



ARMADA TOWNSHIP

23121 E. MAIN STREET, P.O. BOX 578
ARMADA, MICHIGAN 48005
PHONE: (586) 784-5200 FAX: (586) 784-5211
WEB: WWW.ARMADATWP.GOV

BOARD OF TRUSTEES
SUPERVISOR CHRISTOPHER KROTCHKE
CLERK MARY K. SWIACKI
TREASURER MONICA JOB
TRUSTEE JIM GOETZINGER
TRUSTEE STEVE NIKKEL

BOARD OF TRUSTEES – SPECIAL MEETING AGENDA

Date: Tuesday, September 2, 2025
Time: 7:00 p.m.
Location: Armada Township Hall
23121 E. Main, Armada, MI 48005

Call to Order

Pledge of Allegiance and Invocation

- 1) Roll Call
- 2) Public Comment(s): (each person will be given 3 minutes to speak)
- 3) New Business:
 - a) Appointment of Fire Lieutenant/Paramedic
 - b) Contractual Services
 - c) Food Truck Application/Fee Structure
- 4) Public Comments: (each person will be given 2 minutes to speak)
- 6 Board Comment
 - a. Trustee Nikkel
 - b. Trustee Goetzinger
 - c. Treasurer Job
 - d. Clerk Swiacki
 - e. Supervisor Krotche
- 7) Adjournment

Respectfully submitted,
Mary K. Swiacki

Mary K. Swiacki, CMMC, MiPMC
Armada Township Clerk
(586) 784-5200
clerk@armadatwp.org

" Those members of the Board wishing to speak shall first be recognized by the Chair to speak, and each person who speaks shall address the Chair. Other persons in attendance at the meeting shall not speak unless recognized by the Chair (Roberts' Rules). Prior to the discussion by the Board on each item to be considered, the Chair shall first ask for a motion from the Board on the item to be discussed. Members of the public wishing to speak shall have the opportunity to address the Board for not more than three (3) minutes. When the Chair determines that there are no other public comments on the business item, discussion on the item will be closed to the public and only the Board shall then engage in any final discussion on the matter and act on the business item without interruption from the public.

Audience members commenting from the floor shall do so from the podium and will be asked to provide their name and address. If a Board member wishes to ask a question of an individual at the podium, the Board member shall ask permission from the Chair. Armada Township fully embraces the spirit and letter of the law as it pertains to the American Disabilities Act. In accordance with the law, any individual who needs accommodation is asked to contact the Clerk's office during normal business hours at 586.784.5200. To provide appropriate accommodation, the Clerk's office needs two (2) business days' notice prior to the meeting."

ARMADA TOWNSHIP BOARD MEETING

MEETING DATE: September 2nd, 2025

TOPIC: Fire Department – Intent to fill Lieutenant vacancy

AGENDA LOCATION: Item # 3-a

BACKGROUND BRIEF: IAFF Local 5053 contract effective April 2022-March 2026; Article 2 Section 3 “Promotions” outlines department staffing of 4 officers (3 Captains and 1 Lieutenant).

The Lieutenant position has remained vacant since the departure of Matt Hanna in 2024. It is my intention to promote senior Firefighter- Paramedic Collin Myny to this position effective August 27th, 2025. FF Myny meets the minimum qualifications of Michigan Fire Officer 1 and 2 credentials. In addition, FF Myny is currently at the midpoint of the EMU – Staff and Command Executive Leadership program, has just returned from the FDTN – 4 day *Live Fire Company Officer* training in Indiana as well as attending FDIC Fire training in Indianapolis this spring. As part of preparation for advancement, FF Myny has worked the majority of his shifts over the past 6 months in a “job shadowing” capacity where he acts as the officer for the entire shift and is overseen by the actual Captain on duty.

A letter of Understanding was drafted by legal counsel and signed by IAFF Local 5053 and township administration with the agreement to forego the testing process as FF Myny is the only candidate expressing interest in this position currently.

Throughout this preparation process, FF Myny has demonstrated that he is entirely capable of the responsibilities associated with leadership and I have no reservations whatsoever about promoting him to Lieutenant.

ATFD SOG’s Part 01 (Administration) Section 02 (Job Descriptions) dictates “*The Fire Lieutenant shall be appointed by The Armada Township Board after recommendation for hire or promotion by the Fire Chief* “. **Therefore, I am requesting the Township Board approves the appointment of Firefighter Collin Myny to the position of Fire Lieutenant – Paramedic.**

FINANCIAL IMPACT: Wages / Compensation as outlined IAFF 5053 contract increases his hourly rate to \$24.10. The lieutenant wage was already accounted for in the FY 2024-25 Fire Department budget and will have no unanticipated financial impact.

RECOMMENDED MOTIONS:

- 1) Motion by _____, seconded by _____, to authorize the appointment Firefighter Paramedic Collin Myny to the rank of Lieutenant effective September 2nd, 2025

_____ Yes _____ No



Armada Fire Union - Local 5053
23175 Armada Center Rd. Armada Township, MI. 48005
586-784-9464
iaff5053@gmail.com

June 16, 2025

To Whom it may concern,

Local 5053 does not have any other qualified employees interested in the Lieutenant opening at this time. Certain employees have stated that if an opening should come available in the future they would consider it, but at this time Collin Myny is the only employee interested in the Lieutenant position. We mutually agree to wave any testing that is spelled out in the CBA for promotions. This agreement is without precedent or prejudice to either party.

Andrew Pfeifle

President IAFF #5053

State of Michigan
Department of Licensing and Regulatory Affairs
Bureau of Fire Services/Fire Fighter Training Division

FIRE FIGHTERS TRAINING COUNCIL

Hereby certifies that
COLLIN J. MYNY
has successfully completed
the requirements for

NFPA 1021 Fire Officer I Certification

on January 02, 2024

in accordance with the standards established by
the Fire Fighters Training Council

Michigan Bureau of Fire
Services

INSTRUCTOR

Robert L. Stokes Jr.

CHAIRMAN

2024-2-50-061A-0046-782882

CERTIFICATION NUMBER

Kevin J. Sehmeyer

STATE FIRE MARSHAL/DIRECTOR

State of Michigan

Department of Licensing and Regulatory Affairs

Bureau of Fire Services/Fire Fighter Training Division

FIRE FIGHTERS TRAINING COUNCIL

Hereby certifies that

COLLIN J. MYNY

has successfully completed
the requirements for

NFPA 1021 Fire Officer II Certification Exam

on June 04, 2024

in accordance with the standards established by
the Fire Fighters Training Council

Michigan Bureau of Fire
Services

INSTRUCTOR

Robert L. Stokes Jr.

CHAIRMAN

2024-2-70-062Y-0316-782882

CERTIFICATION NUMBER

Kevin J. Sehlmeier

STATE FIRE MARSHAL/DIRECTOR



Certificate of Training

awarded to

Collin Myny

for successful completion of

Fireground Company Officer

Jim McCormack

Instructor

June 2-5, 2025

Date

Fireground Company Officer
Indianapolis
June 2-5, 2025
32.0 Hours



FIRE DEPARTMENT INSTRUCTORS
CONFERENCE INTERNATIONAL
INDIANAPOLIS, INDIANA
APRIL 7 - 12, 2025

Certificate of Attendance

This is to acknowledge that

COLLIN MYNY

has demonstrated a commitment to professional
development through a course titled

STREET HYDRAULICS

Hands-on Training (H.O.T.) Workshop (4.00 HR)


Education Director



FIRE DEPARTMENT INSTRUCTORS
CONFERENCE INTERNATIONAL
INDIANAPOLIS, INDIANA
APRIL 7 - 12, 2025

Certificate of Attendance

This is to acknowledge that

COLLIN MYNNY

has demonstrated a commitment to professional
development through a course titled

LIVE FIRE: CAN CONFIDENCE - SEARCHING FOR LIFE AND FIRE

Hands-on Training (H.O.T.) Evolution (4.00 HR)


Education Director



FDIC International
April 7-12, 2025 | Indianapolis, Indiana
Continuing Education Hours Certificate

ATTENDEE NAME: COLLIN MYNY

License #	License State	License Type	License Expiration	NREMT #	NREMT Expiration

Date	Title	CAPCE Course #	CAPCE Type	Topic Area	Units
Wednesday April 9	Residential Primary Search: Aggressive Search Culture	25-PENN-F1-0090		Classroom	1.75

This continuing education activity is approved by the Commission on Accreditation for Pre-Hospital Continuing Education (CAPCE).
 Provider Name/Number: PennWell/PENN6701

Shelby L. Franz

ShapeProgram Coordinator: Starlet Franz

If you need assistance regarding FDIC International continuing education please contact Starlet Franz, Vice President, Content Operations, at Starlet.Franz@clarionevents.com

You have participated in a continuing education program that has received CAPCE approval for continuing education credit. If you have any comments regarding the quality of this program and/or your satisfaction with it, please contact CAPCE at: CAPCE - 12300 Ford Road, Suite 350, Dallas TX 75234 or Phone: 972-247-4442 or Email: jscott@capce.org.

CAPCE represents that this program has met standards for accreditation and does not endorse the opinions or content presented. For more information, or to register a concern go to: <https://www.capce.org/CertificateTrouble/Index>



FDIC International
 April 7-12, 2025 | Indianapolis, Indiana
 Continuing Education Hours Certificate

ATTENDEE NAME: COLLIN MYNY

License #	License State	License Type	License Expiration	NREMT #	NREMT Expiration

Date	Title	CAPCE Course #	CAPCE Type	Topic Area	Units
Monday April 7	Heavy Extrication	25-PENN-F1-0048		Hands-on Training (H.O.T.) Evolution	4.00

This continuing education activity is approved by the Commission on Accreditation for Pre-Hospital Continuing Education (CAPCE).
 Provider Name/Number: PennWell/PENNN6701

ShapeProgram Coordinator: Starlet Franz 

If you need assistance regarding FDIC International continuing education please contact Starlet Franz, Vice President, Content Operations, at Starlet.Franz@clarionevents.com

You have participated in a continuing education program that has received CAPCE approval for continuing education credit. If you have any comments regarding the quality of this program and/or your satisfaction with it, please contact CAPCE at: CAPCE - 12300 Ford Road, Suite 350, Dallas TX 75234 or Phone: 972-247-4442 or Email: jscott@capce.org.

CAPCE represents that this program has met standards for accreditation and does not endorse the opinions or content presented. For more information, or to register a concern go to: <https://www.capce.org/Certificate/Trouble/Index>



FDIC International
April 7-12, 2025 | Indianapolis, Indiana
Continuing Education Hours Certificate

ATTENDEE NAME: COLLIN MYNY

License #	License State	License Type	License Expiration	NREMT #	NREMT Expiration

Date	Title	CAPCE Course #	CAPCE Type	Topic Area	Units
Tuesday April 8	Residential Primary Search: Making the Grab	25-PENN-F1-0091		Hands-on Training (H.O.T.) Evolution	4.00

This continuing education activity is approved by the Commission on Accreditation for Pre-Hospital Continuing Education (CAPCE).
 Provider Name/Number: PennWell/PENN6701

Starlet Franz

ShapeProgram Coordinator: Starlet Franz

If you need assistance regarding FDIC International continuing education please contact Starlet Franz, Vice President, Content Operations, at Starlet.Franz@clarionevents.com

You have participated in a continuing education program that has received CAPCE approval for continuing education credit. If you have any comments regarding the quality of this program and/or your satisfaction with it, please contact CAPCE at: CAPCE - 12300 Ford Road, Suite 350, Dallas TX 75234 or Phone: 972-247-4442 or Email: jscott@capce.org.

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YORK, DOLAN & TOMLINSON, P.C.

***PROPOSAL FOR LEGAL SERVICES
ON BEHALF OF ARMADA TOWNSHIP***

Names: John A. Dolan
Timothy D. Tomlinson
Linda M. McGrail

Firm: *YORK, DOLAN & TOMLINSON, P.C.*

Address: 22600 Hall Road, Suite 205
Clinton Township, Michigan 48036

Phone: 586-263-5050

Fax: 586-263-4763

Email: jdolan@yorkdolanlaw.com
ttomlinson@yorkdolanlaw.com
lmcgrail@yorkdolanlaw.com

I. FIRM BACKGROUND/EXPERIENCE

A. Firm Background

YORK, DOLAN & TOMLINSON, P.C. is an outgrowth of several predecessor firms. In 1969, the law firm of *Towner, Rosin, York & McNamara* was formed. In 1979, the law firm split up, and the law firm of *Fred A. York and Associates, P.C.* was formed. Approximately 4 years later, that firm changed its name and became known as *York and Dolan, P.C.* In 1989, Mr. York passed away, and in 1990, Joseph Ciaramitaro, Jr. became associated with the firm and the firm, and the firm became *York, Dolan and Ciaramitaro, P.C.* Upon becoming licensed as an attorney in 1996, Mr. Tomlinson joined the firm, and remains a partner today. At the end of 2001, Joseph Ciaramitaro left the firm, and the firm was renamed *YORK, DOLAN & TOMLINSON, P.C.* ("YDT"). In March 2022, Ms. McGrail joined the firm as a partner.

B. Operating Principles

YDT's mission statement and guiding principles are built upon the cornerstones of integrity and hard work. Approximately ninety-five percent (95%) of YDT's work is governmental. We are best characterized as a Macomb County law firm with a clientele and participation in community affairs focused within Macomb County.

YDT's guiding principles include a pro-active approach with an emphasis on client communication. We avoid encroachment upon administrative and policy-making prerogative.

YDT has always emphasized a pre-emptive approach. We attempt to foresee outcomes from decision-making processes and evaluate whether they will evolve into potential problems, including potential litigation. YDT scrutinizes the nature and length of potential problems, as well as the real cost to the municipality.

We emphasize open and immediate client communication. YDT focuses on the quality of communication often providing links to statutes and other authorities in email responses. We focus upon providing prompt, yet thorough, communication upon legal issues making ourselves available should further discussion be required. We communicate promptly with our clients through email, cell phone and text when we are not in the office. Our firm uses a cloud-based computing system so we can work anywhere at any time.

YDT is vigilant in avoiding encroachment into the authority exercised by administrators and policymakers. We will not make recommendations or undertake tasks unless we are clearly instructed to do so and the scope of the undertaking is well-defined and understood.

C. Experience

Tim Tomlinson and Linda McGrail will be the lead attorneys. Getting work done right by experienced attorneys without handing files back and forth between experienced and lesser experience attorneys, provides a higher quality product in less time and at a lower cost. We believe this process has reduced legal costs and avoided litigation expenses significantly in the communities we represent.

Attorney John A. Dolan. Mr. Dolan attended the University of Illinois, B.A. with distinction, 1974 and Wayne State University, J.D., 1977. He has been a licensed attorney for 48 years. He has handled numerous cases involving municipal issues in Michigan and Federal Courts; appeared and argued before the Michigan Supreme Court, the Michigan Court of Appeals, the Federal District Court, and the Federal Sixth Circuit Court of Appeals. Mr. Dolan has provided representation in all areas of municipal law. He has served at the Macomb County Circuit Court as a case evaluator in excess of 26 years. See Appendix A.

Attorney Timothy D. Tomlinson. Mr. Tomlinson attended Michigan State University, B.A. Public Administration, 1992 and Detroit College of Law, J.D. Cum Laude, 1996. He has been a licensed attorney for over 27 years. He has appeared and argued before the Michigan Supreme Court, the Michigan Court of Appeals, the Federal District Court, and the Sixth Circuit Court of Appeals. Mr. Tomlinson has provided representation in all areas of municipal law. He has tried to conclusion an extensive number of cases involving municipal-related issues. He is rated as a "Super Lawyer" in the area of State Local & Municipal Law. See Appendix B.

Attorney Linda M. McGrail. Ms. McGrail graduated Cum Laude from Wayne State University Law School, where she received the prestigious Order of the Coif. She also served as Assistant and Associate Editors of the Wayne Law Review. Before law school, Ms. McGrail received her Bachelor of Arts degree from James Madison College at Michigan State University. Ms. McGrail has provided representation in all areas of municipal law and has been practicing for over 27 years. She recently joined the firm having come from another municipal law firm in order to share expertise with Mr. Dolan and Mr. Tomlinson. Previously she also served as a Chair of the Township of Utica Charter Revision Commission, a Macomb County Commissioner and Assistant Prosecuting Attorney. She is rated as a "Super Lawyer" in the area of State Local & Municipal Law. Michigan Lawyers Weekly also honored her as a "Women in the Law" honoree in 2020. See Appendix C.

II. QUALIFICATONS

A. Existing Clients/Potential Conflicts of Interest

To our knowledge, the firm of YDT, as well as individually, John Dolan, Tim Tomlinson and Linda McGrail have not been involved in any conflicts of interest situations requiring

recusal of representation. Indeed, despite frequently representing neighboring municipalities we have not had any conflicts requiring recusal. To date, we are unaware of any pending likely matters for which a conflict of interest likely would exist. Unlike many firms, we do not have extensive non-municipal clients where more frequent conflicts could arise.

In the event of a potential or actual conflict of interest relative to the Township, we would follow any conflict notification procedures the Township has in place. To the extent it was determined that no conflict existed, we would promptly notify the Township Official assigning the task, and also make sure that the potential conflict was well known to the Township Board.

B. Firm/Attorneys' Municipal Law Experience

YDT believes that there are three methods of measuring, objectively, the experience and skill of municipal attorneys. First, to see how deep and wide their knowledge is we urge that you go to the website "Michigan Court of Appeals". Once there, select "Cases, Opinions & Orders" at the top of the page, and simply, type in an attorney's name. For example, "John Dolan". Cases will be listed with the names of the parties and file numbers. You can click on each case. John Dolan, P28060, reflects 80 appeals with 55 of the appeals involving municipal issues. Timothy Tomlinson, P48519, reflects 33 appeals with 24 of the appeals involving municipal issues.

Many of the cases handled by YDT involve important cases frequently cited for legal precedent on issues relating to municipal law. A detailed list of some of our work in the municipal field is provided in Appendix D. Examples, *Jott v Charter Township of Clinton*, 224 Mich App 513 (1997) which sets forth the criteria utilized by the Court in zoning and regulatory ordinance regulation of adult theme businesses. *Shelby Township Police & Fire v Shelby Township*, 438 Mich 247 (1991) funding mechanisms for police and fire retirement. *Murphy v Macomb County Prosecutor*, 464 Mich 149 (2001) incompatible offices. *Dorman v Clinton Township*, 269 Mich App 638 (2006) vested zoning rights, substantive due process, equal protection.

Secondly, we suggest that you examine the duration of representation of municipal clients. YDT is a firm which has been in place since the 1970s. John Dolan has represented the Charter Township of Clinton continuously since 1977, 48 years. YDT has also represented the Township of Roseville continuously since 1992, 33 years, and the City of New Baltimore continuously since 2002, 21 years. Linda McGrail and her family have represented the City of Utica since the early 1970's.

A third and important consideration is the level of skill and experience with the attorneys that will actually be handling work on behalf of the Township. In larger firms, it is not uncommon for work to be passed from attorney-to-attorney and then back again. The bulk of work may end up being performed by a lower-level associate with only cursory review upon being channeled back up to the partner. In the case of YDT, work is performed directly

by Jack Dolan, Tim Tomlinson or Linda McGrail. On important matters, we use each other as a sounding board.

(1)	<u>Current Municipal Clients</u>	<u>Continuously Since</u>
	Charter Township of Clinton	1977
	City of Roseville	1992
	City of New Baltimore	2002
	Chippewa Valley Schools	2005
	41B District Court	2007
	Macomb Intermediate School District	2008
	City of Utica	2017
	Grosse Pointe Woods	2020
	Macomb Township	2021

**We also serve a number of smaller authorities, including the Recreation Authority of Roseville-Eastpointe, South Macomb Disposal Authority and Southeast Macomb Sanitary District.*

- (2) Past Municipal Clients
Board of County Road Commissioners for Macomb County
Clintondale Community Schools
City of Fraser
Charter Township of Shelby

(3) Specific Municipal Departments Duties and Functions Experience

Assessing. Handling of tax appeals before the Michigan Tax Tribunal. Assistance in matters involving the Michigan State Tax Commission. Assistance in the preparation and review of resolutions involving industrial facilities tax abatements. Review and interpretation of statutes.

Building. Review and interpretation of State statutes. Assistance in enforcement, both at the District Court level and in Circuit Court, including appeals.

Capital Improvements. Assistance in determining needs. Reviewing contracts. Exploring and establishing financing mechanisms.

District Court. Complaint review, preparation of complaints and warrants, and prosecutions in the City of Roseville, City of New Baltimore, Grosse Pointe Woods, Macomb Township and the City of Utica. We have handled all aspects of municipal prosecutions, including pre-trials, motions, bench and jury trials.

Engineering. Draft and review contracts for retention of outside consulting engineers. Draft and review easements. Consultation and review with regard to contractual water and sewer issues involving the Great Lakes Water Authority. Assistance and review, preparation and interpretation of contract documents and the establishment of ordinances.

For the City of New Baltimore assistance in evaluating feasibility and financing of municipal water plant expansion.

Finance. Review and provide opinions with respect to interpretation of applicable laws.

Fire Department. Assistance with regard to Emergency Management, First Responder, Advanced Life Support, mutual aid, collective bargaining, employee relations, litigation and training procedures.

Major Roads. Acquisition of right of way. Highway liability claims. Contract supervision and review. Rules and regulations regarding right of way. Review and interpretation of statutes and case law.

Personnel/Labor Relations. Handling grievances, matters before the Michigan Employment Relations Commission, collective bargaining, Act 312 arbitration, arbitration, Act 78 Police and Fire, police department trial board proceedings.

Planning Commission. Advice and opinions to the Planning Commission, review of procedures.

Planning Office. Advice and opinions to the Planning Office, including ordinance update and review.

Police Department. Defense of police liability litigation. Handling of police discipline. Assistance and review, preparation of internal regulations and rules. Handling of labor arbitration and police and fire civil service matters.

Purchasing. Review and interpretation with respect to applicable laws. Reviewing applicability of purchasing regulations in particular circumstances.

Self-Insurance/Lawsuits. Currently handle bodily and personal injury claims for the Charter Township of Clinton and City of Roseville, including areas such as highway liability, automobile accidents, slip and fall, sexual harassment, sex discrimination, excessive force, zoning (including taking damage claims), various other damage claims under common law tort theories or constitutionally dimensioned theories. Handling litigation on a variety of subjects.

Telecommunications/Cable. Negotiation of cable franchises, drafting of ordinances relating to cable television and telecommunication permits. Review of policies and procedures and applicable law.

Township Clerk. Election-related issues and all issues pertaining to the operation of the Clerk's office, including Michigan Freedom of Information Act requests.

Township Development. Assistance with the Planning Department with respect to the

establishment, review and amendment of Master Plans and Zoning Ordinances. Assistance with respect to the establishment of Downtown Development Authorities,

Brownfield Authorities and other development-related areas permitted under applicable statutes. Assistance with water and sewer and environmental-related issues.

General Administration. Preparation and review of contracts. Review and interpretation of various statutes. Development and review of policies and procedures. All aspects of general administration.

Water and Sewer. Review of contracts and administration with respect to installation of water and sewer improvements. Review of ordinances. General administration of Department. Review of claims relating to water and sewer back-ups. Review of issues with Great Lakes Water Authority and State of Michigan.

Zoning Board of Appeals. Advice and opinions to Zoning Board of Appeals. Attendance at selected Zoning Board of Appeals meetings. Handling of appeals from the Zoning Board of Appeals to the Macomb County Circuit Court.

Zoning/Code Enforcement. Assistance in commencement of proceedings in both District and Circuit Court. Furnishing advice and counsel.

C. Major Cases Handled in Last 5 Years

See attached Appendix E. See, also, Appendix D: YDT Municipal Law Achievements.

D. Lead Attorney's Accessibility

Mr. Tomlinson and Ms. McGrail will be the lead attorney. They can be reached promptly by cellphone and by email. It is not uncommon for Mr. Tomlinson and Ms. McGrail to be reached before and after regular business hours and on weekends. Both are also promptly available for participation in meetings in person or virtually.

The standard time frame to respond to directions or inquiries from the Township, will be to respond as soon as possible to telephone calls or emails, which in virtually all cases, will be on the day the call is made, more often than not, within one hour. When matters require research, generally an initial impression can be provided within 24 to 48 hours depending on the complexity of the matter. If the circumstances are an emergency, shorter time frames can be met. As previously stated, each attorney will make themselves available by office phone, cell phone, email, and text.

E. Additional Resources

YDT subscribes to Westlaw, a comprehensive online database of all legal research tools, including case law, statutes, treatises, and other legal resources. We are members of the

Michigan Municipal League, the Michigan Township Association, as well as the Michigan Association of Municipal Attorneys and the Government Law Section of the State Bar of Michigan. Each of these organizations provide written and online publications as legal resources. Our print library includes all State and Federal Court Rules, the Appraisal of Real Estate Publications, International Fire Code, and International Property Maintenance Code, Robert's Rules of Order and the Code of Ordinances for each of our respective communities we represent. These vast resources enable our firm to maintain a quick and efficient response time for legal reports and memorandums.

III. COMPLAINTS FILED WITH BAR ASSOCIATION

To our knowledge, no Bar Association complaints have been filed against this Firm or its attorneys in the last five (5) years.

IV. CLIENT REFERENCES

See Appendix F.

V. FEE STRUCTURE

A. Fee Schedule

YDT's fees for all or any portion of these services is an hourly rate of \$150.

The hourly rate is billed in increments of .10 of an hour.

B. Litigation Fees

Where damages are sought and the insurance company furnishes a defense attorney, if we are approved by the insurance company (as it presently exists), the litigation fee is \$180 per hour.

C. Reimbursable Costs

- Copy charges (no charge, unless outside copy services is required);
- Courts and Tribunals (filing fees);
- Process service fees and courier fees;
- Depositions costs (court reporter fees/transcripts);
- Postage (no charge for packages under \$3);
- Register of Deeds (recording fees);

E. Malpractice Insurance

YDT agrees that it shall continue and maintain in place malpractice insurance with a per claim in aggregate limit of no less than \$2,000,000.

We have maintained, without any claims, malpractice insurance coverage in the amount of \$2,000,000. Attached as Appendix G is our respective declaration sheet of insurance coverage held for general commercial insurance, workers compensation insurance and malpractice coverage insurance.

VI. PROPOSED CONTRACT

See Appendix H attached hereto.

VII. INDEX OF APPENDICES

Appendix A: John Dolan Resume

Appendix B: Tim Tomlinson Resume

Appendix C: Linda McGrail Resume

Appendix D: *YDT* Municipal Law Achievements

Appendix E: *YDT* Major Lawsuits Handled in Last 5 Years

Appendix F: *YDT* Client References

Appendix G: *YDT* Insurance Declaration Sheet

Appendix H: Proposed Contract

APPENDIX A

RESUME of John A. Dolan
YORK, DOLAN & TOMLINSON, P.C.
22600 Hall Road, Suite 205
Clinton Township, Michigan 48036
Phone: 586-263-5050; Fax: 586-263-4763
jdolan@yorkdolanlaw.com

EDUCATIONAL BACKGROUND

- University of Illinois, B.A. with distinction, 1974
- Wayne State University, J.D., 1977
- Admitted to law practice, October, 1977

ADMITTED TO PRACTICE

- All courts in the State of Michigan
- United States Court of Appeals for the Sixth Circuit
- United States District Court for the Eastern District of Michigan
- United States District Court for the Northern District of Illinois

INSURANCE CLAIMS

I am approved by Trident Insurance Agency, Argonaut Insurance Company and Travelers Insurance Company for defense claims. I am seeking approval only for Clinton Township work.

PRACTICE AREAS

- Municipal Law
- Zoning and Land Use
- Constitutional Law and Civil Rights
- Insurance Defense
- Real Estate and Construction
- Prosecutions and Ordinance Enforcement

EXPERIENCE

Michigan Court of Appeals, Michigan Supreme Court and Federal Courts

I have handled numerous cases involving municipal issues and bodily injury issues in Michigan and in Federal Courts, including the Michigan Court of Appeals, Michigan Supreme Court Federal District Courts in Detroit and Chicago and Federal 6th Circuit Court of Appeals. You can visit www.courts.michigan.gov/case-search, and simply put my name in, John Dolan, and you will find 80 entries for appearances before the Michigan Court of Appeals and Supreme Court. Notable decisions, include *Jott v Charter Township of Clinton*, 224 Mich App 513 (1997), which establishes the criteria for appropriately zoning adult themed businesses and has been cited dozen of times. *Dorman v Clinton Township*, 269 Mich App 638 (2006), sets forth principles relating to vested rights in zoning, substantive due process and equal protection. This case has been cited in other cases, as well dozens of times.

RESUME of John A. Dolan

Circuit Court

I have handled trials at the Circuit Court level involving bodily injury claims against municipalities and damages asserted in zoning matters. I have never, as a result of trial or settlement, been involved in any litigation where damages were paid on a zoning related matter. Bodily injury cases have included wrongful death and significant permanent bodily injury.

Municipal Entities Defended

Representation upon bodily injury and zoning damage claims have occurred on behalf of the Charter Township of Clinton for decades, the City of Roseville for decades and for close to two decades the Macomb County Road Commission n/k/a Macomb County Road Department. I am well versed in the Governmental Tort Liability Act and issues surrounding governmental immunity. I have frequently succeeded in dismissing cases through summary disposition. I have handled numerous third-party automobile bodily injury claims. I have handled numerous claims asserting constitutionally dimension claims, including Title 42 USCA 1983, including excessive force, claims asserting discrimination associated with housing, discrimination associated with age, race and gender.

GRIEVANCES/MALPRACTICE

I carry coverage claims \$2 million per occurrence and in aggregate. I have never had a claim made against me in my legal career. I have never been disciplined by the State Bar of Michigan, nor have I had to defend myself in any disciplinary proceedings in my career.

APPENDIX B

RESUME of Timothy D. Tomlinson
YORK, DOLAN & TOMLINSON, P.C.
22600 Hall Road, Suite 205
Clinton Township, Michigan 48036
Phone: 586-263-5050; Fax: 586-263-4763
ttomlinson@yorkdolanlaw.com

EDUCATIONAL BACKGROUND

- Detroit College of Law, J.D.
- Michigan State University, B.A. – Public Administration

ADMITTED TO PRACTICE

- All courts in the State of Michigan
- United States Court of Appeals for the Sixth Circuit
- United States District Court for the Eastern District of Michigan

INSURANCE CLAIMS

I am approved by Trident Insurance Agency, Argonaut Insurance Company and Travelers Insurance Company for defense claims.

PRACTICE AREAS

- Municipal Law
- Zoning and Land Use
- Constitutional Law and Civil Rights
- Insurance Defense
- Real Estate and Construction
- Prosecutions and Ordinance Enforcement

EXPERIENCE

Michigan Court of Appeals, Michigan Supreme Court and Federal Courts

I have handled numerous cases involving municipal issues and bodily injury issues in Michigan and in Federal Courts, including the Michigan Court of Appeals, Michigan Supreme Court Federal District Courts in Detroit and Chicago and Federal 6th Circuit Court of Appeals. You can visit www.courts.michigan.gov/case-search, and simply put my name in, John Dolan, and you will find 80 entries for appearances before the Michigan Court of Appeals and Supreme Court. Notable decisions, include *Jott v Charter Township of Clinton*, 224 Mich App 513 (1997), which establishes the criteria for appropriately zoning adult themed businesses and has been cited dozen of times. *Dorman v Clinton Township*, 269 Mich App 638 (2006), sets forth principles relating to vested rights in zoning, substantive due process and equal protection. This case has been cited in other cases, as well dozens of times.

RESUME of Timothy D. Tomlinson

Circuit Court

I have handled trials at the Circuit Court level involving bodily injury claims against municipalities and damages asserted in zoning matters. I have never, as a result of trial or settlement, been involved in any litigation where damages were paid on a zoning related matter. Bodily injury cases have included wrongful death and significant permanent bodily injury.

Municipal Entities Defended

Representation upon bodily injury and zoning damage claims have occurred on behalf of the Charter Township of Clinton for decades, the City of Roseville for decades and for close to two decades the Macomb County Road Commission n/k/a Macomb County Road Department. I am well versed in the Governmental Tort Liability Act and issues surrounding governmental immunity. I have frequently succeeded in dismissing cases through summary disposition. I have handled numerous third-party automobile bodily injury claims. I have handled numerous claims asserting constitutionally dimension claims, including Title 42 USCA 1983, including excessive force, claims asserting discrimination associated with housing, discrimination associated with age, race and gender.

GRIEVANCES/MALPRACTICE

I carry coverage claims \$2 million per occurrence and in aggregate. I have never had a claim made against me in my legal career. I have never been disciplined by the State Bar of Michigan, nor have I had to defend myself in any disciplinary proceedings in my career.

APPENDIX C

Linda M. McGrail, Esq.
York, Dolan & Tomlinson, P.C.
22600 Hall Road, Suite 205
Clinton Township, MI 48038
586-263-5050

EXPERIENCE

York, Dolan & Tomlinson, P.C., Attorney, 2022-current

- All aspects of municipal law representing City of Utica, Charter Township of Clinton, Macomb Township, City of Roseville and City of New Baltimore.
- Administrative Hearing Officer for marijuana business licensing appeals.
- Family law.

O'Reilly Rancilio, Shareholder/Attorney, 2007-2022, Sterling Heights, Michigan

- Business Litigation, Municipal, Probate, and Family Law.
- City Attorney for the City of Utica: Draft ordinances, resolutions and other legal documents including Utica's Marihuana Business Ordinance and related application and participating in rankings of applicants; Advise mayor, council and department heads regarding legal concerns; Draft, review and/or revise contracts; Oversee litigation; Prosecute ordinance violations; participate in labor negotiations; Assist with disciplinary issues and grievances.
- Defend tax tribunal matters for the City of Sterling Heights.
- Attorney for Eastpointe Civil Service Board.
- Hearing Officer for Dangerous Building Hearings in City of Eastpointe.
- Litigated numerous trials and arbitrations to verdict/final award.
- Representative litigation matters include: Probate/Trust/Estate administration and disputes, guardianships,/conservatorships, family law (divorce and custody issues), municipal issues/defense, non-compete agreements, shareholder disputes, Uniform Commercial Code, contract disputes, supplier disputes, employment practices defense.
- Drafting of transactional documents, e.g., Severance Agreements, Articles of Incorporation, By-Laws, Resolutions, purchase agreements, etc.
- Advise regarding corporate legal risks, obligations and compliance issues.
- Conduct internal investigations.

Butzel Long, Attorney, 2001-2007, Detroit, Michigan

- Business Litigation.
- Shareholder from 2005 until 2007 and Associate from 2001 until 2005.
- Representative matters included: automotive supplier disputes, warranty concerns, stock purchase agreements, contracts, Uniform Commercial Code, premises liability, asbestos defense, white collar criminal defense, environmental.

- Performed internal investigations for corporations including anti-trust investigation, kickbacks and campaign finance violations.
- Advised regarding corporate legal risks, obligations and compliance issues.
- Acted as quasi in-house counsel implementing discovery (including e-discovery) and defense strategy for thousands of cases for Fortune 100 client including managing outside local counsel.
- Managed and supervised team (in excess of twenty professionals) that created online document repository for national defense of asbestos claims.
- Created and implemented national defense litigation strategy for multiple clients

Macomb County Prosecutor's Office, Assistant Prosecuting Attorney, 1999-2001, Mt. Clemens, Michigan

- Tried approximately fifty cases to verdict as first chair.
- Conducted sentencings, preliminary examinations, plea agreements, etc.

Macomb County, County Commissioner, 1997-1999, Mt. Clemens, Michigan

- Elected and represented Utica and parts of Sterling Heights and Shelby Township on the administrative, policy making and legislative branch of government for Macomb County.

Law Offices of Linda McGrail, 1996-1999, Utica, Michigan

- General practice including trial work.
- Assisted with representation of the City of Utica.

Utica Charter Revision Commission. Chair, 1994-1997, Utica, Michigan

- Elected to and chaired the commission that rewrote the Charter for the City of Utica that was approved by the voters.

EDUCATION

Wayne State University Law School, Juris Doctorate, 1996

- Cum Laude, Order of the Coif, Associate and Assistant Editor of the Wayne Law Review, Gold Key Award, Driker Scholarship (highest academic average for first year).

James Madison College at Michigan State University, Bachelor of Arts in International Relations with a minor in Japanese, 1993

- Resident Assistant, Wilson Hall.

ACTIVITIES

Women Lawyers Association of Michigan, 2009-2012

- Board of Directors, 2009-2012.

- Chair of Macomb Region, 2010-2012.
- Treasurer of Macomb Region, 2009-2010.

Leadership Macomb, 2007-2022

- Secretary, 2018-present.
- Board of Directors, 2011 to present.
- Program Council, 2007-2018, Plan and implement programs for the Leadership Macomb class, a group of emerging community, business and political leaders.

Macomb Bar Association, 1996-present

- Board of Directors, WLAM Representative, 2010-2012.

Michigan Bar Association, 1996-present

ACCOLADES

Rate AV Preeminent by Martindale Hubbell. The highest peer rating standard. This is given to attorneys who are ranked at the highest level of professional excellence for their legal expertise, communication skills, and ethical standards by their peers.

“Super Lawyer” Designation, 2015-Present. Super Lawyers, a Thomson Reuters business, is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. The annual selections are made using a patented, multiphase process that includes a statewide survey of lawyers, an independent research evaluation of candidates and peer reviews by practice area. No more than 5 percent of the lawyers in the state are selected by the research team to receive this honor.

Michigan Lawyers Weekly “Women in the Law” Honoree, 2020. The award recognizes women who commit to excellence in the practice of law, are inspiring and accomplished leaders, serve as a mentor to others, and contribute significant time and effort to volunteerism and/or pro bono initiatives.

APPENDIX D

YORK, DOLAN & TOMLINSON, P.C. MUNICIPAL LAW ACHIEVEMENTS

Police and Fire Retirement Board v Shelby Township, 438 Mich 247 (1991). Significant case which involves interpreting the selection of actuaries and funding requirements of Public Act 345 of 1937, involving Police and Fire Retirement.

Jeffrey v Clinton Township, 195 Mich App 260 (1992). A Court of Appeals case which rules that district court prosecution proceedings in most circumstances cannot be collaterally attacked or enjoined by a circuit court action.

In ***Garfield Courts Apartments, et al v Clinton Township***, Macomb Circuit Case No. 1993-2780-NZ, approximately 13 apartment owners sued Clinton Township seeking money damages and a declaration that the Solid Waste Ordinance was invalid. A short time later, in ***Sawkin, et al v Clinton Township***, Macomb Circuit Case No. 94-5621-CE, a class action lawsuit was filed on identical grounds. Plaintiffs, as a result of a United States Supreme Court decision involving the Commerce Clause, sought to have the ordinance declared unconstitutional. At that time, the Grosse Pointe-Clinton Refuse Disposal Authority, of which Clinton Township was a member, was using its incinerator facility to burn solid waste which was then disposed of at a landfill site.

The combined cost of incineration and ash disposal was substantial. We were able to utilize the opportunity of this lawsuit to pressure our ash disposal vendor to renegotiate a contract for solid waste disposal. We accomplished several things. First, we ceased incinerator operations and obtained a substantial decrease on trash disposal costs. Second, we convinced plaintiffs to settle for prospective relief only. Third, notwithstanding a reservation of rights and dispute over coverage, our insurance carrier paid attorney fees on behalf of the plaintiffs. Finally, we modified our ordinance, making it more voluntary with no adverse impact to our obligations with the Grosse Pointe-Clinton Refuse Disposal Authority. In the end, the litigation did not cost the Township any money out-of-pocket, and the residents ended up with a substantial decrease in refuse rates.

Bell River Associates v China Township, 223 Mich App 124 (1997). Interprets the relationship between a township zoning ordinance and the Mobile Home Commission Act requirements involving special land use approval and restates the concepts of law involving zoning.

Jott v Clinton Township, 224 Mich App 513 (1997). We successfully defended the Charter Township of Clinton from an attempt to establish an adult-themed topless entertainment bar. We prevailed in the Federal District Court and in Macomb County Circuit Court, and affirmed in the Michigan Court of Appeals. This case has become a definitive statement of the law regarding zoning of adult uses and adult uses in liquor-licensed establishments.

In August, 1998, a severe thunderstorm occurred in Clinton Township. In excess of 600 basement homes suffered sanitary sewer back-ups. Approximately 26 plaintiffs sued in ***Hamilton, et al v Clinton Township***, Macomb Circuit Case No. 99-124-NZ. Approximately 13 sued in ***Gerbe, et al v Clinton Township***, Macomb Circuit Case No. 99-347-NZ. An attempted class action law suit was filed naming as representative plaintiffs seven plaintiffs in Macomb

Circuit Case No. 01-3362-CZ. We successfully fought a class certification. All cases were settled with the exception of 13 cases with approximate ranges of \$2,500 to \$13,000 per case. The remaining cases were arbitrated with an average result of approximately \$13,000.00 to \$14,000.00 per case.

Macomb County Prosecutor v Murphy, 464 Mich 149 (2001). Holds that the position of township trustee is not incompatible with the position of Delinquent Personal Property Tax Coordinator in the County Treasurer's office.

Sekulov v Board of County Road Commissioners for Macomb County/City of Warren, 251 Mich App 333 (2002). Reversed Supreme Court order May 14, 2003. Holds that ***Nawrocki v Macomb County Road Commission***, 463 Mich 143 (2000) will have full retroactive effect. The Court of Appeals was reversed by the Michigan Supreme Court.

Dorman v Township of Clinton, 269 Mich App 638 (2006), *app lv den* 477 Mich 955. We successfully defended Clinton Township against an action for inverse condemnation, challenging the validity of the Township's decision to re-zone its property from light industrial to residential multiple. A land speculator purchased property in a residential neighborhood in Clinton Township. According to the Township's Master Plan, Plaintiff's property was originally zoned residential multiple allowing the construction of apartment buildings, condominium complexes or single-family residences. In 1993, the Township re-zoned the property to light industrial with a special use permit for a local Elks Club. Plaintiff anticipated beginning a public storage business on the site. Following a public hearing, the Planning Commission recommended to re-zone Plaintiff's property to its original classification of residential multiple. Plaintiff sued for inverse condemnation, challenging the validity of the Township's decision to re-zone his property. In this frequently cited opinion, the Court of Appeals held in favor of the Township.

Golden Rockies Inc v City of Utica, et al, Macomb County Circuit Court Case No. 21-1061-CZ. Successfully defended action against City filed by a disgruntled marijuana license applicant who did not receive a license. Plaintiff argued that the ordinance had improper scoring systems and other flaws. We filed a motion to dismiss the case and after days of oral argument were successful.

AEY CAPITAL, LLC. d/b/a Gage Cannabis Company v City of Utica, Macomb County Circuit Court Case No. 21-1061-CZ 21-001461-CZ. Plaintiff argued that certain scoring criteria violated the Michigan Regulation and Taxation of Marijuana Act ("MRTMA"). We won dismissal of the action on motion.

APPENDIX E

***YORK, DOLAN & TOMLINSON, P.C.
MAJOR LAWSUITS HANDLED IN LAST 5 YEARS***

Clinton Township

STEVEN R. FORBES v CHARTER TOWNSHIP OF CLINTON, Macomb County Circuit Court Case No. 2013-4554-NO, Hon. Richard L. Caretti.

LANGSTON HOOPER v CHARTER TOWNSHIP OF CLINTON, Macomb County Circuit Court Case No. 2017-570-NO, Honorable Jennifer Faunce.

STEVE L'ESPERANCE v MICHIGAN DEPARTMENT OF TRANSPORTATION a/k/a M.D.O.T.; TOWNSHIP OF CLINTON and JOHN/JANE DOE, Court of Claims Case No. 000269-MD (2017), Honorable Murray.

TODD TRUSKI v TOWNSHIP OF CLINTON, Macomb County Circuit Court Case No. 2017-003201-NO, Honorable James M. Biernat, Jr.

ADAMS PROPERTY LLC v TOWNSHIP OF CLINTON, Macomb County Circuit Court Case No. 2019-2882-CH, Honorable James M. Maceroni.

CLINTON TOWNSHIP FIRST, a ballot committee, PETER M. VIVIANO v CHARTER TOWNSHIP OF CLINTON, and KIMBERLY MELTZER, as Charter Township of Clinton Clerk, Macomb County Circuit Court Case No. 2019-5199-AS, Honorable James M. Biernat, Jr.

DEARBORN LAND INVESTMENT, LLC and GARFIELD HOLDINGS, LLC v CHARTER TOWNSHIP OF CLINTON, Macomb County Circuit Court Case No. 2019-0075-CE, Honorable James M. Biernat, Jr.

MACOMB COUNTY HABITAT FOR HUMANITY, INC. v L. ECHO OLSON A/K/A ECHO LOFFREDO, and the CHARTER TOWNSHIP OF CLINTON, Macomb County Circuit Court Case No. Case No. 2019-2830-CH, Honorable Kathryn A. Viviano.

VIRGINIA ANN SADOCHA and SAMUEL CHE AMBE, JR. v POLICE DEPARTMENT FOR THE CHARTER TOWNSHIP OF CLINTON and MACOMB COUNTY PROSECUTOR, Macomb County Circuit Court Case No. 2019-0285-CF, Honorable James M. Biernat, Jr.

CHRISTOPHER LEMANSKI v TOWNSHIP OF CLINTON, et al, Macomb County Circuit Court Case No. 2020-0918-NI, Honorable James M. Biernat, Jr.

DEAN C METRY and GERALD J. BURNOSKY v TOWNSHIP OF CLINTON, BARRY MILLER, MAGA HOLDINGS, LLC (Owner), et al, Macomb County Circuit Court Case No. 2020-2656-AW, Honorable Kathryn A. Viviano.

McCORMACK DEVELOPMENT, LLC, MIDWEST SELF STORAGE DEVELOPMENT, LLC, et al v Charter Township of Clinton, Macomb County Circuit Court Case No. 2020-1246-AA.

ROBERT LEVOS v MACOMB COUNTY JUDICIARY, 16TH JUDICIAL CIRCUIT COURT, (ERIC SMITH WAS) MACOMB COUNTY PROSECUTORS OFFICE, CLINTON TOWNSHIP POLICE, CLINTON TOWNSHIP BOARD, et al, Macomb County Circuit Court Case No. 2021-1221-CZ, Honorable James M. Maceroni.

Macomb County Department of Roads

SHELLY MENARD, Conservator of RYAN MENARD, a Minor v TERRY R. IMIG, SHARRYL ANN EVERSON, MACOMB COUNTY DEPARTMENT OF ROADS, and COUNTY OF MACOMB, Macomb County Circuit Court Case No. 2014-3145-NI, Hon: James Maceroni.

RICHARD MACMARTIN v MACOMB COUNTY DEPARTMENT OF ROADS and SCOTT KREGER, Macomb County Circuit Court Case No. 2017-1594-NI, Honorable Joseph Toia.

Roseville

NICOLE MOORE v CITY OF ROSEVILLE, Macomb County Circuit Court Case No. 2019-4717-NO, Honorable Joseph Toia.

STEVE SMITH v CITY OF ROSEVILLE, Macomb County Circuit Court Case No. 2019-3341-NO, Honorable Jennifer Faunce.

JOBS FOR ROSEVILLE, a ballot question committee v RICHARD STEENLAND, in his official capacity as Clerk for the City of Roseville, Macomb County Circuit Court Case No. 2020-2937-AW, Honorable Julie Gatti.

Utica

CANDID LABS LLC v CITY OF UTICA, Macomb County Circuit Court Case No. 20-2369-CZ. Successfully defended action alleging city clerk improperly rejected application for marijuana license. Won on motion for summary disposition.

GOLDEN ROCKIES INC V CITY OF UTICA, et al, Macomb County Circuit Court Case No. 21-1061-CZ. Successfully defended action against City filed by a disgruntled marijuana license applicant who did not receive a license. Plaintiff argued that the ordinance had improper scoring systems and other flaws. We filed a motion to dismiss the case and after days of oral argument

were successful.

AEY CAPITAL, LLC. D/B/A GAGE CANNABIS COMPANY V CITY OF UTICA, Macomb County Circuit Court Case 21-001461-CZ. Plaintiff argued that certain scoring criteria violated the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”). We won dismissal of the action on motion.

MI Tax Tribunal Cases

On behalf of the Charter Township of Clinton, City of New Baltimore and City of Roseville, we have handled hundreds of cases over the last 5 years. Ms. McGrail previously handled the tax appeals for the City of Sterling Heights where she successfully defended an appeal that resulted in a significant increase in the taxable value of almost \$3M. That ruling was upheld by the Court of Appeals in *Sunnybrook Golf, Bowl, & Motel, Inc v City of Sterling Heights*, Court of Appeals Case No. 332357 (December 7, 2017), *app lv den*.

APPENDIX F

YDT CLIENT REFERENCES

Gus Calandrino, Mayor – City of Utica

7550 Auburn Road, Utica MI 48317

Phone (586) 739-1600

Paul Gielegem, Supervisor – Charter Township of Clinton

40700 Romeo Plank Road, Clinton Township, MI 48038

Phone: (586) 286-8000

Ryan Monroe, City Manager – City of Roseville

29777 Gratiot Avenue, P.O. Box 290, Roseville, MI 48066

Phone: (586) 445-5410

Frank Viviano, Superintendent – Township of Macomb

54111 Broughton Road, Macomb Township, MI 48042

Phone: (586) 992-0710 Ext. 6

APPENDIX H

CONTRACT FOR LEGAL SERVICES

This Contract for Legal Services (hereinafter "Contract") made and entered into on this _____ day of _____, 2025, by and between Armada Township, a Michigan Municipal Corporation, whose address 23121 East Main Street, Armada, Michigan 48005 (hereinafter "Township"), and York, Dolan & Tomlinson, P.C., a Michigan Professional Corporation, whose address is 22600 Hall Road, Suite 205, Clinton Township, Michigan 48036 (hereinafter "YDT").

WHEREAS, YDT has been awarded a contract to perform legal counsel services pursuant to the Request for Proposal: Legal Services;

NOW, THEREFORE, in consideration of mutual agreements and promises herein between the parties, the Township and YDT agree as follows:

1. **At-Will Contract.** The Contract shall be considered at-will with a right on behalf of the Township Board to terminate the Contract with or without notice and with or without cause in the absolute sole discretion of the Township Board.

2. **Scope of Legal Services.** YDT shall provide legal services requested by the Township involving legal matters as determined and selected by the Township. The Township shall assign tasks, through the Township Board or otherwise through authorized personnel, including fulltime elected officials and department heads. Any disputes or concerns regarding the assignment of tasks shall be resolved in a manner as selected by the Township.

3. **Communication Regarding Legal Services.** All members of the Township Board shall be entitled to and provided upon request, and otherwise periodically information regarding tasks upon which YDT has been assigned and is undertaking or about to undertake. All such communications are pursuant to the attorney-client relationship and shall be respected both by the Township, its elected, appointed officials and employees, and the attorneys to preserve the attorney-client privilege, unless circumstances warrant disclosure. Any decision regarding disclosure shall be made by YDT only after discussion and approval with the Township official assigning the task or the Township Board. To the extent that a legal task undertaken is adverse to the interest of an individual Board Member, as opposed to the Township Board, YDT will respect retention by the Township Board on behalf of the Township as opposed to the individual Board Member recognizing that the privilege exists on behalf of the Board as a whole.

4. **Assignment of Additional Tasks.** The Township in its prerogative throughout the term of the Contract may assign legal tasks within its discretion. YDT shall keep the Township official or body assigning the task and the Township Board, upon request, informed regarding the status and progress of tasks assigned. To the extent any conflict within the Township exists regarding the nature and scope of the task assigned and manner for completion, YDT shall respect the determination of the Township Board on such issue. Such assigned task shall be included within the monthly retainer, unless involving hourly services as listed in paragraph 8.
5. **Term.** This Contract is for an indefinite term subject to termination as provided for in paragraph 6 or rebidding by the Township within the sole discretion of the Township.
6. **Termination.** Legal services may be terminated through action by the Township Board at any time with or without notice and with or without cause to YDT. Upon such termination, YDT agrees to cooperate and assist in the transition of legal services to other selected by the Township. Such assistance in transition shall include, but not be limited to offering opinions regarding time for full transfer of legal matters, conferring and consulting with successor firms on legal services, delivering open and closed files, providing copies of calendars and other reasonable services associated with the transition. Transitional services shall be billed at the hourly billing rate per hour. Should the Township at any time wish to discontinue legal services on any matter, the Township may, upon reasonable notice, discontinue such services. Thereafter, YDT shall provide, without further charge, additional services necessary, if requested, to transition representation for services elsewhere.
7. **Resignation by YDT.** YDT may upon 60 days notices resign and terminate legal services. YDT shall assist in completing transitional legal services to a firm selected by the Township following process set forth herein for transition upon removal of YDT upon the request of the Township Board. Charges for transitional legal services following resignation shall be billed at the hourly rate per hour.
8. **Notices.** Notices shall be sent in writing to the following:

Armada Township
Supervisor
23121 East Main Street
Armada, Michigan 48005

Timothy D. Tomlinson
York, Dolan & Tomlinson, P.C.
22600 Hall Road, Suite 205
Clinton Township, Michigan 48036

9. **Fees and Scope of Retainer Tasks.** The Township shall pay for all legal counsel services performed as follows:

Hourly Fee: \$150/hour

Reimbursable Costs:

- Copy charges (no charge, unless outside copy services is required)
- Courts and Tribunal (filing fees)
- Process service fees and courier fees
- Depositions costs (court reporter fees/transcripts)
- Postage (no charge for packages under \$3)
- Register of Deeds (recording fees)

Billing Procedure:

All billings shall be in one tenth hour increments.

10. **Insurance.** YDT shall provide proof of malpractice insurance coverage in the amount of \$2 million dollars per occurrence and in aggregate which shall remain in effect throughout the term of this Contract with the Township.
11. **Disputes Regarding Services and Fees.** The Township may select the manner of resolving disputes regarding services and fees, reserving unto itself litigation in court or binding arbitration consistent with the rules for binding arbitration by the American Arbitration Association or another established and recognized process for binding arbitration as selected in the sole discretion of the Township.
12. **Assignability.** YDT shall not assign any interest in this Contract and shall not transfer any interest in the same without the prior written consent of the Township as exercised by the Township Board.
13. **Controlling Law.** This Contract is to be governed by the laws of the State of Michigan.
14. **Modifications.** This Contract may only be modified in writing signed by both parties and expresses the complete intent of the parties. No inducements, oral or in writing, other than included in this Contract for its execution have been made.

TOWNSHIP:
Armada Township
a Michigan Municipal Corporation

YDT:
York, Dolan & Tomlinson, P.C.,
a Michigan Professional Corporation

By: Chris Krotche
Its: Supervisor

By: Timothy D. Tomlinson
Its: Partner

Re: Mobile Food Vehicle Inspection Application

From Kevin Kanehl - Armada FD <firemarshal@armadatwp.org>

Date Tue 8/26/2025 10:47 AM

To Clerk - Armada Twp <clerk@armadatwp.org>

📎 1 attachment (242 KB)

Mobile Food Unit Permit Form.pdf;

Mary, I made my own permit application form, We will use the state fire inspection form to ensure uniformity. I added notation at bottom that inspection is required two weeks prior to operation and that inspection fee follows our fee schedule which is currently \$75 and due at time of inspection. This would be the final step in approval for permit. The only other thing I can think of would be a fact sheet explaining the process for permit and requirements for generator use/separation distances when setting up for operations, otherwise I feel it is simple to follow.

As a note, there is potential that in the future the state or county will allow food truck fire inspections to where a state form is used and as long as state certified fire inspector performs inspection where only one annual will be required. If that occurs, we can then revise the structure to include an inspection fee for when we are completing the inspection, and an administration fee for when an approved inspection has already been completed.

Respectfully,

Kevin Kanehl

Fire Marshal



23175 Armada Center Road

Armada, MI 48005

Office: 586-784-9464 Ext 2

Fax: 586-784-8586

Website: www.armadatwp.org

From: Clerk - Armada Twp <clerk@armadatwp.org>

Sent: Tuesday, August 26, 2025 9:43 AM

To: Kevin Kanehl - Armada FD <firemarshal@armadatwp.org>

Subject: Re: Mobile Food Vehicle Inspection Application

Thanks Kevin.

Send the application to building@armadatwp.org so Katie can change what you need and to put it on Fire letterhead.

Mary



Mary Swiacki

Clerk

Work: 586-784-5200 EXT 10

Cell 810-523-2813

clerk@armadatwp.org

www.armadatwp.gov

23121 E. Main Street, Armada, MI 48005

From: Kevin Kanehl - Armada FD <firemarshal@armadatwp.org>

Sent: Tuesday, August 26, 2025 9:06 AM

To: Clerk - Armada Twp <clerk@armadatwp.org>

Subject: Re: Mobile Food Vehicle Inspection Application

Respectfully,

Kevin Kanehl

Fire Marshal



Armada Township Fire Department

23175 Armada Center Road
Armada Township, MI 48005

www.armadatwp.org/fire-department

Phone: (586) 784-9464
Fax: (586) 784-8586

Mobile Food Unit Permit Application

Applicant Information:

Date: _____ Applicant Name: _____

Business Name: _____ Address: _____

City/Twp: _____ State: _____ Zip: _____

Phone Number: _____ Email Address: _____

Vehicle Information:

Food Truck Name: _____

Mobile Food Unit Type: (Truck/Trailer/Other): _____

License Plate Number: _____

Fuel Type (Gas/Propane/Other): _____

Required Documentation:

- Copy of current Macomb County Health Department mobile food vendor permit
- Copy of certificate of insurance
- Photograph of type K (if applicable) and ABC fire extinguishers with up-to-date inspection tag/sticker
- Copy of current hood suppression inspection certification (if applicable)
- Copy of current D.O.T. inspection/pressure test of fuel gas delivery system (if applicable)

Permit Details:

Event/Location: _____

Date(s) of Operation: _____ Hours of Operation: _____

Applicant Signature: _____ Date: _____

I hereby certify that the above information is true and correct, and I agree to comply with all fire and life safety codes, regulations, and inspection requirements. I understand that failure to comply may result in revocation of this permit.

Fire Department Use Only:

Inspection Date: _____ Inspection Results: _____ Inspector: _____

Approved by: _____ Signature: _____ Date: _____

*Life safety inspection is required at least two (2) weeks prior to date of operation. Fees will follow the Armada Township Fire Department Fee Schedule and are due at time of inspection.

Rev. 8/26/2025

**MOBILE FOOD SERVICE UNIT INSPECTION CONSORTIUM
SAFETY INSPECTION FORM**

DATE:	LOCATION:	MUNICIPAL PERMIT#
INSPECTING MI FDID:	INSPECTORS MI CFI#:	FD PERMIT#:

BUSINESS INFORMATION				
NAME:				
STREET:	CITY:	ST:	ZIP:	STE/APT
PHONE:	EMAIL:			
WEBSITE:				

BUSINESS OWNER INFORMATION:				
LAST:	FIRST:	M:	SEX:	
STREET:	CITY:	ST:	ZIP:	Ste/Apt
PHONE:	EMAIL:			
DLN:	ST:	TYPE:	EXP:	DOB:

VEHICLE OPERATOR INFORMATION:				
LAST:	FIRST:	M:	SEX:	
STREET:	CITY:	ST:	ZIP:	Ste/Apt
PHONE:	EMAIL:			
DLN:	ST:	TYPE:	EXP:	DOB:

VEHICLE INFORMATION:				
MAKE:	MODEL:	YR:	UNIT#:	
PLATE #:	ST:	TYPE:	EXP:	
VIN:				
REGISTRANT:				
INSURER:	POLICY #:	POLICY EXP:		

VEHICLE INFORMATION			
THIS VEHICLE HAS THE FOLLOWING FUEL AND COOKING OPERATIONS:			
<input type="checkbox"/>	LPG (Propane)	<input type="checkbox"/>	CNG (Compressed Natural Gas)
<input type="checkbox"/>	Generator	<input type="checkbox"/>	Solar
<input type="checkbox"/>	Stove	<input type="checkbox"/>	Oven
<input type="checkbox"/>	Deep Fryer	<input type="checkbox"/>	Solid
<input type="checkbox"/>	Hood System	<input type="checkbox"/>	Automatic Fire Suppression

**MOBILE FOOD SERVICE UNIT INSPECTION CONSORTIUM
SAFETY INSPECTION FORM**

OK	VIOL	OOS	N/A	
				LPG shutoff valves to be readily accessible & identified by reflective permanent signage. Letters to be a minimum of 2" high stating "EMERGENCY GAS SHUT OFF VALVE" Contrasting to its background. (1:50:7.2.2.3)
				The signage to be weather resistant, clearly visible and unobscured.
				The emergency control shut-off to be a quarter turns manual gas ball valve.
				The LPG supply system, including containers shall be installed on the exterior of the vehicle. Pressure relief valves to be directed in an outward direction away from entry doors. OR (58:6.26.3.3)
				OR In a vapor tight cabinet not internally accessible. Accessed from and vented to the outside. Vented near the top and bottom of the enclosure and 3' horizontally away from any opening into the vehicle below the level of the vents. Never stored or transported in the vehicle. (N1:50.7.2.4.3.2)
				LPG container cannot extend further than the rear bumper and to be protected from vehicle impact. The bottom of the container shall be mounted higher than 36" from the ground.
				LPG container to be secured with a non-combustible material or device. The container when secured shall not become loose, slip, turn or rotate.
				LPG container to be located in a manner to minimize exposure to excessive temperature rises, physical damage and/or tampering.
				Signage stating "NO SMOKING" with minimum of 4" letters contrasting to its background shall be installed above the LPG container.
				Hose used to pipe LPG to the device must be UL or FM listed and marked for LP use with a minimum of 350 psi working pressure.
				Couplings, fittings, devices and any other appurtenances regarding LPG shall meet UL or FM requirements.
				Fixed piping shall be designed, installed, supported and secured to minimize damage from vibration, strain, wear or loosening in transit.
				Steel black piping shall have a minimum wall thickness of .049". (58:6.26.5.1A)
				Gas piping shall be installed to enter the vehicle through the floor or wall and travel directly behind to the appliance served.
				Branch lines when installed shall have a tee connection located in the main line under the floor and outside the vehicle.
				Exposed fixed piping system shall be corrosion resistant or be coated or protected to minimize corrosion.
				A flexible connector shall be installed between the regulator outlet and the fixed piping system to protect against expansion, contraction, jarring and vibration. (58:6.26.5.1 (B))

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OK	VIOL	OOS	N/A	
				Flexibility shall be provided in the piping between a cylinder and the gas piping system or regulator.
				Regulator vent openings shall be protected from sleet, snow, freezing, rain, ice, mud and wheel spray.
				Maximum aggregate amount of LPG shall not exceed 200 pounds. (319.8.1)
				Any hose being utilized in the fuel line system to be approved.
				Fuel piping systems including hose to be pressure tested and proven free of leaks: to be corrosion resistant, coated or protected.(58:6.26.5.1)
				LPG utilized in transit for cargo heater or cooling system shall be designed for in transit use and have a means installed to stop the flow of gas in event of a line break, such as an excess flow valve.
				MFSU utilizing Compressed Natural Gas (CNG) shall not exceed an aggregate amount of 1300 pounds. (IFC 319.9.1.1)
				CNG containers to be securely mounted and restrained to prevent movement and vehicle impact. IFC (319.9.1.2)
				CNG system piping including valves and fittings shall be adequately protected to prevent tampering, impact damage and damage from vibration. IFC (319.9.3)
				CNG containers expire every 3 years and shall not be utilized beyond the 3 years without an inspection by a qualified service facility. A tag shall be affixed on the CNG system or within the MFSU. IFC (319.10.3)
Solid Fuels				
				Solid fuel not to be stored above any heat producing appliance or vent. (96:14.9.3.2.2)
				Solid Fuel is not stored closer than 3' to any cooking appliance. (96:14.9.3.2.2)
				Solid Fuel is not stored near any combustible or flammable liquids,, ignition sources, chemicals, food supplies and packaged goods. (96:14.9.2.7)
				Solid Fuel ash, cinders and other fire debris should be removed from the fire box at regular intervals and at least once a day. (96:14.9.3.6.1)
				Solid Fuel ashes, cinders and other removed fire debris should be placed in a closed, metal container located at least 3' from any cooking appliance. (96:14.9.3.8)
Generators				
				Refueling of generators to be performed in an approved location not less than 20' from the MFSU.
				Generator not to be refueled in areas occupied by the public.

**MOBILE FOOD SERVICE UNIT INSPECTION CONSORTIUM
SAFETY INSPECTION FORM**

OK	VIOL	OOS	N/A	
				Fuel to be stored in a UL or FM approved flammable liquid metal safety container.
				Fuel to be stored in an approved location and secured from movement during transit.
				Fuel not to be stored in occupant space of MFSU while generator is in operation.
				Generator not to be fueled until both the engine and fuel tank are cool and below the auto ignition temperature of the fuel. Generator never to be refueled while running. (1:11.7.2.1.2)
				Generator servicing a MFSU shall not to be fueled while the Mobile Food Service Unit in is operation. (1:66.6.5 – IFC 5703.1.1)
				Generator to be grounded in an approved method.
				Generator while operating shall not exceed 80 decibels at 15 feet.
				Generator not to be positioned adjacent to any means of egress, air intakes, openings building, structure or vehicle. (1:11.7.2.2 and BP)
Fire Protection Infrastructure				
				MFSU not to be parked in any manner that obstructs a fire lane. (1:50.7.1.7)
				MFSU not to be parked in any manner that obstructs a fire hydrant.
				MFSU not to be parked in any manner that obstructs a fire department connection or other fire protection equipment. (1:50.7.1.7)
Separations & Securement				
				MFSU not to be within 10' of entrances/exits of buildings/structures, combustible materials, vehicles including other MFSU or other cooking operations. (1:50.7.1.5)
				MFSU to be secured from accidental movement by the chocking of the tires. Chock both sides of tire. Are wheel chocks present for use? (1:50.7.1.3)
Means of Egress				
				Clear unobstructed height over the aisle way portion of the unit to be a minimum of 74" from floor to ceiling.
				A minimum width of 30" of unobstructed aisle space.
				A minimum of two means of egress is required if travel distance exceeds 10' within any portion of the unit.
				The location of the secondary means of egress shall be remote from the primary.
				Secondary means of egress shall have an unobstructed minimum passage of 24" x 24" to the outside.
				The bottom of the secondary means of egress shall not be more than 4' above the vehicle floor or readily accessible.

**MOBILE FOOD SERVICE UNIT INSPECTION CONSORTIUM
SAFETY INSPECTION FORM**

OK	VIOL	OOS	N/A	
				The horizontal space in front of the secondary means of egress shall be capable of supporting a minimum weight of 300 pounds at the opening to the outside.
				Secondary means of egress shall be labeled "EXIT" with 2" minimum letters on contrasting background.
				The latching mechanism on any exit shall be operable by a single hand with a single motion to open.

Cooking Systems - Hood - Automatic Fire Suppression System

				Class 1 hood is required if operation involves the cooking of solid fuel, vegetable oil or animal fats? (IFC 319.3 NFPA 1:50.2.1.1.1/96:4.1.1)
				Exhaust hood required if operation releases smoke or steam. (NFPA 96: 4.1.1)
				Cooking equipment, hood & exhaust system to be clean of grease laden residue with current cleaning certificate / label present. (IFC 607.3.3.3.1/NFPA 96: 11.6.13)
				Fire suppression system to be tagged and certified within last 6 months.
				Hand pull for fire suppression system to be unobstructed and in path of egress.
				8" Steel baffle required between fryer and surface flames of an adjacent appliance. (96:12.1.2.5)
				16" space between fryer and surface flames from adjacent cooking equipment. (96:12.1.2.4)
				Cooking oil storage shall not exceed a maximum aggregate amount more 120 gallons on the MFSU. (Fc 319.6)
				Deep fat fryers shall have a high-limit control to shut off fuel or energy when the temperature reaches 475 degrees at 1" below the surface.
				Positive closing lid required on fryers. A latching mechanism that secures the lid open or closed. The lid to be secured closed during transit

APPROVED	DENIED <i>A re-inspection is required for approval</i>	Re-Inspection conducted on:	A	D
APPROVED	DENIED <i>A re-inspection is required for approval</i>	Re-Inspection conducted on:	A	D
YES	NO <i>Proof of attendance of an approved MFSU Safety Class within the last 3 years is required to operate.</i>			

Inspector
MI/BFS CFI#: _____

_____ Date

Re-Inspect Inspector
MI/BFS CFI#: _____

_____ Date

Re-Inspect Inspector
MI/BFS CFI#: _____

_____ Date

Re-Inspect Inspector
MI/BFS CFI#: _____

_____ Date

Vehicle Inspection Location: _____