

Board of Trustees Minutes

June 28, 2005

Supervisor Reaume called the meeting to order at 7:02 p.m. and led in the Pledge of Allegiance to the Flag.

MEMBERS PRESENT:

Richard Reaume, Supervisor
Ron Edwards, Treasurer
Marilyn Massengill, Clerk
Kay Arnold, Trustee
Charles Curmi, Trustee
Robert Doroshewitz, Trustee
Steven Mann, Trustee, arrived at 7:56 p.m.

ABSENT: None

OTHERS PRESENT:

James Anulewicz, Director of Public Service
Joe Bridgman, Deputy Clerk
Mark Lewis, Chief Building Official
Randy Maycock, Fire Chief
Thomas Tiderington, Police Chief
Michael Bailey, Dietrich Bailey Associates
Timothy Cronin, Township Attorney
Alice Geletzke, Recording Secretary
24 members of the public

D. APPROVAL OF AGENDA

Regular Meeting - Tuesday, June 28, 2005

Mrs. Massengill amended the agenda by transferring Item J.9 under New Business, Hearing Regarding the Necessity of Sidewalk Repairs, to become Item G.3 under Public Hearings. She also transferred Item J.10 under New Business to become Item J.9, Grant Easement to SBC to Underground its Lines on Haggerty Road. She then moved to approve the agenda for the Board of Trustees Regular Meeting of Tuesday, June 28, 2005, as amended. Seconded by Ms. Arnold. Ayes all, with Trustee Mann absent.

E. CONSENT AGENDA

E.1 Approval of Minutes

Regular Meeting - Tuesday, June 14, 2005

E.2 Approval of Township Bills

		Year 2005
General Fund	(101)	\$ 188,942.79
General Fund Loan to Downtown Development Authority	(101)	--
Water/Sewer	(592)	291,598.22
Improvement Revolving	(246)	12,089.31
SWD	(226)	85,913.59
Trust and Agency	(701)	18,000.00
Tax Pool	(703)	-
Drug Forfeiture	(265)	456.82
Special Assessment Capital Project Fund	(805)	5,903.00
	Total:	\$602,903.73

E.3 Approval of Easements - N/A

E.4 Communications-Resolutions-Reports

A. Communications - N/A

B. Resolutions - N/A

C. Reports

May, 2005 Monthly Report, Police Department
May, 2005 Monthly Report, Fire Department
May, 2005 Monthly Report, Building Department
May, 2005 Monthly Report, Department of Public Works

Mrs. Massengill moved to approve the Consent Agenda for the Board of Trustees Regular Meeting of Tuesday, June 28, 2005, as presented, with the exception of Approval of the Bills as requested by Mr. Doroshewitz and Mr. Curmi. Seconded by Ms. Arnold.
Ayes all, with Trustee Mann absent.

After discussion and clarification of the bills, Mr. Curmi moved to approve payment of the Township bills listed in the Consent Agenda for the meeting of Tuesday, June 28, 2005. Seconded by Ms. Arnold.

Ayes all, with Trustee Mann absent.

F. PUBLIC COMMENT AND QUESTIONS

Brian Zahn, president of the Lake Pointe Homeowners Association, asked for help in dealing with various problems at a business located at 41486 Wilcox Road. Concerns include early trash deposit and removal and equipment stored on the property. Mr. Anulewicz agreed to investigate the situation in an attempt to resolve the issues.

Don Schnettler handed out copies of "The Journal" from July 17-23, 2003. He had questions regarding declining state-shared revenue and financial aspects of the Police and Fire millage issue and the Township Hall.

Roy Hart pointed out a possible technicality in Ms. Arnold's calling for the question at the June 14, 2005, meeting with regard to Item H.1.

G. PUBLIC HEARING

- G.1 Request from Plymouth Bakery Division of Perfection Bakeries, Inc., for a twelve year Industrial Facilities Exemption for building improvements to an existing facility to include new machinery, equipment, furniture and fixtures to be installed within said facility located at 45789 Port Street, lot 88, Metro West Industrial Park, Subdivision #3
Resolution No. 05-06-28-20

Mark Porter, Senior Vice President of Operations, Plymouth Bakery Division of Perfection Bakeries, Inc. addressed the Board and answered questions.

Supervisor Reaume opened the Public Hearing at 7:51 p.m.

There being no public comment, the Public Hearing was closed at 7:52 p.m.

Ms. Arnold moved to approve Resolution No. 05-06-28-20, granting the request from Plymouth Bakery Division of Perfection Bakeries, Inc., for a twelve (12) year Industrial Facilities Exemption Certificate covering building improvements to an existing facility, including new machinery, equipment, furniture and fixtures. The facility is located at 45789 Port Street, Lot 88, Metro West Industrial Park, Plymouth Township, Wayne County, Michigan. Seconded by Mr. Edwards.

ROLL CALL:

AYES: Arnold, Edwards, Curmi, Doroshewitz, Reaume

NAYS: Massengill

ABSENT: Mann

Motion carried.

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, located in Plymouth Township, Wayne County, Michigan; and

WHEREAS, Plymouth Bakery Division of Perfection Bakeries, Inc., filed an application on May 23, 2005, requesting a twelve (12) year, after completion, Industrial Facilities Exemption Certificate, with respect to building improvements to an existing facility at 45789 Port Street, including the cost of new machinery, equipment, furniture and fixtures; and

WHEREAS, before acting on said application, the Board of Trustees held a public hearing on Tuesday, June 28, 2005, in the Meeting Room of the Township Hall commencing at 7:51 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, improvements to the existing facility and installation of the new machinery, equipment, furniture and fixtures within the facility had not begun earlier than six (6) months before May 23, 2005, the date of the acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, improvements to the facility and installation of said machinery, equipment, furniture and fixtures 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, Inc., for an Industrial Facilities Exemption Certificate with respect to the improvements to their existing facility and the addition of new machinery, equipment, furniture and fixtures to be acquired and installed on the following described parcel of real property situated within an Industrial Development District, to wit:
45789 Port Street
Lot 88
Metro West Industrial Park

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.

(Trustee Mann arrived at the meeting at 7:56 p.m.)

G.2 Adoption of Beacon Estates Special Assessment District and Assessment Roll Resolution No. 05-06-28-21

James Anulewicz, Director of Public Service, addressed the Board and answered questions. He stated that a law suit has been filed against the Township.

Mr. Curmi indicated his wishes to charge any SAD Township legal fees back to the SAD. The Board discussed pros and cons of doing this.

Supervisor Reaume opened the Public Hearing at 8:05 p.m.

Marika Diamond, a resident of Walnut Creek Subdivision, read a letter of objection to her property being included in the Special Assessment District (SAD). She felt she derived no benefit because the street in front of her property was not in need of repair. Also among her objections was the per unit basis of assessment. Letter attached the official minutes.

Gordon Didier, president of the Beacon Hills Homeowners Association, expressed his support for the SAD, indicating he felt the street was in dire need of replacement with no hope of repair by Wayne County.

Rita Furdak of Lighthouse Court was concerned whether residents would still be in favor of the SAD if they were aware that open-ended legal fees would be charged back to the SAD.

There being no further comment, the Public Hearing was closed at 8:22 p.m.

Mr. Edwards moved that the contract for the Beacon Estates SAD Paving Project be conditionally awarded to Barrett Paving Materials, Inc., in the amount of \$415,934.45, subject to the thirty (30) day appeal process. Further, he moved to approve Resolution 05-06-28-21, establishing the Beacon Estates Paving District No. 18 and confirming the Assessment Roll as presented, subject to providing a thirty (30) day period to permit any person having an interest in the real property to file a written appeal of the Special Assessment with the Michigan Tax Tribunal. Seconded by Ms. Arnold.

Ayes all on a roll call vote.

The Resolution reads as follows:

WHEREAS, the Township Board of the Township of Plymouth, Wayne County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the Supervisor and Assessing Officer of the Township for the purpose of defraying a portion of the costs of Paving Project proposed to be installed within the Beacon Estates Special Assessment District as shown on the plans and specifications for such project.

AND WHEREAS, such public hearing was preceded by property notice in a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said district and upon said assessment roll;

AND WHEREAS, comments were received from those present at such public hearing concerning said assessment roll and opportunity to all present to be heard in the matter;

AND WHEREAS, objections to the assessment have been filed and the township Board has been advised by the township Attorney as to the status of said objections;

AND WHEREAS, the oral comments received indicated the reasonableness of the following amendments to said assessment roll, if any;

AND WHEREAS, a record of those present to protest, and of written protests submitted at or before the public hearing was made a part of the minutes of the hearing.

AND WHEREAS, it is the opinion of the Township Board that no further time should be granted for the consideration of the matter because of the time constraints in initiating this project;

AND WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comment and proposed amendments thereto and has found the proposed assessment roll, as amended, to be correct, just, and reasonable.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The assessment roll submitted by the Supervisor of the Township shall hereafter be designated as Beacon Estates Subdivision Special Assessment District No. 18 and shall hereby be confirmed as the assessment roll for Special Assessment District No. 18.
2. The assessments made in said Beacon Estates Subdivision Assessment Roll No. 18 shall be divided into ten (10) equal annual installments of principal with the first installment to be due on or before _____, and the following installments to be due on or before the ____ day of the same month for each and every year thereafter. All unpaid installments prior to their transfer to the tax roll as provided by the Michigan Public Act 188 of 1954, as amended, shall bear interest payable annually on each installment due date at the rate of eight percent (8%) per annum, commencing on the first installment due date hereinafter set forth. Any payments made before such first installment due date shall not bear any such interest.
3. Future due installments of an assessment against any parcel of land may be paid to the township Treasurer at any time in full with interest accrued through the month in which the final installment is paid in

accordance with the Michigan Public Act 188 of 1954, as amended. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of one percent (1%) for each month or fraction of a month that the installment remains unpaid before being reported to the Township Board for assessment upon the township tax roll, also in accordance with said Act 188.

4. The assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and said Treasurer with his/her warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the township Board and said Public Act 188.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

The Board recessed at 8:30 p.m. and resumed the meeting at 8:40 p.m.

G.3 Hearing Regarding the Necessity of Sidewalk Repairs Resolution No. 05-06-28-23

Michael Bailey, Township Engineer, addressed the Board and answered questions.

Supervisor Reaume opened the Public Hearing at 8:45 p.m.

There being no public comment, the Public Hearing was closed at 8:46 p.m.

Mr. Edwards moved to approve Resolution No. 05-06-28-23, finding that the abutting property owners were notified, a public hearing was held, and the described sidewalk repair(s) are necessary for the public safety and as provided in Public Act 80 of 1989 and the Township Sidewalk Ordinance. Seconded by Mrs. Massengill.

Ayes all on a roll call vote.

The Resolution reads as follows:

WHEREAS, the Michigan Supreme Court rules that townships must take the action necessary to ensure that sidewalks in the township are maintained and reasonably safe for pedestrian travel; and

WHEREAS, Public Act 80 of the Public Acts of 1989 provides that the township board may, by resolution, require the owners of lots or parcels to replace or repair sidewalks where the condition of the sidewalk necessitates replacement or repair for public health, safety and welfare; and

WHEREAS, Public Act 80 of the Public Acts of 1989 provides that notice shall be given to affected property owners and a hearing shall be conducted prior to the adoption of a resolution requiring replacement or repair of sidewalks; and

WHEREAS, the Township has adopted a Sidewalk Repair Program and the Sidewalk Repair Program specifically provides that sidewalks shall be inspected pursuant to the Administrative Guide adopted as part of that program; and

WHEREAS, the Township Engineer has conducted such inspections and has marked certain sidewalks as being in need of repair consistent with the Sidewalk Repair Program; and

WHEREAS, the affected property owners have been given notice that these sections or flags of sidewalk need to be paired or replaced consistent with the Sidewalk Repair Program; and

WHEREAS, the affected property owners have been given notice of this public hearing whereat this Township Board shall decide upon the necessity of the sidewalk repairs as provided in public Act 80 of 1989, the Township Sidewalk Ordinance and the Township Sidewalk Repair Program; and

WHEREAS, attached pleased find a list (available in the Clerk's office for public perusal) showing the square feet of sidewalk for the named lots or parcels which are identified by the Township Engineer as being in need of repair (Exhibit "A") as provided in the Township Sidewalk Administrative Guide; and

WHEREAS, it is the recommendation of the Township Engineer that those flags and sections of sidewalk which have been marked consistent with the Sidewalk Repair Program are in need of repair; and

WHEREAS, it is the intent of this body to find that the marked sections of sidewalk identified on Exhibit "A" are in need of repair for public health, safety and welfare purposes.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Trustees of the Charter Township of Plymouth hereby resolves that the owners of lots or parcels described on Exhibit "A" shall replace or repair the flags duly marked by the Township Engineer consistent with the Sidewalk Repair Program and further be it resolved that the Township shall replace or repair those portions of sidewalk upon the property owner's failure or neglect to replace or repair said sidewalk sections or flags and, further, the Treasurer is directed to assess the Township's cost for replacement or repair of the sidewalk against the property involved, payable over a five (5) year period; such repair or replacement shall be according to the Construction Standards and according to the Sidewalk Repair Program Administrative Guide previously adopted by this body, all as provided by Public Act 80 of the Public Acts of 1989.

H. COMMUNITY DEVELOPMENT - N/A

I. UNFINISHED BUSINESS

I.1 New Township Hall Update

Jack Michael of DeMattia Group presented handouts and discussed the Project Status Report of June 28, 2005, for the Plymouth Township Municipal Complex.

Supervisor Reaume updated Board members on the donation of some material, labor, and installation for two fixed stationary cameras and one panoramic camera for the security system to be installed at the new Township Hall site.

Mr. Edwards moved to purchase the security system equipment from ASC Security Systems, in the amount of \$5,227.47. Seconded by Ms. Arnold.

Ayes all.

J. NEW BUSINESS

J.1 Bid Approval for Miscellaneous Steel and Stairs - New Township Hall Site

Jack Michael of DeMattia Group explained the bids sought and received, and their recommendation for the contract awards.

Mr. Doroshewitz moved authorization to award the contract for Bid Category 3B Misc. Steel and Stairs Work to Raven Iron Works of Livonia, Michigan, for the amount of \$56,500. Seconded by Mr. Edwards.

Ayes all.

J.2 Bid Approval for Roofing - New Township Hall Site

Mr. Michael explained the bidding procedure and distributed color samples for the Board to choose.

Mr. Edwards moved authorization to award the contract for Bid Category 3C Roofing work to Bloom Roofing Systems of Ann Arbor, Michigan, for the amount of \$840,500. Seconded by Ms. Arnold.

Ayes all.

J.3 Bid Approval for Glass and Glazing Work - New Township Hall Site

Mr. Edwards moved authorization to award the contract for Bid Category 3F Glass and Glazing work to Curtis Glass Co. of Troy, Michigan, for the amount of \$232,100. Seconded by Mr. Mann.

Ayes all.

J.4 Bid Approval for Gypsum Board and Acoustical Ceilings - New Township Hall Site

Mr. Michael explained the difficulty in making close estimates for this type of work. He felt rebidding would not result in lower bids and delay construction.

Mr. Edwards moved authorization to award the contract for Bid Category 3G Gypsum board Assemblies and Acoustical Ceilings work to Central Ceiling and Partition of Walled Lake, Michigan, for the amount of \$1,171,260. Seconded by Ms. Arnold.

AYES: Edwards, Arnold, Doroshewitz, Mann, Massengill, Reaume
NAYS: Curmi

Motion carried.

J.5 PSA Jason Hayes' Request for Leave of Absence

Police Chief Tiderington addressed the Board and answered questions.

Mr. Curmi moved to approve the Leave of Absence for PSA Jason Hayes, which will begin on July 30, 2005, and end on November 21, 2005. Seconded by Ms. Arnold.

Ayes all.

J.6 Approve 1st reading of proposed Dog, Kennel and Animal Ordinance Ordinance No. C-05-05

Township Attorney Cronin addressed the Board and answered questions.

Following a lengthy discussion concerning Items J.6 and J.7, Mr. Mann suggested that proposed policy and ordinance changes be brought to a work session before these items are drafted.

Mr. Curmi moved to postpone indefinitely the proposed Dog, Kennel and Animal Ordinance, Ordinance No. C-05-05. Seconded by Mr. Edwards.

Ayes all.

J.7 Approve 1st reading of proposed Dangerous or Vicious Animals Ordinance Ordinance No. C-05-06

Mr. Curmi moved to postpone indefinitely the proposed Dangerous or Vicious Animals Ordinance, Ordinance No. C-05-06. Seconded by Mr. Edwards.

AYES: Curmi, Edwards, Arnold, Doroshewitz, Mann, Massengill
NAYS: Reaume

Motion carried.

J.8 Charter Township of Plymouth 2005 Recreation and Open Space Plan Resolution No. 05-06-28-22

Mr. Anulewicz addressed the Board, explaining the purpose and need for a Recreation and Open Space Plan for the Township.

Mrs. Massengill moved to approve Resolution No. 05-06-28-22 adopting the 2005 Recreation and Open Space Plan for the Charter Township of Plymouth. Seconded by Mr. Curmi.

Ayes all on a roll call vote.

The Resolution reads as follows:

WHEREAS, development of adequate parks, recreation resources and open spaces requires a firm plan of action based on a combination of expert advice, community input, analysis of the needs and desires of the population, and the opportunity to budget necessary funding and apply for available grants; and

WHEREAS, the Charter Township of Plymouth has prepared the 2005 Recreation and Open Space Plan, which includes all of the elements cited above; and

WHEREAS, the plan meets the requirements of the Michigan Department of Natural Resources (MDNR), thereby making the Township eligible for State and Federal recreation grants administered by the MDNR; and

WHEREAS, the public was invited early in this process (early April 2005) to give the Township input regarding what they think is working and not working in the area of recreation. Input was also requested regarding what activities they think are missing that should be brought into the community; and

WHEREAS, a public hearing was conducted on Wednesday, June 1, 2005, at Plymouth Township Hall where public input was received; and

WHEREAS, having reviewed the plan, the Charter township of Plymouth Board of Trustees has determined that the plan is effective in addressing the recreation and open space needs of the community.

NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Plymouth Board of Trustees adopts the 2005 Recreation and Open Space Plan.

J.9 Grant easement to SBC to underground its lines on Haggerty Rd.

Township Attorney Cronin and Township Engineer Bailey addressed the Board and answered questions.

Mr. Edwards moved to approve the easement for SBC, conditional on the approval of Dietrich Bailey Associates, to underground its lines parallel to Haggerty Road on the new Township Hall property, and authorize the Supervisor and Clerk to execute same. Seconded by Ms. Arnold.

Ayes all.

K. SUPERVISOR COMMENTS

Supervisor Reaume updated the Board regarding the proposed water tower and the transfer of land for it.

He commented on the colorful benches place in areas throughout the Township and City, a program sponsored by the Community Arts Council and reminded Board Members of the July 4th parade and the Plymouth Township picnic held at Township Park.

He noted the request by the City of Plymouth Recreation Soccer League for turning the play at the Lake Pointe Soccer Fields to allow replanting of grass on the goal areas of the larger fields and to allow more use of the fields.

Mr. Edwards explained his objections to this, including detrimental effects to the fields and the lack of parking. Ms. Arnold agreed stating that a lot of study went into constructing the soccer fields.

Mr. Mann thought this request should be investigated and possibly tried with one field.

Supervisor Reaume indicated the CSX roundhouse property came up again at the Joint Services meeting. The City of Plymouth asked for a counter-proposal.

Mr. Doroshewitz suggested a counter-proposal as a percentage of units in the Township, such as the one-third suggested by Mr. Edwards.

Mr. Edwards felt another proposal should come from the City.

Mr. Doroshewitz felt there should be a response to the City that we expect them to make the counter-proposal.

Supervisor Reaume mentioned that MMRMA is attempting to recover the cost of frivolous lawsuits, forthcoming Voice-over Internet Protocol 911 service, and the donation of a vacant building by a resident for on-site police and fire training.

L. TRUSTEE COMMENTS

Ms. Arnold commented on the grass being cut too short in Miller Park and other areas.

Mr. Edwards explained the tax shift of the County operating millage from the winter tax bills to the summer tax bills for the next three years. Coupled with the school debt millage passed last fall (.4 mills) now being collected in summer with an additional .33 mills, this results in an approximate 20% increase in the summer tax bills.

He also mentioned various activities planned for the 4th of July picnic which begins at 11:00 a.m.

Mrs. Massengill commented she has received a large amount of absentee ballot applications for the August 2 election. She was informed by the printer that the ballots should be available next week.

M. PUBLIC COMMENT - There was none.

N. ADJOURN

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

Meeting adjourned at 11:04 p.m.

Marilyn Massengill, Clerk
Charter Township of Plymouth

PLEASE TAKE NOTE; The Charter Township of Plymouth will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at all Township Meetings, to individuals with disabilities at the Meetings/Hearings upon two weeks notice to the Charter Township of Plymouth by writing or calling the following: Human Resource Office, 42350 Ann Arbor Road, Plymouth, MI 48170.
Phone number (734) 354-3202 TDD units: 1-800-649-3777 (Michigan Relay Services)