. Bennett noted it would not preclude it, but states it would require a 2/3 vote of the Township Board.

Moved by Mr. Doroshewitz and seconded by Mr. Heitman to approve the first reading of the proposed Ethics Ordinance, Amendment #19, to the Charter Township of Plymouth Code of Ordinances #1016, and further to schedule the second reading and adoption to occur on February 28, 2017 at the regularly scheduled Board of Trustees Meeting, with one modification: Section 2, Immediate Family, strike the remainder of the sentence, “who resides with that person.” Ayes all on a roll call vote.

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

- 4) Board of Trustees Public Meeting Rules – 2017

Mr. Dempsey and other Board members discussed various aspects of the proposed rules he drafted with the theme of trying to do business in a very professional and cooperative style. The Board also discussed with Mr. Bennett the need for notification of a Special Meeting if voting is required on items. It was agreed that the proposed list should be entitled “Procedures.”

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Moved by Mr. Heitman and seconded by Mr. Vorva to approve the proposed “Board of Trustees Public Meeting Procedures” as presented, to serve as the standard by which meetings will be conducted by this Board, effective immediately. Ayes all on a roll call vote.

- 5) Annual Wayne County Road Permit Applications, including the letter from Attorney Bennett dated January 18, 2017, Resolution #2017-02-14-04.

Moved by Mr. Curmi and seconded by Mr. Dempsey to approve Resolution No. 2017-02-14-04, authorizing execution of the Annual Maintenance Permit, Annual Pavement Restoration Permit, Annual Street Sweeping Permit, and Annual Special Events Permit with Wayne County to allow the Township to work within the Wayne County Road Right-of-Ways with the inclusion of a cover letter reserving the Township’s right to challenge the indemnification provisions as beyond the authority of the Township. Ayes all on a roll call vote.

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

- 6) McClumpha/Ann Arbor Road Traffic Signal, Resolution #2017-02-14-05

Mr. Heise reviewed the resolution, which was discussed at the Study Session of February 7. It’s to be forwarded to all elected officials who are in a position to effectuate timely action on the part of the State to provide the installation of these essential public safety improvements.

Moved by Mr. Heitman and seconded by Mr. Vorva to approve Resolution 2017-02-14-05, urging the State of Michigan to expedite the installation of traffic signals and related safety improvements to the intersection of Ann Arbor Road and McClumpha Road in the Charter Township of Plymouth. Ayes all on a roll call vote.

- 7) Discussion - Fourth of July Picnic – 2017
- 8) Discussion – Fourth of July Fireworks - 2017
- 9) Discussion – Future Township Newsletters and Calendars

Board members discussed the above items, with the possibility of not holding the picnic because of the time, efforts and costs involved in something that is not necessarily the role of government. They also considered attempting to obtain sponsorship of the fireworks from a community organization with a 501-C3, and discussed with Police Chief Tiderington and Fire Chief Phillips the safety concerns involved. Suggestions were also made for lowering the costs of preparing and distributing the community newsletters and the calendar.

During discussion of these items, Sybil Hunter and Rita Gajewski spoke on the negative effects the fireworks and picnic have on their nearby homes. Kim Price of Kimprint offered

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suggestions on calendar and newsletter preparation and mass mailings. Susan Bondie spoke on her use of the calendar and asked for consideration of those who do not use the computer or I-phones.

G. SUPERVISOR AND TRUSTEE COMMENTS

Mr. Heise gave a reminder of the kickoff for the Citizens Advisory Council on February 22. He also noted there will be a Study Session on February 21.

Mr. Doroshewitz discussed his addendum to the November 15, 2016 meeting minutes.

Moved by Mr. Dempsey and seconded by Mr. Vorva to receive, note and file the memorandum received by Trustee Doroshewitz relating to the meeting minutes of November 15, 2016. Ayes all.

Mr. Heitman reiterated the importance of the Citizens Advisory Council.

Mr. Vorva updated Board members on accounting progress and thanked Accountant Cindy Kushner; Mary Ann Truesdell, an employee in his office; and the Treasurer's Department for their efforts in inputting the financial information.

Mr. Clinton gave a status update on the financial reconciliations and noted that 95.5% of taxes have been collected, or approximately \$6.9 million.

Mr. Curmi had questions about results of the recreation survey and emergency collections.

H. PUBLIC COMMENTS AND QUESTIONS

Susan Bondie had questions about tracking resident/non-resident usage of the golf course.

I. ADJOURNMENT

Moved by Mr. Heitman and seconded by Mr. Dempsey to adjourn the meeting at 9:40 p.m. Ayes all.

Jerry Vorva, Township Clerk

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February 1, 2017

Trustee Bob Doroshewitz

Addendum to November 15, 2016 Meeting Minutes and Request for Board Action

ITEM: Status of Equitable Sharing Program ("Drug Forfeiture") Audit performed by the Department of Justice (DOJ)

The Request for Board Action and Meeting Minutes ("Records") submitted to the Board for this item contain an unprecedented amount of detail, misstatements of fact and opinions – I dispute the veracity and truthfulness of a number of these statements and characterizations and request that the Board amend or correct the official records and permanent archives. It appears these Records were constructed to be self-serving and to blur the complex set of facts surrounding the DOJ audit, deflecting attention from both the former Treasurer and former Clerk, who failed to properly comply with standard accounting practices and who implied that others were to blame for their failures.

The Records state that the Agenda item was prepared by and was to be presented by Cindy Kushner, Director of Accounting and Financial Reporting and Joe Heffernan, Partner at Plante-Moran, our auditing firm. Both later contradicted those claims and stated that they neither prepared the Records, nor were aware they were expected to present at the November 15, 2016 meeting. At that meeting, the Board was told by the Clerk that Ms. Kushner was sick and was unable to attend to answer Board questions and to confirm statements that were attributed to her, statements she had no knowledge of until after the meeting.

The Records state that the DOJ was contacted in June, 2014 by Supervisor Reaume, Treasurer Edwards and Clerk Conzelman to ask for help filling out forms and ensuring compliance with the Drug Forfeiture rules. They further claim that Jovan Ware, a clerical worker from the DOJ, agreed to send a training team or an audit team to assist. I find this puzzling, as auditors and trainers are two very different roles and one wouldn't ordinarily confuse one with the other. I doubt the DOJ would send three auditors from Chicago, for an extended stay, to deliver a training course. Moreover, Supervisor Reaume confirmed, in an email, that the DOJ was sending staff to provide training; surprisingly, the Training Team (who were actually auditors from the Chicago office of the DOJ Inspector General) arrived on site in August 2014 and immediately morphed itself into a year-long audit team. Additionally, Ms. Ware has no recollection of that conversation and stated that her office, the Asset Forfeiture and Money Laundering Section, of the DOJ does not have "audit teams", nor do they do on-site training for individual police agencies. Ms. Ware further states this claim is not "logical or accurate."

I believe the claim that it was the former Administration who initiated contact with the DOJ is false. Prior to June 4, 2014, Police Chief Tom Tiderington confided in me that he had serious concerns with the filings and he told me that he refused to sign off on the documents as he was denied access to banking information as well as supporting documentation.

In one example, a refrigerated truck rented for the July 4 picnic was illegally charged to the Federal Drug Forfeiture Fund. When Chief Tiderington discovered this improper expenditure and others, the former administration attempted to explain the expenditure as a clerical error, suggesting that the invoice for a "refrigerated truck" (commonly known as a "ref" truck) caused the confusion as they thought it was marijuana related and thus an appropriate drug forfeiture

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expenditure. That explanation was laughable as "reefer" is slang that has not been used since the 1960s. As such, I believe that the former administration claimed to have initiated the contact with the DOJ in order to mislead the Board of Trustees as well as the general public.

The relevance is that it was Chief Tiderington, the official charged with substantiating that all funds were properly accounted for who alerted the DOJ as to the many irregularities he discovered.

In fact, the DOJ initiated a criminal inquiry after Chief Tiderington spoke with the DOJ Inspector General Regional Manager Carol Tarazka and met with investigators in **January 2014**, not after the former Administration spoke with clerical staff Jovan Ware in **June 2014** as claimed in the November 15, 2016 agenda item report.

Plante-Moran later confirmed that the accounts were not being properly reconciled and that those with oversight responsibility were blocked from transparency to the records that they are sworn to validate. In fact, in 2013 Plante-Moran conducted a "single Audit" of the 2012 Federal Drug Forfeiture Funds. The report documented several significant financial irregularities and concerns. Even more troubling, the hardcopy report issued by Plante-Moran was hidden in a box underneath the former Treasurer's desk for several months and kept from the Board of Trustees and the public. It was only after I alerted the managing partner at Plante-Moran that the report was not delivered did the Board get copies provided to them, directly from Plante-Moran.

I believe that the most significant DOJ findings were intentionally omitted from the Records, while the least important findings were highlighted. For example, on page 7 of the DOJ audit, the DOJ Auditors describe \$96,506 of missing funds that "were not deposited into the bank account within a reasonable period after receipt."; it went on to state "based on our review of the bank statements, we found that Plymouth Township did not transfer this rebate into the DOJ equitable sharing bank account until September 2014, about two years and three months later and that the amount transferred was only \$ 82,788 of the \$ 96,506." This stunning revelation, that money was unaccounted for over two years, was inexplicably omitted from the Records presented at the November 15, 2016 meeting and was never brought to the attention of the Board.

Another troubling finding, number 2012-1 caused by a lack of preventative controls which would ensure that bank reconciliations are prepared timely and reviewed monthly and cited specific cases where reconciliations were not done. Bank reconciliations are the Clerk's responsibility, those duties were not consistently carried as the Board had otherwise been led to believe.

The Records assert that Ms. Kushner reviewed the bank statements and performed the reconciliations; as noted above, Ms. Kushner was sick and unable to attend to the meeting to verify those claims, but she later indicated that she was told the statements reconciled but never actually saw them and did not personally perform the reconciliations.

Last, the Meeting Minutes state that "Mr. Heffernan and Mr. Edwards reviewed the conflicting emails coming from various individuals in the Department of Justin, first denoting compliance, then asking for compliance." In fact, no email was provided to the Board and the only record available is where when the DOJ sent an "automated" routine email response on October 21, 2016, stating that the forms were received, reviewed and accepted but **specifically stating that the Township was in noncompliance.**

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For these reasons, I again dispute the truth and veracity of the Records and ask that they be stricken in their entirety as a future reader would assume them true, without having this additional background. Should the Board lack authority or the will to correct the records, then I ask that this addendum be included in the permanent archives from the February 14, 2016 meeting and that the official meetings from the November 15, 2016 be amended with a reference to addendum so readers have a fair chance to inspect the disputed facts as submitted by Trustee Bob Doroshewitz, who served in office during the entire period in which these events took place.

Respectfully,

Robert J Doroshewitz

Township Trustee