

**Meeting of the
Board of Trustees
Of
Ingham Township
March 21st, 2011**

Meeting was called to order at 7:00 by Supervisor Kinne

Pledge was recited by all.

Pledge of Allegiance was recited by all.

Roll Call: Present: Trustee Elliott, Treasurer Speck, Trustee Braman, Clerk Parsons, Supervisor Kinne
Absent: None

Braman made the motion which was supported by Elliott to accept the previous month's minutes as submitted by Clerk Parsons. All in favor.

Fire Department Reports:

- Chief Whipple presented the reports for the month of February
- The foam guns which will be purchased with the DNR grant will cost \$1500 total. Our cost will be \$750. It will purchase 3 foam guns and a case of foam.
- Target Safety – an online training program for the fire fighters to complete training. Less expensive than classrooms, members are allowed to complete on their own time at their own pace. Cost is \$895 set up fee and then \$75 per person. First year cost is \$2770 and then it will be \$75 per fire fighter per year thereafter. This will provide required continuing education credits for fire and EMS Discussion: Kinne asked if ff would be reimbursed for their time. Speck stated that the ff now get paid to attend training sessions. Braman stated that if it is mandatory then they should be compensated.

Braman made the motion to purchase the Target Safety Online Training program for the initial cost of \$2770 and then budget \$75 per ff per year and to pay the ff \$10 per hour to complete each module.

Motion was seconded by Elliott.

Roll: Ayes: Elliott, Braman, Speck, Parsons, and Kinne

Nays: None

All in favor, motion passed.

- Captain Speck is requesting \$200 to purchase wood to construct shelving for the upstairs storage space. Parsons made the motion to allow the purchase of wood for up to \$200. Seconded by Speck

Roll: Ayes: Elliott, Braman, Speck, Parsons, and Kinne

Nays: None

All in favor, motion passed

- Todd Bisel gave his notice of retirement to Chief Whipple on March 21, 2011 to go into effect on April 1st.
- Tanker is going in for repairs. Needs new belts and fuel pump.

Resolution to Establish Service Fees

Resolution to Establish Fire Department Service Fees

WHEREAS, the township board deems that the cost to be assessed to persons who are not residents of Ingham Township requiring the services of the Ingham Township Fire Department are fair and just for the mentioned services, now

BE IT RESOLVED, that as of 3/21/2011, effective immediately, the assessed amounts for fire department response services be:

- **FIRE RUNS** \$400.00 per hour and assessed in ½ hour increments after 1st hour with a minimum charge of \$400.00, not including manpower charge.
- **MANPOWER** \$10.00 per hour, per responder and assessed in ½ hour increments after 1st half hour with a minimum charge of \$10.00 per responder.
- **MEDICAL RUNS** \$125 flat charge not including manpower charge.
- **P.I. ACCIDENTS** \$250.00 per hour and assessed in ½ hour increments after 1st hour with a minimum charge of \$250.00, not including manpower charge.

BE IT FURTHER RESOLVED, that this resolution, adopted on March 21st, 2011, is properly adopted by the Ingham Township Board.

This resolution offered by Trustee Braman and supported by Trustee Vernon Elliott.

Upon a roll call vote, the following voted,

Aye: Braman, Elliott, Speck, Parsons, Kinne

Nays: none

The supervisor declared the resolution adopted.

Marie E Parsons, Clerk

Cost Recovery Ordinance

INGHAM TOWNSHIP COST RECOVERY ORDINANCE Ordinance #19

AN ORDINANCE ADOPTED PURSUANT TO MICHIGAN PUBLIC ACT 33 OF 1951, AS AMENDED (MCL 41.801 ET SEQ) AND OTHER APPLICABLE PROVISIONS OF THE MICHIGAN STATUTES TO ALLOW INGHAM TOWNSHIP TO RECOVER COSTS INCURRED BY THE TOWNSHIP IN CONNECTION WITH THE PROVISION OF CERTAIN FIRE EMERGENCY SERVICES, AND TO PROVIDE FOR THE ENFORCEMENT OF THIS ORDINANCE AND CERTAIN ADMINISTRATIVE PROVISIONS.

THE TOWNSHIP OF INGHAM, COUNTY OF INGHAM, STATE OF MICHIGAN ORDAINS:

Section 1. **Purpose:** Ingham Township hereby finds that persons in, and traveling through, the Township historically have needed, caused, or contributed to the need for certain public safety and fire emergency services, which needs and situations have negatively affected the health, environment, and welfare of some Township residents and real property located within the Township. In addition, the Township has found that it has incurred costs associated with the provision of these certain public safety and fire emergency services. As a result of these determinations, the Township has adopted this Ordinance to allow the Township to recover costs incurred by the Township in connection with the provisions of these certain public safety and fire emergency services.

Section 2. **Definitions:** For the purpose of their use in this Ordinance, the following words and terms are defined. Any word or term not so defined shall be considered to be defined in accordance with its common or standard definition.

(a) Township: Ingham Township, Ingham County, Michigan.

(b) Assessable Costs: The costs incurred by the Township, including but not limited to, the actual labor, equipment and material costs to the Township, whether or not such services are provided by the Township or by a third party independent contractor on behalf of the Township, service charges or interest, attorneys' fees, litigation costs, and any costs, charges, fines, or penalties to the Township imposed by any local, state, or federal governmental entities. The actual labor, equipment and material costs to the Township include without limitation employee wages, Workers' Compensation benefits, overtime, fringe benefits, administrative overhead, and costs of equipment operation, materials excavation, transportation, and disposal, costs of any contracted labor or materials; and any and all other labor and material costs, all of which shall be as established by Resolution of the Ingham Township Board of Trustees, and as adjusted from time to time by Resolution.

(c) Hazardous Materials: Those elements, substances, wastes, or their byproducts, which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency (the "EPA"); or which are contained in the list of toxic pollutants designated by Congress or the EPA; or which are defined as hazardous, toxic, pollutant, infectious, flammable, combustible, explosive, or radioactive by any other Federal, State, or local statute, law, ordinance, code, rule, regulation, order, or decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic, or dangerous waste substance or material, as now or at any time hereafter in effect. Specifically included without limitation as Federal and State laws, rules and regulations are Act No. 307 of the Public Acts of 1982, as amended, MCL 299.601 et seq.; the Federal Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. "9601 et seq.; the Federal Toxic Substances Control Act, as amended, 15 U.S.C. "2601 et seq.; the Federal Resource Conservation and Recovery Act, as amended, 42 U.S.C. "6901 et seq.; the Federal Hazardous Material Transportation Act, as amended; the Federal Clean Air Act, as amended; the Federal Water Pollution Control Act, as amended; or any similar or successor statute or law, or rules and regulations of the EPA, or any other state or federal department, board, or agency, or any other agency or governmental board or entity having jurisdiction (collectively, the "Environmental Laws"). Hazardous Materials specifically include without limitation petroleum products, automotive anti-freeze, polychlorinated biphenyls and asbestos.

(d) Motor Vehicle: Any self-propelled or towed vehicle designed or used on the public highways to transport passengers or property as defined in Section 90 of Act No. 300 of the Public Acts of 1949, as amended, being MCL 257.79, which is required to be registered for use upon the public streets and highways of this State under Act No. 300 of the Public Acts of 1949, as amended, being MCL 257.1 to MCL 257.923. For the purposes of this Ordinance, "Motor Vehicle" includes any and all trailers or appurtenances to any Motor Vehicle.

(e) Release: Any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment including, but not limited to, the air, soil, ground water and surface water.

(f) Responsible Party:

(1) In connection with a Release of Hazardous Materials, Responsible Party means: Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for a Release of Hazardous Materials, either actual or threatened; or that is an owner, tenant, occupant, or party in control of property, real or personal, onto which or from which there is a Release of Hazardous Materials; and the heirs, estates, assigns or successors to any such entity.

(2) In connection with a failure of a Utility Line, Responsible Party means: Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for the maintenance or failure of the Utility Line; and the heirs, estates, assigns or successors to any such entity.

(3) In connection with a Motor Vehicle Accident or Motor Vehicle Fire,

Responsible Party means: The registered owner; the operator of the Motor Vehicle at the time of the Motor Vehicle Accident or Motor Vehicle Fire if different from the registered owner of the Motor Vehicle; any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for the Motor Vehicle Accident or the Motor Vehicle Fire; and the heirs, estates, assigns or successor to any such owner, operator or entity.

(4) In connection with a fire, Responsible Party means: Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for the fire, for the real property on which the fire occurred, or for the object which was damaged or destroyed by the fire and the heirs, estates, assigns or successor to any such entity.

(5) In connection with a Water Rescue Attempt, Responsible Party means: Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible, in whole or in part, for the situation which necessitated the Water Rescue Attempt; and the heirs, estates, assigns or successors to any such entity.

(g) Structure: Anything constructed or erected which has a permanent location on the ground or is attached to something having such location.

(h) Utility Lines: Any transmission or service line, cable, conduit, pipeline, wire, main or the like used in any way to provide, collect or transport water, sewage, electricity, liquid hydrocarbons, natural gas, or communication or electronic signals (including but not limited to telephone, computer, cable television and stereo signals or electronic impulses).

(i) Water Rescue Attempt: Any emergency response by Township personnel in connection with any emergency or perceived emergency, on, near or caused by a body of water naturally open to the atmosphere. For purposes of this definition, "body of water" includes without limitation rivers, lakes, streams, impoundments, estuaries, springs, wells, or other collectors of water, including a Wetland, as defined by the Michigan Goemaere-Anderson Wetland Protection Act, as amended, and including an Inland Lake or Stream as defined in the Michigan Inland Lakes and Streams Act, as amended.

Section 3. Assessment of Costs:

(a) All Assessable Costs associated with any of the actions or services described in subsections (1) through (7) below may be jointly and severally assessed to any or all Responsible Parties:

(1) Assessable Costs incurred to halt, abate, remediate or remedy any Release of any Hazardous Materials and any liabilities resulting therefrom;

(2) Assessable Costs incurred to extinguish or fight a fire at any structure, any demolition costs if the structure must be demolished to protect the public safety following the fire, and any liabilities resulting therefrom;

(3) Assessable Costs incurred in connection with a Utility Line failure and any liabilities resulting therefrom;

(4) Assessable Costs incurred in connection with any Water Rescue Attempt and any liabilities resulting therefrom;

(5) Assessable Costs associated with a Motor Vehicle Accident or Motor Vehicle Fire and any liabilities resulting therefrom;

(b) Any Assessable Costs which become known to the Township following the transmittal of a statement to the Responsible Party pursuant to this Ordinance shall be billed in the same manner on a subsequent statement to the Responsible Party.

(c) The Township Treasurer or his/her designee shall certify to the Township Supervisor or his/her designee the total Assessable Costs incurred by the Township. The Township Supervisor or his/her designee shall then decide whether to assess any, all, or part of the costs against any of the Responsible Parties. In deciding whether to assess any, all, or part of the costs against any of the Responsible Parties, the Township Supervisor or his/her designee shall consider the following factors:

(1) The total costs incurred by the Township, including but not limited to materials, equipment, manpower, administration, assistance from other sources, etc.;

(2) The risks to the Township, its residents, their property, or any other people or property which result from the situation which caused the Township to incur Assessable Costs;

(3) Any injuries or damage to people or property which resulted from a situation which caused the Township to incur Assessable Costs;

(4) Whether the situation which caused the Township to incur Assessable Costs necessitated an evacuation;

(5) Whether the situation which caused the Township to incur Assessable Costs resulted in any damage to the environment; and

(6) Any other factors deemed relevant by the Township Supervisor.

(d) The Township Supervisor or his/her designee may, after consideration of the factors listed in subsection 3(c) above, allocate the costs among and between the Responsible Parties. Any costs not allocated among or between Responsible Parties shall be a joint and several liability of each Responsible Party assessed costs pursuant to Section 3(c), regardless of whether that Responsible Party has any other legal liability apart from this Ordinance, and regardless of whether such person is at fault.

(e) The Township Supervisor or his/her designee shall direct the Fire Chief to send a report to either the Township Clerk or a third party as designated by a Township Board Resolution. The Township Clerk or third party will be responsible for disbursement of claims pursuant to this Ordinance to all Responsible Parties so assessed. A claim statement shall be dated and sent First Class United States Mail, postage prepaid, to the last known address of each responsible Party.

(f) The Township may charge any costs assessed pursuant to this Ordinance to the insurer of any Responsible Party. The submission of an invoice for the assessed costs to an insurer does not in any way limit or extinguish the liability of a Responsible Party for the costs assessed pursuant to this Ordinance until such time as the assessed costs are paid in full.

- **FIRE RUNS** \$400.00 per hour and assessed in ½ hour increments after 1st hour with a minimum charge of \$400.00, not including manpower charge.
- **MANPOWER** \$10.00 per hour, per responder and assessed in ½ hour increments after 1st half hour with a minimum charge of \$10.00 per responder.
- **MEDICAL RUNS** \$125.00 flat charge not including manpower charge.
- **P.I. ACCIDENTS** \$250.00 per hour and assessed in ½ hour increments after 1st hour with a minimum charge of \$250.00, not including manpower charge.

(g) If the Township Supervisor or his/her designee or the Township Board decides not to assess all or part of its costs against any Responsible Party, such decision shall not in any way extinguish or limit a Responsible Person's liability to other parties for any costs or damages of any kind arising from the Release.

Section 4. Notice and Right to Appear Provisions:

(a) Any Responsible Party who receives a statement of costs assessed pursuant to this Ordinance shall be given the opportunity to appear before the Township Board to request a modification of the assessed costs. Any Responsible Party who desires to appear before the Township Board shall file a written request with the Township Clerk within 14 calendar days of the date of the statement of assessed costs. The Responsible Party will be placed on the agenda of the next regularly scheduled or special Township Board meeting which is at least 14 calendar days after the date on which the Responsible Party files with the Township Clerk a request to appear. Any filed request to appear shall specifically identify and explain all reasons why the Responsible Party believes the costs assessed pursuant to this Ordinance should be modified. Any reason, basis or argument for a modification of the assessed costs not set forth in the written request to appear shall be deemed waived by the Responsible Party. Failure to file a written request to appear within 14 days of the date of the statement of assessed costs shall constitute a waiver of the Responsible Party's right to appear before the Township Board and the Responsible Party's agreement to pay the assessed costs, which payment must be made within 30 days of the date of the statement sent to the Responsible Party.

(b) At the Township Board meeting, the Responsible Party shall have the opportunity to address the Township Board regarding the written request that the Township Board modify the assessed costs. The Responsible Party shall be limited, in addressing the Township Board, to those reasons and bases set forth in that Responsible Party's written request to appear. The Township Supervisor shall have the opportunity to address the Township Board to explain the process by which the assessed costs were determined and allocated. The Township Board, after hearing the Responsible Party and the Township Supervisor, shall review the assessed costs and make a final determination regarding the costs assessed to the Responsible Party. The Township Board shall pass a resolution detailing its final determination regarding the assessed costs. The Township Clerk shall then send a statement of assessed costs to the Responsible Party, by first class United States Mail, with postage prepaid, to the last known address of the Responsible

Party. The assessed costs shall be due and payable 30 days from the date of that statement. If the Responsible Party fails to pay the assessed costs within those 30 days, the Township shall have available to it all remedies available under Section 5 below.

Section 5. Failure to Pay, Procedure to Recover: Any Responsible Party who fails to timely pay the costs assessed pursuant to this Ordinance shall be considered in default. In the case of default, the Township Board may commence a civil action to recover the costs, plus a late payment penalty of one percent per month or part of a month during which the costs remain unpaid, together with any attorneys' fees and any other costs allowed by law.

Section 6. Severability and Captions: This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.

Section 7. Administrative Liability: No officer, agent, employee or member of the Township Board shall be personally liable for any damage that may accrue to any person as a result of any act or decision performed in the discharge of duties and responsibilities pursuant to this Ordinance.

Section 8. Repeal: Ordinance No. 10 and any other ordinances or resolutions in conflict in whole or in part with any provision of this Ordinance are hereby repealed.

Section 9. Effective Date: This shall be effective 30 days after publication.

CERTIFICATE

I, Marie Parsons, Ingham Township Clerk, Ingham County, Michigan, do hereby certify that the foregoing Cost Recovery Ordinance was adopted at a regular meeting of the Township Board held on March 21st, 2011. The following members of the

Township Board Members were present at the meeting: Trustee Braman, Trustee Elliott, Treasurer Speck, Clerk Parsons, and Supervisor Kinne

Publication Date: April 3, 2011

Payment of Bills:

Braman made the motion which was supported by Elliott to pay bills for fire department and township bills as submitted.

Roll: Ayes: Elliott, Braman, Speck, Parsons, and Kinne

Nays: None

All in favor, motion passed.

Parsons made the motion which was supported by Elliott to adjourn.

Meeting was adjourned at 8:00.

Respectfully submitted by

Marie E Parsons, Clerk