

**CHARTER TOWNSHIP OF PLYMOUTH
BOARD OF TRUSTEES
REGULAR MEETING
TUESDAY, MAY 23, 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
Robert Doroshewitz, Trustee
Jack Dempsey, Trustee
Gary Heitman, Trustee

MEMBERS ABSENT: None

OTHERS PRESENT: Mark Lewis, Chief Building Official
Dan Phillips, Fire Chief
Thomas Tiderington, Police Chief
Kevin Bennett, Township Attorney
Laura Haw, McKenna Associates
Sandra Groth, Deputy Clerk
Alice Geletzke, Recording Secretary
37 Members of the Public

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ron Cook.

C. APPROVAL OF AGENDA

Regular Meeting - Tuesday, May 23, 2017

Mr. Vorva mentioned the possibility of Mr. Parelly appearing at tonight's meeting regarding an appeal of a deposit for a FOIA request. There was further discussion with Attorney Bennett regarding FOIA requests and the Open Meetings Act.

Moved by Mr. Heitman and seconded by Mr. Vorva to approve the agenda for the Board of Trustees regular meeting of May 23, 2017. Ayes all.

D. APPROVAL OF CONSENT AGENDA

D.1 Approval of Minutes:

Regular Meeting – Tuesday, May 9, 2017

Study Session – Tuesday, May 16, 2017

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D.2 Acceptance of Communications, Resolutions, Reports:

Fire Department – Monthly Report, April, 2017
Thank you letter to Sparky and the Firefighters

D.3 Approval of Township Bills:

FUND	ACCT	ALREADY PAID	TO BE PAID	TOTAL:
General Fund	101	\$37,767.20	\$ 48,374.84	\$86,142.04
Solid Waste Fund	226	498.00	10.75	508.75
Improvement Revolving (Capital)	246	--	64,913.75	64,913.75
Drug Forfeiture Fund	265	--	--	--
Drug Forfeiture Fund	266	--	--	--
Golf Course Fund	510	291.59	8,813.42	9,105.01
Senior Transportation	588	182.31	442.25	624.56
Water/Sewer Fund	592	312,615.28	229,355.49	541,970.77
Trust and Agency	701	--	14,230.00	14,230.00
Police Bond Fund	702	8,949.00	--	8,949.00
Tax Pool	703	69,933.04	--	69,933.04
Special Assessment Capital	805	29.65	7,263.80	7,293.45
TOTALS:		430,266.07	373,404.63	\$803,670.37

Moved by Mr. Heitman and seconded by Mr. Clinton to approve the consent agenda for the Board of Trustees regular meeting of May 23, 2017. Ayes all.

E. PUBLIC COMMENTS AND QUESTIONS

Doreen Sharpe asked for an update on the Ann Arbor Road-McClumpha traffic light and the golf course audit.

The instructor of a line dancing class and several class members voiced their objections to having been removed from using Friendship Station, after having been there for several years. They disputed causing any damage to the recently renovated floor, or the possibility of causing additional liability for the Township. Mr. Heise agreed to continue to work with the instructor to find another place for the classes.

F. NEW BUSINESS

F.1 Tuscany Reserves of Plymouth – Laura Haw

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Laura Haw of McKenna Associates reviewed the Planning Commission's recommendation for approval of the final site plan for the Cluster Housing Option. This option would permit the Tonquish Creek to remain open space, as well as preserving existing vegetation and allowing less than maximum density in building 18 detached single-family residences south of Ann Arbor Trail and east of McClumpha Road.

Moved by Mr. Curmi and seconded by Mr. Doroshewitz to approve Application 2230-0117, contingent on the recommendations in the Planning and Engineering Staff Reports and on revised legal documents addressed to the satisfaction of the Township Attorney, including the proposed HOA becoming a Michigan non-profit corporation, which would allow R-78-036-99-008-000, R-78-036-99-0011-000, and R-78-036-99-0012-000 to be developed as the Tuscany Reserves of Plymouth Cluster Housing Option. Ayes all on a roll call vote.

- F.2 Ordinance 1016 – Amendment #20 – Creation of Building Board of Appeals – First Reading – Building Official Lewis and Attorney Bennett

Moved by Mr. Heitman and seconded by Mr. Doroshewitz to establish May 23, 2017 as the “first reading” date of Ordinance No. 1016, Amendment No. 20, which exists for the purpose of Creating a Construction Board of Appeals. Ayes all on a roll call vote.

- F.3 Joint Recreation Survey with the City of Plymouth – Supervisor Heise

Moved by Mr. Vorva and seconded by Mr. Heitman to approve entering into a cost-sharing agreement with the City of Plymouth in accordance with the letter from EPIC/MRA dated April 3, 2017, to conduct a one-time recreational survey from residents in both communities at a cost not to exceed \$7,125.00. Ayes all on a roll call vote.

- F.4 Approval of Contract with ELAN Engineering for Restoration of Government Access Cable Channel – Supervisor Heise

After discussion, Attorney Bennett was excused to work out amendments to the contract. It was agreed to take up this item later in the meeting.

- F.5 Approval to hire Three (3) Full-Time Firefighters – Supervisor Heise and Fire Chief Phillips

Moved by Mr. Vorva and seconded by Mr. Dempsey to authorize the Township Supervisor to recruit three full-time firefighters in order to reopen Fire Station No. 2 pursuant to the rules and hiring procedures of the Civil Service Commission with the understanding that the reopening is facilitated by an agreement with Northville Township that will be presented to this Board upon conclusion of negotiations.

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Board members discussed further the hiring process, the finances in terms of budgeting, lack of a written operating plan, measures of success such as response times, contract with residents as a result of millage votes, and monthly reports on the status.

It was suggested by Mr. Clinton that the words “facilitated by” be changed to “contingent upon.”

It was moved by Mr. Curmi and seconded by Mr. Vorva to withdraw the original proposed motion.

AYES: Curmi, Vorva, Heitman, Clinton, Doroshewitz, Dempsey
NAYS: Heise

Motion carried.

Moved by Mr. Clinton and seconded by Mr. Dempsey to authorize the Township Supervisor to recruit three full-time firefighters in order to reopen Fire Station No. 2 pursuant to the rules and hiring procedures of the Civil Service Commission with the understanding that the reopening is contingent upon an agreement with Northville Township that will be presented to this Board upon conclusion of negotiations.

ROLL CALL: AYES: Vorva, Dempsey, Heitman, Clinton, Heise, Curmi
NAYS: Doroshewitz

Motion carried.

Board members returned to the consideration of:

F.4, Approval of Contract with ELAN Engineering for Restoration of Government Access Cable Channel

Mr. Bennett reviewed the changes in the agreement:

Paragraph 13, the last sentence is revised to read as follows:

“Owner hereby agrees that project, equipment, services provided are specifically not designed or provided for use as emergency alert or public safety announcement, and that ELAN shall not be responsible for fraudulent and/or unauthorized use of the equipment for such emergency alert or public safety announcements.”

Moved by Mr. Heitman and seconded by Mr. Vorva to approve entering into the contract, as amended, with ELAN Engineering for the restoration of Government Access Cable Channel,

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which includes all needed cable-related services, computer systems, and professional services, not to exceed \$35,000, and to authorize the Supervisor and Clerk to sign the contract. Ayes all on a roll call vote.

- F.6 Approval of Intergovernmental Agreement for Retiree Healthcare between the City of Plymouth and Plymouth Township, Resolution #2017-05-23-15 – Supervisor Heise

Board members discussed at length the provisions of the contract, particularly in conjunction with whether the City of Plymouth would pay into a trust fund, and the effect this would have on their having to recognize their portion of the unfunded OPEB liability on their books. There were concerns expressed about this agreement serving as a framework for the future, thereby eliminating any requirement for the City to recognize their portion of the OPEB or pension liability.

Mr. Heise indicated no trusts have been established either by the City or the Township, and he would require extensive study sessions and review prior to doing so to determine auditing and legal ramifications in future negotiations with the City. He indicated this stand-alone agreement has been negotiated in lieu of litigation.

Accountant Cindy Kushner explained how the liabilities will be shown in 2018. She explained that the liability was on the books of the Township because of the consideration that the fire personnel were considered Township employees.

Deputy Clerk Groth indicated that in the agreement, the City is paying in the same way as the original agreement: pay-as-you-go with reimbursement by the City to the Township for Township employees.

Susan Bondie asked why the City wasn't asked why they wouldn't pay into a trust.

Mr. Doroshewitz asked that Mr. Clinton be part of the negotiating team for the City's pension obligations.

Moved by Mr. Vorva and seconded by Mr. Heitman to approve Resolution 2017-05-23-15 authorizing the Supervisor and Clerk to enter into agreement with the City of Plymouth to accept \$71,428.54 as payment in full for post-termination Health Care Costs from January 1, 2016 to December 31, 2016, and further to authorize the Township Clerk's office to invoice the City of Plymouth on a quarterly basis for all subsequent costs for current and future retirees in accordance with the attached Exhibits #1 and #2, and to authorize the Supervisor and Clerk to sign the agreement.

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ROLL CALL: AYES: Vorva, Heitman, Curmi, Dempsey, Heise

NAYS: Clinton, Doroshewitz

Motion carried.

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

The Board recessed briefly at 8:50 p.m. and returned to open session at 9 p.m.

F.7 Approval of Purchasing Policy, Resolution #2017-05-23-16 – Supervisor Heise

It was agreed to change Page 2, Item 3, Informal and Formal Bidding Procedure, as follows;

\$10,000 to \$14,999	Informal Bid
\$15,000 and Greater	Formal Bid

Moved by Mr. Heitman and seconded by Mr. Vorva to approve Resolution 2017-05-23-16 with the updated purchase amount to adopt the newly established 6-page Purchasing Policy as submitted with \$10,001 to \$14,999 for Informal Bid and \$15,000 and Greater for Formal Bid. Ayes all on a roll call vote.

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

F-8 Approval of Credit Card Policy, Resolution #2017-05-23-17 – Supervisor Heise

Moved by Mr. Heitman and seconded by Mr. Vorva to approve Resolution 2017-05-23-17 to adopt the newly established 2-page Credit Card Policy as submitted. Ayes all on a roll call vote.

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

F.9 Approval of Tax Penalty Fee – Resolution #2017-05-23-18 – Treasurer Clinton

Moved by Mr. Clinton and seconded by Mr. Vorva to approve Resolution 2017-05-23-18 to establish a 3% penalty, payable to Plymouth Township, for collection of the late payment of taxes for the period from February 15 to February 28/29, and to make this a matter of procedure until dissolution of this resolution by Board action. Ayes all on a roll call vote.

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

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F.10 Approval of Independent Contractor Agreement for Township Planning and Zoning Consultant – Supervisor Heise

Scott Pacheco was recommended by Supervisor Heise as an at-will Township Planning and Zoning Consultant, to serve 25-30 hours per week after the end-of-June expiration of the contract with McKenna Associates and the services of Laura Haw. Mr. Heise also recommended keeping McKenna Associates as backup and to handle any overflow and unusual situations.

Mr. Pacheco reviewed his background and experience and answered questions.

Board members expressed interest in obtaining additional information prior to making a decision.

Moved by Mr. Curmi and seconded by Mr. Doroshewitz to postpone the decision on contracting for planning services.

ROLL CALL: AYES: Curmi, Doroshewitz, Clinton, Dempsey
 NAYS: Heise, Heitman, Vorva

Motion carried.

F.11 Approval of labor agreement between the Charter Township of Plymouth and the POAM Dispatcher/PSA Bargaining Unit – Supervisor Heise

Moved by Mr. Doroshewitz and seconded by Mr. Dempsey to approve the labor agreement between the Charter Township of Plymouth and the Police Officers Association (Dispatchers/PSAs) of Michigan for a period from January 1, 2017 through December 31, 2019, and further to authorize the Supervisor to sign this agreement. Ayes all on a roll call vote.

G. SUPERVISOR AND TRUSTEE COMMENTS

Mr. Curmi noted there will be no meeting next Tuesday and asked for consideration that fewer meetings be held in the summer.

Mr. Heise thanked everyone for moving the Township forward and making tough decisions this evening, though not always in agreement. Commitments were made for public safety, working together with the City of Plymouth, and re-establishing the cable channel.

H. PUBLIC COMMENTS AND QUESTIONS

The attorney representing Patrick Kelly, a resident living on Ann Arbor Road, addressed the Board regarding a disagreement that Mr. Kelly has with his neighbor.

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Susan Bondie spoke on the fire station situation and reports.

I. ADJOURNMENT

Moved by Mr. Heitman and seconded by Mr. Vorva to adjourn the meeting at 10:10 p.m. Ayes all.

Jerry Vorva, Township Clerk

Approved June 13, 2017 at a Regular Meeting of the Board of Trustees.