

**TYRONE TOWNSHIP
REGULAR BOARD MEETING
APPROVED MINUTES – NOVEMBER 18, 2014**

CALL TO ORDER

Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on November 18, 2014 at 7:00 p.m. at the Tyrone Township Hall.

ROLL CALL

Present: Supervisor Mike Cunningham, Clerk Keith Kremer, Treasurer Marna Bunting-Smith, Trustees Chuck Schultz, Cam Gonzalez and David Walker. Absent: Trustee Soren Pedersen.

APPROVAL OF AGENDA – OR CHANGES

Trustee Walker moved to approve the agenda as amended. (Trustee Schultz seconded.) The motion carried; all ayes.

The modification is as follows:

Added Misc. Business #2 Update on public safety proposal.

APPROVAL OF CONSENT AGENDA

Regular Board Meeting Minutes – October 21, 2014

Treasurer's Report

Clerk's Warrants & Bills

Trustee Walker moved to approve the consent agenda as presented. (Treasurer Bunting-Smith seconded.) The motion carried; all ayes.

COMMUNICATIONS

- 1. EDC Third Quarter Report**
- 2. Livingston County Sheriff Report- September 30, 2014**
- 3. Township Revenue and Expenditure Report- October 31, 2014**

Trustee Walker moved to receive and place on file Communications #1-3 as presented. (Trustee Schultz seconded.) The motion carried; all ayes.

PUBLIC REMARKS

Steve Hasbrouck (8038 Faussett Rd.) said that he read the Lake Tyrone Act 185 contract and felt that Lake Tyrone residents should not have a reduced sewer connection fee when other township residents are required to pay the regular cost. He was also concerned about defraying the costs.

UNFINISHED BUSINESS

None.

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NEW BUSINESS

1. Request of Michael Carter to appeal his fire service charge.

Treasurer Bunting-Smith moved to deny Michael Carter's request to waive his fire service charge of \$1,377.00. Mr. Carter did not have a burn permit. (Trustee Walker seconded.) The motion carried; 4 ayes, 2 nays (Cunningham, Gonzalez).

2. Request of Robert and Marie Bechtel for land division.

Trustee Walker moved to approve the request of Robert and Marie Bechtel for land division of parcel 4704-12-400-031 on Tipsico Lake Rd., as recommended by the Planning Commission. All conditions set forth by the Planning Commission were met. (Trustee Schultz seconded.) The motion carried; all ayes.

3. Authorization for board members to attend the 2015 MTA Annual Conference.

Clerk Kremer moved to authorize board members to attend the 2015 MTA Annual Conference. (Trustee Walker seconded.) The motion carried; all ayes.

4. Request to hold the Gleaners and Pet Pantry Food Drive.

Trustee Schultz moved to hold the Gleaners and Pet Pantry Food Drive. (Treasurer Bunting-Smith seconded.) The motion carried; all ayes.

5. Authorization to pay invoice for additional carpet work.

Trustee Gonzalez moved to pay the \$756.00 invoice for the additional work done during the carpet installation. (Trustee Schultz seconded.) The motion carried; all ayes.

6. Resolution to approve the Lake Tyrone Act 185 Agreement.

**RESOLUTION #141101
TYRONE TOWNSHIP, LIVINGSTON COUNTY**

APPROVING 185 ACT CONTRACT

WHEREAS, The Clerk presented to the Township Board the following:

A. The Livingston County Lake Tyrone Sanitary Sewer Drain Improvements Contract, dated as of November 1, 2014 (the "Contract"), among the County of Livingston (the "County"), acting through its Board of Public Works, the Township of Hartland, Livingston County, Michigan (the "Township"), and the Township of Tyrone, Livingston County, Michigan ("Tyrone"), relative to the acquisition, construction and financing of improvements to the existing Lake Tyrone Sanitary Sewer Drain consisting of connection to the Livingston Regional Sanitary Sewer System (the "Regional System") by constructing a pump station and connecting forcemain, and replacing undersized portions of the existing forcemain and abandoning the existing treatment system (collectively, the "Project") to serve property in the Township and

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Hartland. The cost of the Project includes (1) the cost of constructing and abandoning the aforementioned facilities (the “Construction Portion”) and (2) the cost of acquiring capacity in the Regional System in order to accommodate the additional flow from the Lake Tyrone Sanitary Sewer Drain (the “Capacity Portion”).

After discussion of the Contract, the following resolution was offered:

THEREFORE, BE IT RESOLVED by the Township Board of Tyrone, Livingston County, Michigan, as follows:

1. The Township Board hereby approves the Contract, which Contract provides, among other things, (a) that the Township’s share of the cost of the Project is \$1,489,070, consisting of \$837,000 for the Construction Portion and \$652,070 for the Capacity Portion, (b) that the County will issue a series of bonds in the aggregate principal amount not to exceed \$2,000,000 (the “Bonds”) to finance the cost of Construction Portion of the Project in anticipation of payments to be made by the Township and Hartland which payments will be sufficient to pay the principal of and interest on the Bonds, (c) that the Capacity Portion of the Project will be defrayed by annual payments to be made by the Township and Hartland to the County which payments will be sufficient to pay the Capacity Portion of the Project, and (d) that for the making of its share of said payments for the Construction Portion and the Capacity Portion, the Township will pledge its full faith and credit. Taxes levied by the Township will be subject to statutory and constitutional tax limitations.

2. The Supervisor and the Clerk are authorized and directed to execute and deliver the Contract for and on behalf of the Township (in such number of counterparts as may be desirable).

3. A copy of the Contract presented to the Township Board on this date and herein approved and authorized to be executed and delivered shall be attached to the minutes of this meeting and made a part thereof and shall be placed on file with the Clerk and made available for examination by any interested person during normal business hours.

4. The Supervisor is authorized, if necessary, to file with the Michigan Department of Treasury an application for approval of the Bonds under Act 34, Public Acts of Michigan, 2001, as amended.

5. The Supervisor and/or the Clerk are each authorized to execute and deliver such certificates and documents relating to the Bonds as are requested by the County, including without limitation the Supplemental Agreement among the Township, Hartland, the County, the Michigan Finance Authority and the State of Michigan, acting through the Michigan Department of Environmental Quality (“MDEQ”), and any other documents related to the MDEQ’s State Revolving Fund Program, and to do all other things that are necessary to effectuate the sale and delivery of the Bonds.

6. All resolutions and part of resolutions, insofar as the same may be in conflict with the provisions of this resolution, be and the same hereby are rescinded.

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RESOLVED BY: Clerk Kremer
SUPPORTED BY: Trustee Walker

VOTE: Cunningham, yes; Kremer, yes; Bunting-Smith, yes; Gonzalez, yes; Schultz, yes; Walker, yes; Pedersen, absent.

ADOPTION DATE: November 18, 2014

CERTIFICATION OF THE CLERK

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on November 18, 2014, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



Keith L. Kremer
Township Clerk

7. Resolution to approve the Livingston County Emergency Repair Funding Agreement for sewer O&M.

**RESOLUTION #141102
TYRONE TOWNSHIP, LIVINGSTON COUNTY**

**EMERGENCY REPAIR FUNDING
LIVINGSTON REGIONAL SEWER SYSTEM**

WHEREAS, Tyrone Township and Hartland Township entered into agreements with Livingston County pursuant to Act 185 to create the Livingston Regional Sewer System (“LRSS”) under the supervision of the Livingston County Board of Public Works (“BPW”); and

WHEREAS, Tyrone Township and Hartland Township have contracted with the BPW for sanitary sewer services in portions of the Townships pursuant to Act 185; and

WHEREAS, Tyrone Township recognizes the need for swift mitigation of emergency events occurring within the Livingston Regional Sewer System; and

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WHEREAS, Tyrone Township has reviewed annual O&M budgets for approval; and

WHEREAS, the budgeted repair and replacement funds may be insufficient to cover an emergency event; and

WHEREAS, Tyrone Township recognizes the potential threat to the public associated with emergency events.

NOW, THEREFORE, BE IT RESOLVED THAT in the event of an emergency that requires the expenditure of funds in excess of the available LRSS reserve fund balance;

1. Tyrone Township will contribute funds above the amounts available in the LRSS budgeted reserve and replacement funds to aid in mitigating an emergency event

BE IT FURTHER RESOLVED THAT; Livingston County shall repay the advance within a time frame mutually agreed to by township and county, and at an interest rate commensurate with the interest associated with borrowed monies on the municipal lending market.

RESOLVED BY: Trustee Walker

SUPPORTED BY: Trustee Schultz

VOTE: Cunningham, yes; Kremer, yes; Bunting-Smith, yes; Gonzalez, yes; Schultz, yes; Walker, yes; Pedersen, absent.

ADOPTION DATE: November 18, 2014

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Keith L. Kremer
Township Clerk

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MISCELLANEOUS BUSINESS

1. Status of CVTRS program requirements.

Clerk Kremer said the dashboard and other financial information that is required for the City, Village and Township Revenue Sharing (CVTRS) program has been published to the township website and will also be forwarded to the state for final approval to receive revenue sharing funds of about \$25,000.

2. Update on the public safety proposal.

Because the public safety proposal for a special assessment to pay for police and fire services in the township failed in the November 2014 election, the board discussed how to proceed in funding services. Ideas included billing individual fire, banning open burning, stopping road repairs and chloride, or to provide no fire service at all. It was quickly determined the first step should be learning why the proposal failed.

Clerk Kremer moved to approve the amount of \$1,500 to learn the reason the public safety proposal failed. (Trustee Gonzalez seconded.) The motion carried; all ayes.

PUBLIC REMARKS

None.

ADJOURNMENT

Trustee Gonzalez moved to adjourn. (Treasurer Bunting-Smith seconded.) The motion carried; all ayes. The meeting adjourned at 8:05 p.m.