

**TYRONE TOWNSHIP REGULAR BOARD  
APPROVED MINUTES – APRIL 4, 2006**

**CALL TO ORDER**

Supervisor Lewis called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on April 4, 2006 at 7:00 p.m. at the Tyrone Township Hall.

**ROLL CALL**

Present: Supervisor Mike Lewis, Clerk David Kuzner, Treasurer David Kurtz, Trustees: Robert Byerly, Lynn Thompson, Andrew Schmidt, and Steve Nagy.

**PUBLIC REMARKS FOR NON-AGENDA ITEMS**

Royce Hyde questioned the Fenton Gravel Pit.

Arlene Arledge questioned the status of the burnt home on the corner of Hartland Road and Center Road.

**APPROVAL OF AGENDA – OR CHANGES**

Treasurer Kurtz moved to approve the agenda as modified. (Trustee Nagy seconded.) The motion carried.

The modifications are as follows:

Added New Business #11 Burn Permits.  
Added New Business #12 Fire Report.  
Added New Business #13 SWPPI update.  
Added New Business #14 Sewer O&M fees  
Added Unfinished Business #1 Assessor's Contract update.  
Added Miscellaneous Business #1 Spring Calendar update.

**APPROVAL OF CONSENT AGENDA**

Approval of Planning Commission Regular Meeting Minutes – January 10, 2006  
Approval of Planning Commission Regular Meeting Minutes – January 24, 2006  
Approval of Planning Commission Work Session Minutes – February 14, 2006  
Approval of Special Budget Meeting Minutes – March 18, 2006  
Approval of Regular Board Meeting Minutes – March 21, 2006  
Approval of Clerk's Warrants and Bills.

Treasurer Kurtz moved to approve the consent agenda as modified. (Trustee Thompson seconded.) The motion carried.

The modifications are as follows:

Removed March 18, 2006 Special Budget Meeting Minutes  
Removed March 21, 2006 Regular Board Meeting Minutes

**COMMUNICATIONS**

None.

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**PUBLIC REMARKS FOR AGENDA ITEMS**

None.

**UNFINISHED BUSINESS**

**#1 Assessor's Contract Update.**

Treasurer Kurtz moved to accept the recommendation of the Supervisor and approve the Assessor's contract as presented. (Trustee Nagy seconded). The motion carried.

Treasurer Kurtz moved to authorize the Supervisor and Clerk to sign the new Assessor's Contract. (Trustee Nagy seconded). The motion carried.

**NEW BUSINESS**

**#1 Resolution for Private Water System at Cider Mill Crossing.**

**RESOLUTION #060401  
AMENDED TYRONE PARK  
WASTEWATER TREATMENT SYSTEM  
ADDENDUM B**

At a meeting of the Township Board of the Municipality of Tyrone Township, Livingston County, Michigan, held on the 4<sup>th</sup> day of April, 2006, at the Township Hall 10408 Center Road, Fenton MI, 48430 at 7:00 p.m.

PRESENT: Supervisor Mike Lewis, Clerk David Kuzner, Treasurer David Kurtz.  
Trustees: Lynn Thompson, Bob Byerly, Andrew Schmidt, and Steve Nagy.

ABSENT: None.

The following preamble and resolution was offered by member Treasurer Kurtz and seconded by Clerk Kuzner:

WHEREAS, Tyrone Park Associates Limited Partnership ("TPALP"), has proposed the construction of a new private wastewater collection system to serve 622 residential units, which properties are located in Tyrone Township, Livingston County, Michigan and set forth on the attached Exhibit "A"; and

WHEREAS, TPALP agrees to permit for construction through the State of Michigan, more particularly the Department of Environmental Quality of the State of Michigan in the same manner as the current collection system on the Property

WHEREAS, TPALP agrees to construct said wastewater collection system at its sole cost and to be responsible for its operation and maintenance upon completion thereof; and

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WHEREAS, Tyrone Township (“Tyrone”), agrees to provide municipal service to the subject property and allow connection to the municipal pump station and municipal portions of collection system located on said properties for up to 622 residential units. Tyrone recognizes the need for proper construction and continued adequate operation and maintenance of said system to protect the public health, safety and welfare of Township residents;

Whereas, Tyrone waives any right that it may have to operate the private wastewater collection system within the boundaries of said properties, NOW, THEREFORE, BE IT RESOLVED:

1. That TPALP present plans for review and approval by the State of Michigan, more particularly the Department of Environmental Quality of the State of Michigan. As a courtesy, such preliminary plans shall be submitted to Tyrone consistent with agreements entered into between the parties; and
2. That TPALP shall obtain all necessary approvals from the state agencies, necessary to construct said private wastewater collection system therewith and file copies of the same with Tyrone. Further, the cost and expense of construction, together with all necessary approvals of the private wastewater collection system shall be the sole and exclusive responsibility of TPALP.
3. Upon receipt of all necessary approvals from the state agencies, TPALP shall cause to be executed and shall record a Condominium Master Deed, and provide same to Tyrone, which shall also be binding upon any assignee or successor in interest to TPALP, whereby TPALP agrees to operate the system and maintain it in accordance with all State and local regulations and statutes, but in the event of insolvency or other reasons including dissolution of the corporation, that the State of Michigan would assume and delegate responsibility for operation and maintenance only if certain conditions were satisfied. Further, TPALP shall provide a financial bond to insure funds will be available for continued operation and maintenance of the system, in the event of TPALP insolvency or other occurrence; or that of a successor or assignee.
4. Upon completion of construction of said wastewater collection system, TPALP’s registered engineer shall certify that the construction was completed in accordance with the MDEQ permitted plans. A copy of this certification, As-Built drawings, material submittals and inspection reports shall be submitted to Tyrone and Livingston County Department of Public Works for its records.
5. That the Condominium Master Deed shall be developed and executed in accordance with State laws, and shall be executed by TPALP prior to, or within two (2) years of the passage of this Resolution, and the Master Deed incorporates, by reference, the terms and provisions of this resolution. The ownership of the sanitary sewer system should be disclosed in the selling documents for the lots.

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6. TPALP, its successors and assigns, further agrees and covenants to hold Tyrone harmless from any liability of any type arising out of or in connection with said private wastewater collection system installation and hookup, and the operation and maintenance thereof within the subject properties

THEREFORE BE IT FURTHER RESOLVED that the following conditions apply to this resolution:

1. The system shall be permitted for construction through the MDEQ in the same manner as the current Cider Mills collection system. A copy of the permit should be received by the Township for your records.
2. A plan showing the collection system and the lot configuration should be submitted to the Township for review by the Township engineer to determine the impact to and possibly modifications to the public system pumping station located in the existing MHP.
3. An operation and maintenance agreement should be submitted to the Township indicating the entity responsible for the system oversight and their emergency numbers.
4. The ownership of the sanitary sewer system should be disclosed in the selling Documents for the lots.
5. “As Built” drawings, material submittals and inspection reports should be submitted to the Township and LCDPW for their records.
6. A registered engineer should certify that the construction was completed in accordance with the MDEQ permitted plans. A copy of this certification should be submitted to the Township for your records.
7. The additional lots being served would be required to pay the prevailing connection fee for service by the Township public sanitary sewer transportation and treatment systems.

AYES: Supervisor Lewis, Clerk Kuzner, and Treasurer Kurtz.

Trustees: Lynn Thompson, Steve Nagy, Bob Byerly, and Andrew Schmidt.

NAYES: None.

RESOLUTION DECLARED ADOPTED

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David G. Kuzner, CMC  
Tyrone Township Clerk

**TYRONE TOWNSHIP REGULAR BOARD  
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I hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the Municipality Board of the Municipality of Tyrone Township, County of Livingston, State of Michigan, at a meeting held on April 4, 2006, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act and that the minutes of said meeting were kept and will be or have been made available as required by said Statute.

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David G. Kuzner, CMC  
Tyrone Township Clerk

**EXHIBIT 'A'  
LEGAL DESCRIPTION**

Part of the Southeast ¼ of Section 32, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan: Commencing at the South ¼ corner of said Section 32; thence North 00° 12' 40" West 539.52 feet along the North-South ¼ line to the Point of Beginning; thence continuing North 00° 12' 40" West (M) 2124.94 feet (M) North 00° 14' 21" West (R) 2123.63 feet (R) along the North-South ¼ line of said Section to the center of said Section; thence South 89° 56' 15" East (R) 2657.16 feet (R) South 89° 56' 23" East (M) 2657.17 feet (M) along the East-West ¼ line of said Section to the East ¼ corner of said Section; thence South 00° 08' 51" West (M) 2676.29 feet (M) South 00° 07' 19" West (R) 2676.32 feet (R) along the East line of said section to the Southeast corner of said Section; thence North 89° 40' 49" West 1320.44 feet along the South line of said Section; thence North 00° 14' 21" West 468.02 feet; thence North 89° 40' 49" West 200.01 feet; thence South 00° 14' 21" East 217.01 feet; thence North 89° 40' 49" West 400.02 feet; thence South 00° 14' 21" East 251.01 feet; thence North 89° 40' 49" West 66.00 feet along the South line of said Section; thence North 00° 14' 21" West 468.02 feet; thence North 89° 40' 49" West 224.01 feet; thence North 00° 12' 40" West (M) 71.50 feet (M) North 00° 14' 21" West (R) 71.50 (R); thence North 89° 40' 49" West 430.01 feet to the point of Beginning, containing 150.17 acres more or less and subject to easements, restrictions, reservations, leases and agreements of record if any.

4704-32-400-016

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**RESOLUTION #060402  
TYRONE PARK WATER SYSTEM  
ADDENDUM B**

At a meeting of the Township Board of the Municipality of Tyrone Township, Livingston County, Michigan, held on the 4th day of April, 2006, at the Tyrone Township Hall 10408 Center Road, Fenton MI, 48430 at 7:00 p.m.

PRESENT: Supervisor Mike Lewis, Clerk David Kuzner, Treasurer David Kurtz.  
Trustees: Lynn Thompson, Bob Byerly, Andrew Schmidt, and Steve Nagy.

ABSENT: None.

The following preamble and resolution was offered by member Treasurer Kurtz and seconded by Clerk Kuzner:

WHEREAS, Tyrone Park Associates Limited Partnership, has proposed the construction of a new private community water system to serve a maximum of 622 residential units, which properties are located in Tyrone Township, Livingston County, Michigan and set forth on the attached Exhibit "A"; and

WHEREAS, Tyrone Park Associates Limited Partnership, a Michigan corporation, agrees to construct said community water system at its sole cost and to be responsible for its operation and maintenance upon completion thereof; and

WHEREAS, Tyrone Township, recognizes the need for proper construction and continued adequate operation and maintenance of said system to protect the public health, safety and welfare of Municipality residents;

Whereas, the Tyrone Township waives any right that it may have to operate the private community water system within the boundaries of said properties, NOW, THEREFORE, BE IT RESOLVED:

7. That Tyrone Park Associates Limited Partnership present plans for review and approval by the State of Michigan, more particularly the Department of Environmental Quality of the State of Michigan; and
8. That Tyrone Park Associates Limited Partnership shall obtain all necessary approvals from the state agencies, necessary to construct said private community water system therewith and file copies of the same with the Municipality. Further, the cost and expense of construction, together with all necessary approvals of the private community water system shall be the sole and exclusive responsibility of Tyrone Park Associates Limited Partnership.

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9. That Tyrone Park Associates Limited Partnership cause to be executed and record an Condominium Master Deed, which shall also be binding upon any assignee or successor in interest to Tyrone Park Associates Limited Partnership, whereby Tyrone Park Associates Limited Partnership agrees to operate the system and maintain it in accordance with all State and local regulations and statutes, but in the event of insolvency or other reasons including dissolution of the corporation, that the State of Michigan would assume and delegate responsibility for operation and maintenance only if certain conditions were satisfied. Further, Tyrone Park Associates Limited Partnership shall provide a financial bond to insure funds will be available for continued operation and maintenance of the system, in the event of Tyrone Park Associates Limited Partnership insolvency or other occurrence; or that of a successor or assignee.
10. That the Condominium Master Deed shall be developed and executed in accordance with State laws, and shall be executed by Tyrone Park Associates Limited Partnership prior to, or within two (2) years of the passage of this Resolution, and the Master Deed incorporates, by reference, the terms and provisions of this resolution.
11. Tyrone Park Associates Limited Partnership, its successors and assigns, further agrees and covenants to hold Tyrone Township harmless from any liability of any type arising out of or in connection with said private community water system installation and hookup, and the operation and maintenance thereof within the subject properties.

AYES: Supervisor Lewis, Clerk Kuzner, and Treasurer Kurtz.

Trustees: Lynn Thompson, Steve Nagy, Bob Byerly, and Andrew Schmidt.

NAYES: None.

RESOLUTION DECLARED ADOPTED.

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David G. Kuzner, CMC  
Tyrone Township Clerk

I hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the Municipality Board of the Municipality of Tyrone Township, County of Livingston, State of Michigan, at a meeting held on April 4, 2006, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act and that the minutes of said meeting were kept and will be or have been made available as required by said Statute.

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David G. Kuzner, CMC  
Tyrone Township Clerk

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**EXHIBIT ‘A’  
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4704-32-400-016

**#2 2006-07 Employee wage increase approval.**

Trustee Nagy moved to approve the 2% employee wage increase for the year of 2006-07 as presented . (Trustee Thompson seconded). The motion carried.

**#3 Schedule Town Hall Meeting.**

Treasurer Kurtz moved to schedule a Town Hall Meeting for April 18, 2006 with the location to be determined by availability. (Clerk Kuzner seconded). The motion carried.

**#4 Cemetery Sexton appointment.**

Treasurer Kurtz moved to appoint Debbie Burke to the position of Township Cemetery Sexton. (Trustee Byerly seconded). The motion carried.



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**#5 Mid Decade Census.**

**RESOLUTION 060403  
CENSUS RESOLUTION**

At a regular meeting of the Tyrone Township Board, Livingston County, Michigan, held in the Tyrone Township on the 4<sup>th</sup> day of April, 2006 at 7:00 p.m. Eastern Standard/Daylight time.

Present: Supervisor Mike Lewis, Clerk David Kuzner, Treasurer David Kurtz  
Trustees: Steve Nagy, Lynn Thompson, Bob Byerly, and Andrew Schmidt.

Absent: None.

The following resolution was offered by Lynn Thompson and supported by Trustee Byerly:

NOW, THEREFORE, BE IT RESOLVED THAT the Secretary of State of the State of Michigan be requested forthwith to appoint an enumerator or enumerators to enumerate the inhabitants of Tyrone Township at the expense of the Township in accordance with Section 7, P.A. 245 of 1975 as amended and Section 117.6 of P.A. 279 of 1909, said census to be for the purpose of determining the population of Tyrone Township so that this information may be utilized for the purpose of making distributions of supplemental funds when permitted by the provisions of this act.

Ayes: Trustee Byerly, yes; Trustee Nagy, yes; Trustee Thompson, yes; Trustee Schmidt, yes;  
Treasurer Kurtz, yes; Clerk Kuzner, yes; Supervisor Lewis, yes.

Nays: None.

Abstentions: None.

RESOLUTION DECLARED ADOPTED

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David G. Kuzner, CMC  
Tyrone Township Clerk

I hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the Municipality Board of the Municipality of Tyrone Township, County of Livingston, State of Michigan, at a meeting held on April 4, 2006, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act and that the minutes of said meeting were kept and will be or have been made available as required by said Statute.

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David G. Kuzner, CMC  
Tyrone Township Clerk

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**#6 Authorization to advertise for applications for receptionist.**

Treasurer Kurtz moved to authorize the Clerk to advertise for applications for receptionist. (Trustee Thompson seconded). The motion carried.

**#7 Appointment of Phase II Stormwater alternate.**

Treasurer Kurtz moved to appoint Steve Nagy as the Phase II Stormwater alternate. (Trustee Schmidt seconded). The motion carried.

**#8 Request for the Deputy Treasurer to attend BS&A training for Tax Level I course on May 11, 2006.**

Trustee Nagy moved to approve the request for the Deputy Treasurer to attend BS&A training for Tax Level I course on May 11, 2006. (Trustee Thompson seconded). The motion carried.

**#9 Drury invoices discussion.**

Treasurer Kurtz moved to forward the sewer related invoiced from John Drury for payment by the Livingston County BPW and pay the invoices accrued through August of 2005, except the retainer fees, and also request Mr. Drury's removal from any and all cases involving Tyrone Township in writing.

**#10 Burn Permits.**

No action taken.

**#11 Fire Report.**

No action taken.

**#12 SWIPPI**

No action taken.

**#14 Sewer O&M Fees.**

No action taken.

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**RESOLUTION #060404  
CLOSED SESSION**

Treasurer Kurtz resolved to go into closed session to discuss written material presented by Attorney Parker regarding pending litigation that may have an economic impact on the Township. (Trustee Nagy seconded). The motion carried.

Roll Call: Nagy, yes; Byerly, yes; Thompson, yes; Schmidt, yes; Kurtz, yes; Kuzner, yes; Lewis, yes.

\* \* \* \* \* **Closed Session Minutes** \* \* \* \* \*

Treasurer Kurtz moved to reconvene in open session. (Trustee Nagy seconded). The motion carried.

**MISCELLANEOUS BUSINESS**

**#1 Spring Newsletter Update.**

No action taken.

**#2 Supervisor Lewis' resignation letter.**

Treasurer Kurtz moved to receive and place on file Supervisor Lewis' resignation letter. (Trustee Nagy seconded). The motion denied. Ayes, 3, Nays, 3.

**#3 Miscellaneous Expenditure Increase.**

Treasurer Kurtz moved to authorize the Clerk to spend up to \$1,500.00 without prior Board approval. (Trustee Thompson seconded). The motion carried.

**BILLS FOR APPROVAL AND CLERK'S REPORT**

The following checks (No. 15090-15093, 15095-15099, 15108, 15111, 15116-15119, 15121-15128, 15130-15135) have been paid since our last regular meeting and are submitted for approval which includes a total of **\$15,696.61** from the **GENERAL FUND**.

**ADJOURNMENT**

The meeting ended at 10:02 p.m.