

Village of Beverly Hills
Regular Village Council Meeting
Tuesday, January 18, 2022

Municipal Building
18500 W. 13 Mile Road
7:30 p.m.

Zoom link: <https://us02web.zoom.us/j/88310410563>

Meeting ID: 883 1041 0563

Dial in: 1-646-876-9923 (US)

AGENDA

Roll Call/Call to order

Pledge of Allegiance

Amendments to Agenda/Approve Agenda

Community Announcements

Public Comments on items not on the published agenda

Consent Agenda

1. Review and consider approval of **minutes** of a regular Council meeting held January 4, 2022.
2. Review and file **bills** recapped as of Tuesday, January 18, 2022.
3. Set public hearing **date** of February 15, 2022 to review and confirm 2021 Special Assessment Roll for the Southfield Road Business Assessment District.

Business Agenda

1. Village Manager Search Update.
2. **Presentation** on the Safe Routes to School Program.
3. Community Input on Safe Routes to School Application.
4. Review and consider **Releases** for National Prescription Opioid Settlement.

Public comments

Manager's **report**

Council comments

Adjournment

This will be a hybrid meeting held in person in the Village Council Chambers with a remote participation option available via Zoom due to the COVID-19 pandemic.

The Village of Beverly Hills will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities attending the meeting upon three working days' notice to the Village. Individuals with disabilities requiring auxiliary aids or services should contact the Village by writing or phone, 18500 W. Thirteen Mile Beverly Hills, MI 48025 (248) 646-6404.

REGULAR COUNCIL MEETING MINUTES – JANUARY 4, 2022 – PAGE 1

Present: President George; President Pro-Tem Hrydziuszko; Members: Abboud, Kecskemeti, Mooney, O’Gorman, and Peddie

Absent: None

Also Present: Interim Village Manager/Village Clerk/Assistant Manager, Rutkowski
Public Safety Director, Torongeau via Zoom
Village Attorney, Ryan

President George called the regular Village Council meeting to order at 7:30 p.m. in the Village Council Chambers located at 18500 W. Thirteen Mile Road, Beverly Hills, MI 48025. The Pledge of Allegiance was recited by those in attendance.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Peddie, to approve the agenda as published.

Motion passed.

COMMUNITY ANNOUNCEMENTS

None.

PUBLIC COMMENTS

Karen Gilbert, Amherst, asked about the Village Attorney’s contract. She said it was stale and expired and wondered why the Village does not update the Attorney’s contract, but puts a calendar RFP out each year, which is comparably much less expensive.

CONSENT AGENDA

Motion by Mooney, second by Peddie, be it resolved, the consent agenda is approved.

1. Review and consider approval of minutes of a regular Council meeting held December 21, 2021.
2. Review and file bills recapped as of Monday, January 3, 2022.

Roll Call Vote:

Motion passed (7-0)

BUSINESS AGENDA**REVIEW AND CONSIDER RESOLUTION SUPPORTING THE SAFE ROUTES TO SCHOOL APPLICATION**

George provided an overview of the program and referenced a map of proposed sidewalks that was displayed on the SmartBoard in the Council Chambers. He noted that the initial resolution that was included in the meeting packet has been updated to include two schools that were accidentally left off. The updated resolution also has a funding update because the 20% match is not required and has been waived by MDOT. He noted the grant amount was \$220,000 per school. He stated the goal of the resolution is to indicate support for the grant application for the schools listed. He said that a representative from the Safe Routes to School program will attend the next Council meeting and he encouraged resident feedback. He stated there is an early February deadline.

Abboud asked about engineering for the project.

THESE MINUTES ARE NOT OFFICIAL. THEY HAVE NOT BEEN APPROVED BY THE VILLAGE COUNCIL.

O’Gorman clarified that the total request amount was \$880,000 for 4 schools and that the match requirement had been removed. He asked about the timeline for the project. George stated it would be in the 2023 or 2024 cycle.

Kecskemeti stated Our Lady Queen of Martyrs has not yet confirmed if they will participate.

Abboud asked about the duration of the project. George stated that there is not a precise timeline yet, but that the grant notification period is in June/July.

Kecskemeti stated that the TAP grant has conditions that the community may not be on board with and asked if SRTS funding could be used along the main roads. George said yes, the SRTS funding could be used along main roads.

Motion by George, second by Hrydziuszko:

WHEREAS, the Village of Beverly Hills supports policies and programs that promote health and wellness and healthier community environments; and

WHEREAS, the health and safety of children is of highest concern to the residents of the Village of Beverly Hills; and

WHEREAS, walking and biking can help enhance the health and overall physical activity of children, improve air quality and the environment, and reduce traffic congestion and speed in and around school zones; and

WHEREAS, Safe Routes to School (SRTS) is a national and international movement to create safe, convenient, and fun opportunities for children to walk and bike to school; and

WHEREAS, SRTS efforts help remove barriers to walking and biking to school through improvement of infrastructure and facilities and the creation of education, encouragement, engineering, enforcement, and evaluation programs; and

WHEREAS, the SRTS program is a federally funded program administered in Michigan by the Michigan Department of Transportation (MDOT); and

WHEREAS, the SRTS program provides up to \$220,000 of infrastructure funds per school; and

WHEREAS, the Village of Beverly Hills is applying for funds from the Safe Routes to School Program to construct certain infrastructure projects throughout the Village, including sidewalks, crosswalks, and signage to enable and encourage children to safely walk and bike to school. The project, also known as the Beverly Hills Safe Routes to School Connector Program, will enhance and provide safe walkable connections for the Beverly Elementary School, Greenfield Elementary School, Bingham Farms Elementary School and Berkshire Middle School by completing the sidewalk gaps impacting these educational facilities; and

WHEREAS, the Village of Beverly Hills will seek a SRTS grant of \$880,000 (or \$220,000 per school); and

NOW, THEREFORE, BE IT RESOLVED, the Village of Beverly Hills supports the Beverly Hills Safe Routes to School Connector Program and its construction to provide safe walkable connections for the subject schools.

BE IT FURTHER RESOLVED, the Village of Beverly Hills commits to pay engineering services required to design and supervise the construction of the path or any non-participating costs required for the realization of the project.

BE IT FURTHER RESOLVED, the Beverly Hills Village Council authorizes the Village Manager to act as an agent/representative on behalf of the applicant agency during project development, request SRTS funding, and sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED, the Village of Beverly Hills commits to being responsible for engineering for design and construction, permit fees, administration costs, potential cost overruns, and any non-participating items.

BE IT FURTHER RESOLVED, the Village of Beverly Hills commits to owning/operating the facility constructed with SRTS funding and funding/implementing a maintenance plan/program in perpetuity or causing operations and maintenance to occur.

Roll Call Vote:
Motion passed (7-0)

PUBLIC COMMENTS

None.

MANAGER'S REPORT

Christmas Tree Chipping

Comeau will be chipping Christmas trees the weeks of January 3 and January 10, 2022. Please remove all decorations and plastic bags and place trees at the curb to be chipped.

Safe Routes to School Public Input

The Council will be asking for additional resident feedback on the Safe Routes to School program application at their January 18, 2022 regularly scheduled meeting. Residents are encouraged to attend the meeting in person or via Zoom to share their comments. Written comments may also be submitted to the Village Clerk (krutkowski@villagebeverlyhills.com or 18500 W. 13 Mile Road, Beverly Hills, MI 48025) by 4:30 p.m. on January 18th.

Upcoming Strategy Session

The annual Council Strategy Session will be held on Saturday, January 8, 2022 at 9:00 a.m. in the Village Council Chambers.

Joint Council/Parks & Recreation Board Meeting

The joint Council/Parks & Recreation Board meeting will be held on Thursday, January 20, 2022 at 7:30 p.m. in the Village Council Chambers.

Holiday Office Closures

The Village Office will be closed on Monday, January 17, 2022 for Martin Luther King Jr. Day. Trash collection will not be interrupted.

COUNCIL COMMENTS

Kecskemeti stated that January is National Radon Awareness Month. She stated that one in four homes may be impacted by the presence of radon. She said it is very important to test homes for radon every few years. Oakland County has test kits available for residents.

Abboud reported that Orion Township Supervisor Chris Barnett has been selected to serve as the SEMCOG Chairperson. He stated SEMCOG is hosting a webinar about floodplains and January 11th and encouraged everyone to attend. The meeting information is on their website. He asked for an estimate for partitions to be placed on the Council desk in the Chambers. He is looking forward to Saturday's strategy session where he would like to discuss short term rentals and infrastructure.

Mooney said Happy New Year. He wished the best for the Village this coming year.

Hrydziusko thanked residents who submitted name suggestions for Park #5.

George reported that the Village Manager application deadline has been extended to January 14, 2022. He stated that the Council should either hold a special meeting or set time aside at the February 1st meeting to discuss the applicant pool. He asked Council members to please bring their ideas for the strategy session on Saturday. He said if there is a project that they would like to see complete to take ownership of it. He said there would be a finance update at Saturday's meeting.

ADJOURNMENT

Motion by Mooney, second by Peddie, to adjourn the meeting at 8:03 p.m.

Motion passed.

John George
Council President

Kristin Rutkowski
Village Clerk



TO PRESIDENT GEORGE & MEMBERS OF THE VILLAGE COUNCIL. THE FOLLOWING IS A LIST OF
EXPENDITURES FOR APPROVAL. ACCOUNTS PAYABLE RUN FROM 01/04/2022 THROUGH 1/18/2022.

ACCOUNT TOTALS:

101	GENERAL FUND	\$56,984.08
202	MAJOR ROAD FUND	\$17,449.33
203	LOCAL STREET FUND	\$13,303.94
205	PUBLIC SAFETY DEPARTMENT FUND	\$70,876.74
285	RETIREE HEALTH CARE FUND	\$4,200.00
592	WATER/SEWER OPERATION FUND	\$261,424.80
701	TRUST & AGENCY FUND	\$2,759.33
	TOTAL	<u>\$426,998.22</u>
	MANUAL CHECKS- COMERICA	\$0.00
	MANUAL CHECKS- INDEPENDENT	\$0.00
	ACCOUNTS PAYABLE	<u>\$426,998.22</u>
	GRAND TOTAL	<u>\$426,998.22</u>

01/14/2022 11:10 AM
User: JAY
DB: Beverly Hills

CHECK REGISTER FOR VILLAGE OF BEVERLY HILLS
CHECK DATE FROM 01/18/2022 - 01/18/2022

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Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank COM COMERICA					
01/18/2022	COM	84817	60249	5 ALARM	75.00
01/18/2022	COM	84818	MISC	ACTION FENCE OF MICHIGAN INC	75.00
01/18/2022	COM	84819	60217	AMAZON CAPITAL SERVICES	42.25
01/18/2022	COM	84820	53284	APPLIED IMAGING	141.36
01/18/2022	COM	84821	51802	ARROW OFFICE SUPPLY CO.	111.30
01/18/2022	COM	84822	32748	BEIER HOWLETT,P.C.	2,475.00
01/18/2022	COM	84823	MISC	BENAVIDES, MARCEL	200.00
01/18/2022	COM	84824	51409	BEVERLY HILLS ACE	53.97
01/18/2022	COM	84825	30861	BLUE CARE NETWORK	40,378.41
01/18/2022	COM	84826	50489	BOB ADAMS TOWING	125.00
01/18/2022	COM	84827	59779	CANFIELD EQUIPMENT SERVICE INC	12,135.46
01/18/2022	COM	84828	59347	CINTAS CORPORATION #31	47.66
01/18/2022	COM	84829	51439	COMCAST	140.25
01/18/2022	COM	84830	04500	COMEAU EQUIPMENT CO INC.	29,685.40
01/18/2022	COM	84831	04500	COMEAU EQUIPMENT CO INC.	294.49
01/18/2022	COM	84832	50826	CONSUMERS ENERGY	2,659.86
01/18/2022	COM	84833	52025	DETROIT SALT COMPANY	6,978.98
01/18/2022	COM	84834	51385	DTE ENERGY	6,677.23
01/18/2022	COM	84835	30685	ERIC KOENIG	1,050.00
01/18/2022	COM	84836	31228	EXXONMOBIL	3,802.85
01/18/2022	COM	84837	MISC	FOUNDATION SYSTEMS OF MICHIGAN	200.00
01/18/2022	COM	84838	MISC	GSR PROPERTIES	400.00
01/18/2022	COM	84839	32578	HOWARD SHOCK	1,050.00
01/18/2022	COM	84840	59010	HUNT SIGN COMPANY	115.00
01/18/2022	COM	84841	58950	HYDROCORP	290.00
01/18/2022	COM	84842	59108	JOHN GEORGE IV	98.48
01/18/2022	COM	84843	30521	JOHN MILLIRON	1,050.00
01/18/2022	COM	84844	59582	JOHNSON THERMOL-TEMP INC.	577.00
01/18/2022	COM	84845	09300	KELLER THOMA	1,050.00
01/18/2022	COM	84846	53316	LANG'S ON-SITE SERVICES	294.00
01/18/2022	COM	84847	59541	LAW ENFORCEMENT SEMINARS, LLC.	800.00
01/18/2022	COM	84848	51792	LEXISNEXIS RISK SOLUTIONS	150.00
01/18/2022	COM	84849	59116	MARGARET A.S. BEKE	114.33
01/18/2022	COM	84850	31794	MICHAEL MILES	1,050.00
01/18/2022	COM	84851	52030	MICHIGAN GRAPHICS & AWARDS	80.00
01/18/2022	COM	84852	59329	MICHIGAN INDEPENDENT DOOR COMPANY	1,940.50
01/18/2022	COM	84853	60493	MICHIGAN RURAL WATER ASSOCIATION	1,095.00
01/18/2022	COM	84854	59330	MIKE SAVOIE CHEVROLET	2,041.20
01/18/2022	COM	84855	58903	MUNIWEB	170.00
01/18/2022	COM	84856	MISC	MW BUILDING SOLUTIONS	700.00
01/18/2022	COM	84857	MISC	NEWTON, PAUL A	800.00
01/18/2022	COM	84858	51799	NYE UNIFORM EAST	2,938.95
01/18/2022	COM	84859	51540	O'REILLY AUTO PARTS	55.96
01/18/2022	COM	84860	51751	O.C.W.R.C.	36,868.33
01/18/2022	COM	84861	60012	OAKLAND COUNTY PARKS	1,100.00
01/18/2022	COM	84862	50830	OAKLAND COUNTY TREASURER'S	171,574.06
01/18/2022	COM	84863	14100	OBSERVER & ECCENTRIC	130.32
01/18/2022	COM	84864	59122	RAPID RESPONSE	84.99
01/18/2022	COM	84865	MISC	RAPID ROOFING	300.00
01/18/2022	COM	84866	16100	ROAD COMMISSION FOR OAKLAND	18.00
01/18/2022	COM	84867	16500	S.O.C.R.R.A.	35,451.00
01/18/2022	COM	84868	16600	S.O.C.W.A.	46,694.30
01/18/2022	COM	84869	MISC	SAS SERVICES INC	300.00
01/18/2022	COM	84870	38145	SOUTHFIELD POSTAL SERVICE	467.33
01/18/2022	COM	84871	17700	SUNSET MAINTENANCE SERVICE	1,200.00
01/18/2022	COM	84872	31043	THOMAS J RYAN PC.	8,000.00
01/18/2022	COM	84873	MISC	WALLSIDE WINDOWS	300.00
01/18/2022	COM	84874	MISC	WINDOW PRO HOLDINGS LLC	300.00

COM TOTALS:

Total of 58 Checks:	426,998.22
Less 0 Void Checks:	0.00
Total of 58 Disbursements:	426,998.22



To: Honorable President George; Village Council Members

From: Kristin Rutkowski, Interim Village Manager/Village Clerk/Assistant Village Manager

Subject: Southfield Road Business District Special Assessment Public Hearing

Date: January 13, 2022

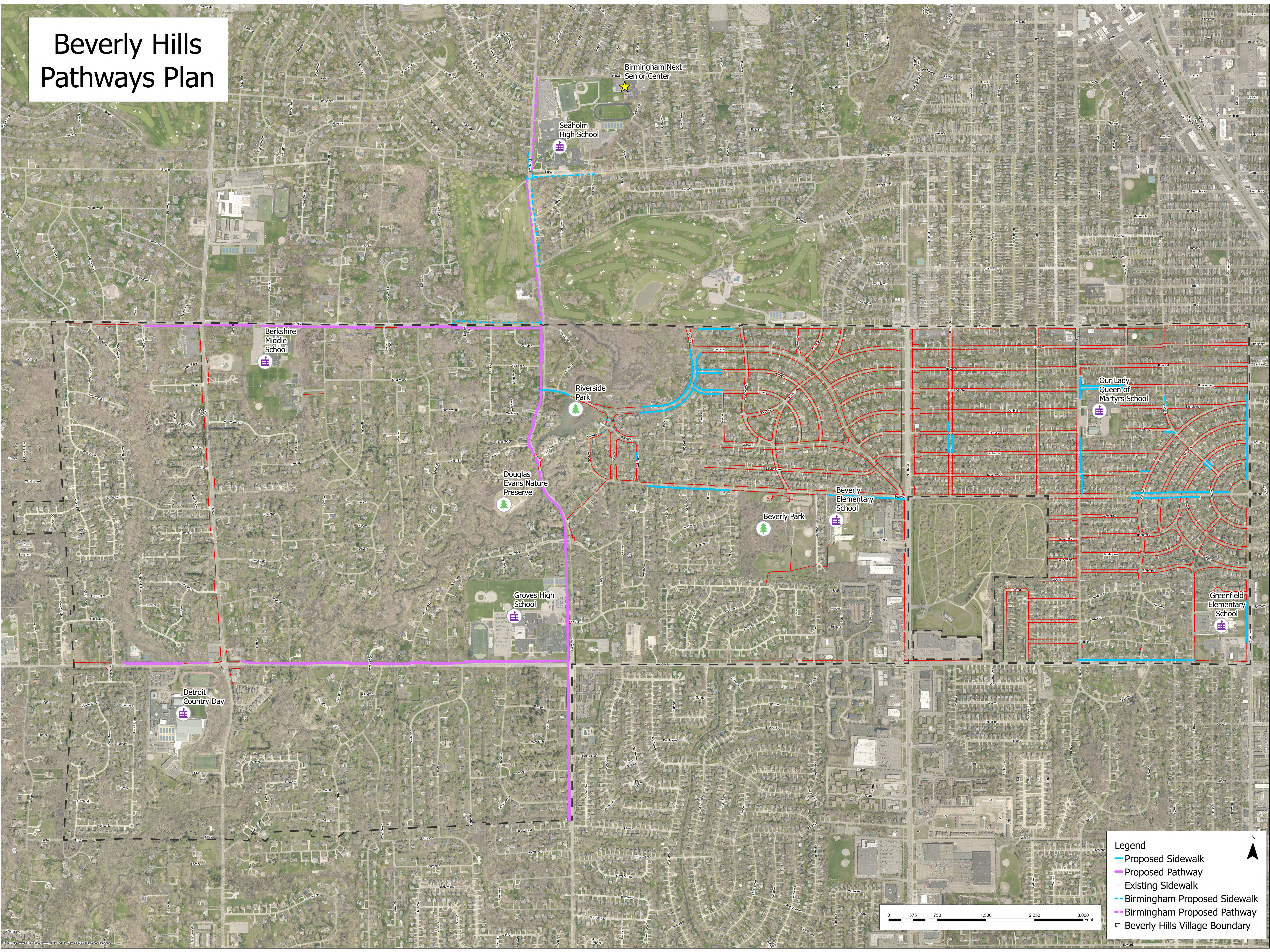
The Village maintains the public right-of-way along the Southfield Road business district and assesses the cost of landscape maintenance and water for the sprinkler system to the property owners on the west side of Southfield Road.

Procedurally, a public hearing must be scheduled prior to the Council reviewing and confirming the 2021 Special Assessment Roll for the Southfield Road Business Assessment District. It is recommended that the public hearing be scheduled for Tuesday, February 15, 2022 at 7:30 p.m.

Suggested Motion:

The Beverly Hills Village Council schedules a public hearing for Tuesday, February 15, 2022 at 7:30 p.m. for the 2021 Special Assessment Roll for the Southfield Road Business Assessment District.

Beverly Hills Pathways Plan



Legend

- Proposed Sidewalk
- Proposed Pathway
- Existing Sidewalk
- Birmingham Proposed Sidewalk
- Birmingham Proposed Pathway
- Beverly Hills Village Boundary



Law Office of Thomas J. Ryan, P.C.

2055 Orchard Lake Road, Sylvan Lake, MI 48320

(248)334-9938

To: John George, President, Members of Village Council and Kristin Rutkowski
From: Thomas J. Ryan, Village Attorney
Date: January 13, 2022
Re: Opioid Settlement Release

Dear President George and Members of Council:

The national opioid crisis has been discussed in the media in recent years. There were several lawsuits started against various manufacturers, distributors, and providers of opioid products. The State of Michigan joined in two lawsuits against distributors McKesson, Cardinal Health and AmerisourceBergen and one manufacturer, Janssen Pharmaceuticals, Inc, and its parent company Johnson & Johnson (collectively, Janssen). There has been a recent monetary settlement announced of which the Village of Beverly Hills qualifies to receive its own distribution of funds based upon our population.

Mr. Wilson, our former Village Manager, with my advice responded to a request of intent to participate by indicating we would participate pending further information.

At this stage as we have received Release and Settlement Agreements from the master litigation, my advice to our Interim Village Manager was that Village Council would need to approve the Release and Settlement since it would bind the Village.

The money we will receive from the settlement will be paid over a number of years and it is undetermined as to the exact amount the village will receive at this point. To receive the money the Village would need to execute two (2) Release and Settlement Agreements, i.e. one for the distributor and one for the manufacturer and are attached as Exhibits A and B to this memorandum.

I reached out to the Assistant Attorney General for the State of Michigan handling this matter as to meaning of Paragraph 5 of the Settlement Participation Form, which states: "The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided herein." The Assistant Attorney General answered my question by stating:

"The master settlement agreements address the use of settlement payments in Section V(B) and state that the settlement payments must be used for opioid remediation. Opioid remediation is a defined term, meaning the care, treatment, or other programs and expenditures designed to (1) address the misuse and abuse of opioid products, (2) treat or mitigate opioid use or related disorders, or (2) mitigate other alleged effects of, including on those injured as a result of, the opioid epidemic."

Thus, these funds cannot be used for general fund purposes, but will used to address either the care, treatment or public education programs dealing with opioids and opioid addiction.

January 13, 2022

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This money, should it be accepted by the Village Council through the execution of these agreements would be placed in a special fund for only these purposes and by accepting the money the Village would release these entities from any further liability that would be taken by the Village for and on behalf of the Village on these issues.

It is unlikely the Village would engage in such an action against this large drug company and distributors and if it is deemed appropriate by Village Council, I would suggest Village Council authorize the Village President to sign the Release and Settlement Agreements and accept these funds for the purposes indicated.

I would be pleased to discuss this with you further.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'T. Ryan', with a large, sweeping flourish extending from the end of the signature.

Thomas J. Ryan
Village Attorney

EXHIBIT A

PARTICIPATION INSTRUCTIONS

Thank you for registering your subdivision on the national settlement website and for considering participating in the proposed Settlement Agreement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (collectively “Settling Distributors”). This virtual envelope contains a Participation Agreement including a release of claims. The documents in this envelope must be executed, without alteration, and submitted in order for your subdivision to be considered potentially “participating.” If your subdivision does not participate, it will not be eligible to receive direct payments under this settlement.

The sign-on period for subdivisions ends on January 2, 2022. On or after that date, the states (in consultation with the subdivisions) and the Settling Distributors will determine whether the subdivision participation rate is sufficient for the settlement to move forward. If the deal moves forward, your release will become effective. If it does not, it will not.

As a reminder, if you have not already started your review of the settlement documentation, detailed information about the Settlements may be found at: <https://nationalopioidsettlement.com/>. This national settlement website also includes links to information about how the Settlements are being implemented in your state and how settlement funds will be allocated within your state, including information about, and links to, any applicable allocation agreement or legislation. This website will be supplemented as additional documents are created. The Michigan Attorney General’s Office has also set up a State-specific website, which may be found here: [Michigan.gov/agopioids](https://michigan.gov/agopioids). If you have questions, including questions on the amount of your allocation, please contact your legal counsel or e-mail AG-OpioidLitigation@michigan.gov.

Settlement Participation Form

Governmental Entity: Beverly Hills village	State: MI
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("Distributor Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement.
7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.



8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including but not limited to all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.
11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.



I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT B

PARTICIPATION INSTRUCTIONS

Thank you for registering your subdivision on the national settlement website and for considering participating in the proposed Settlement Agreement with Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively “Janssen”). This virtual envelope contains a Participation Agreement including a release of claims. The documents in this envelope must be executed, without alteration, and submitted in order for your subdivision to be considered potentially “participating.” If your subdivision does not participate, it will not be eligible to receive direct payments under this settlement.

The sign-on period for subdivisions ends on January 2, 2022. On or after that date, the states (in consultation with the subdivisions) and Janssen will determine whether the subdivision participation rate is sufficient for the settlement to move forward. If the deal moves forward, your release will become effective. If it does not, it will not.

As a reminder, if you have not already started your review of the settlement documentation, detailed information about the Settlements may be found at: <https://nationalopioidsettlement.com/>. This national settlement website also includes links to information about how the Settlements are being implemented in your state and how settlement funds will be allocated within your state, including information about, and links to, any applicable allocation agreement or legislation. The Michigan Attorney General’s Office has also set up a State-specific website, which may be found here: [Michigan.gov/agopioids](https://michigan.gov/agopioids). If you have questions, including questions on the amount of your allocation, please contact your legal counsel or send an e-mail to AG-OpioidLitigation@michigan.gov.

Settlement Participation Form

Governmental Entity: Beverly Hills village	State: MI
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("Janssen Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.



8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.



I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____





To: Honorable President George; Village Council Members

From: Kristin Rutkowski, Interim Village Manager/Village Clerk/Assistant Village Manager

Subject: Manager's Report

Date: January 14, 2022

Buckthorn Treatment at Beverly Park and Riverside Park

Our contractor, GEI Consultants, has notified us that they will be performing buckthorn treatments at Beverly Park and Riverside Park beginning the week of January 24, 2022. Work is expected to take 3-4 weeks depending on weather. GEI will be using a cut-stump treatment method where they cut down buckthorn and daub the stump with solution. The Village is responsible for chipping the material. As you may recall, the treatment area has expanded at Beverly Park to include the sides of the sled hill, the fence line along Allerton, and a portion of the fence line on the south side of the park. GEI will post signs when chemical solutions are used and we ask residents to keep off the treated area for 24 hours after treatment.

Winter Taxes

As a reminder to residents, winter taxes are due to Southfield Township by February 14, 2022 without penalty. Please refer to the back of your tax bill for more information or contact Southfield Township at 248-540-3420.

Ice Rink

Comeau is working on flooding the ice rink area at Beverly Park for resident use. Please be safe by paying attention to the weather and the condition of the ice prior to use.

Joint Council/Parks & Recreation Board Meeting

The joint Council/Parks & Recreation Board meeting will be held on Thursday, January 20, 2022 at 7:30 p.m. in the Village Council Chambers.

Joint Council/Planning Commission Meeting

The joint Council/Planning Commission meeting will be held on Wednesday, February 9, 2022 at 7:30 p.m. in the Village Council Chambers.

Holiday Office Closures

The Village Office will be closed on Monday, January 17, 2022 for Dr. Martin Luther King Jr. Day. Trash collection will not be interrupted.

Beverly Hills Public Safety **Activity Report**

Dec. 29th 2021 - Jan. 13th
2022

- The Public Safety Department is currently looking for applicants for Public Safety Officer. Please visit our website, www.beverlyhillspolice.com to see if you qualify.
- Important time of the year to check and see if you batteries are needed for smoke alarms and CO2 alarms. You should also manually test those devices.
- Never use a dryer vent that is made out of any type of material other than metal or aluminum. The cloth or plastic ones are a serious fire hazard.

CALLS FOR SERVICE

- 211 Calls for Service.
- 90 Tickets issued.
- 17 Arrests.
- Parking complaint on Pierce and Kirkshire.
- Medical on Medford Drive.
- Hit and Run traffic accident on Arlington.
- Parking complaint on Kirkshire.
- Medical on Village Pines Drive.
- Operating While Intoxicated arrest taken into custody without incident on Fairfax and Glencoe Street.
- Citizen assist lost dog found on Buckingham.
- Driver License Never Acquired arrest subject taken into custody without incident on Southfield Road.
- Radar detail on Lahser and Hillview Lane.
- Medical on Kinross Street.
- Driver License Never Acquired arrest subject taken into custody without incident on Southfield and 13 Mile Road.

- Information report taken at the station.
- Extra patrol at Groves high School after hours.
- Extra patrol at Berkshire School after hours.
- Extra patrol at Beverage Warehouse after hours.
- Area check in the area of Waltham and Evergreen.
- Alarm on Fairfax Street.
- Medical on Buckingham.
- Medical on Southfield Road.
- Confiscated license Plate on Southfield and 13 Mile Road.
- Radar detail on Lahser and 13 Mile.
- Extra patrol at Beverly School after hours.
- Operating While Intoxicated arrest subject taken into custody without incident on Faircrest Street.
- Alarm on Kirkshire Drive.
- Medical on Smallwood Street.
- Medical on Kirkshire Street.
- Medical on Kirkshire Street again.
- Alarm on Amherst Street.
- Carbon monoxide Alarm on Nottingham Drive.
- Medical at Mission Point.
- Medical on Kirkshire Street.
- Suspicious circumstances on Buckingham Street.
- Ordinance violation on Huntley Square North.
- Hit and Run accident on Birwood Street.
- Medical at Huntley Square Apartments.
- Suspicious vehicle on Southfield Road.
- Assist Alliance EMS at Mission Point.
- Fireworks complaint at Corners Shopping Mall.
- Suspicious vehicle on 14 Mile and Greenfield.
- Operating While Intoxicated arrest subject taken into custody without incident on 13 Mile Road and Lahser Road.
- Citizen assist on Inglewood.
- Carbon monoxide alarm on Nottingham.
- Found backpack at Corners Shopping Mall.
- Traffic enforcement on Lahser and Hillview.
- Alarm on 13 Mile Road.
- Suspicious circumstance on Birwood.
- Medical on Southfield Road.
- Extra patrol requested on Buckingham.
- Parking complaint in Huntley Square Apartments.
- Sudden death report on Birwood Street.
- Welfare check on Amherst.

- Officer standby in Huntley Square Apartments.
- Medical on Riverside Drive.
- Fire truck Checks at the station.
- Traffic enforcement on Lahser and Hillview.
- Extra patrol in the area of Beverly and Inglewood.
- Assist citizen on Kirkshire and Southfield.
- Business alarm on Southfield Road.
- Greenfield school drop off.
- Extra patrol at Groves High School.
- Extra patrol request on Red Oaks.
- Medical at Mission Point.
- Radar detail on Evergreen and 13 Mile.
- Driving While License Suspended arrest subject taken into custody without incident on Southfield and 14 Mile Road.
- Domestic violence Arrest subject taken into custody without incident on Blossom.
- Medical on Dunblaine Street.
- Alarm on 13 Mile Road.
- Patrol at DCD student drop off.
- Medical on Dunblaine.
- Operation medicine cabinet.
- Medical at Mission Point.
- Medical on Fairfax.
- Driving While License Suspended Arrest subject taken into custody and cited without incident on 14 Mile and Greenfield Road.
- Mental health call at Mission Point.
- Medical on Fox Run Street.
- Radar detail on Lahser and 13 Mile.
- Medical at Mission Point.
- Suspicious circumstance on Locherbie.
- Suspicious circumstances at Beverly Park.
- Informational report taken at the station.
- Extra patrol requested on Buckingham.
- Extra patrol in the area of Chelsea and Riverside.
- Extra patrol at DCD after hours.
- Extra patrol in Huntley Square Apartments.
- Beverly School drop off.
- Greenfield School drop off.
- Alarm on Eastlady.
- Extra Patrol request on Buckingham.
- Traffic accident on 13 Mile and Rivers Edge.
- Beverly School pick up.

- Welfare check on Metamora.
- Carbon monoxide Alarm on Dunblaine.
- Traffic enforcement on Ronsdale and Evergreen.
- Traffic detail on Hillview and Lahser.
- Lift assist on Sleepy Hollow.
- Radar detail on 13 Mile and Greenfield.
- Driving While License Suspended subject arrested and taken into custody without incident at 13 Mile Road and Southfield.
- Misdemeanor warrant subject arrested and turned over to other jurisdiction without incident at 13 Mile and Southfield.
- Suspicious person at Lahser and 14 Mile Road.
- Informational report taken at the station.
- Beverly School drop off.
- Greenfield School drop off.
- Animal complaint on Southfield Road.
- Informational report taken at the station.
- Hit and Run traffic accident at Southfield and 14 Mile Road.
- Medical on Stellamar.
- Larceny report on Buttonwood.
- Suspicious vehicle on Metamora and Lahser.
- Beverly School pick up.
- Greenfield School pick up.
- Family trouble on Embassy.
- Traffic accident on 13 Mile and Pierce.
- Traffic accident on 13 Mile and Pierce again.
- Reckless driving on 13 Mile and Evergreen.
- Neighbor trouble in Huntley Square Apartments.
- Traffic enforcement at Ronsdale and Evergreen.
- Misdemeanor warrant arrested subject taken into custody without incident at Lahser and 14 Mile.
- No Driver's License Acquired subject arrested and taken into custody without incident at Greenfield and Auburn Road.
- Animal complaint at 14 Mile and Pierce.
- Beverly School drop off.
- Greenfield School drop off.
- Extra patrol in Huntley Square Apartments.
- Alarm on Southfield Road.
- Beverly School pick up.
- Lift assist on Riverside.

- Replace old narcan with new ones from Beaumont Hospital.
- Driver's License Never acquired arrested subject taken into custody without incident on Birwood and Southfield Road.
- Alarm on Arlington Street.
- House check on Buckingham.
- Traffic enforcement at Southfield and 13 Mile.
- Extra patrol at Inglewood and Warwick area.
- Radar detail on Lahser and 13 Mile.
- Extra patrol on Nottingham and Lahser.
- Extra patrol at Groves High School after hours.
- Extra patrol in the area of Walmer and Chelton.
- Berkshire School after hours extra patrol.
- Detroit Country Day School after hours patrol.
- Civil Matter on 13 Mile.
- Welfare check on Sleepy Hollow.
- Alarm on Dunblaine.
- Suspicious juvenile Complaint on Pierce Road.
- Suspicious vehicle on Bedford and Beaconsfield.
- Operating Under the Influence of Alcohol subject arrested and taken into custody without incident on 13 Mile Road and Southfield.
- Fire truck Checks at the Station.
- Injured deer complaint on Kinross.
- Alarm on Southview Street.
- Alarm on Southfield Road.
- Suspicious person on Southfield Road.
- Noise complaint in Huntley Square Apartments.
- Traffic enforcement on 13 Mile and Southfield.
- Radar detail on Lahser and 13 Mile.
- Sub check on Ronsdale.
- Acacia Cemetery extra patrol after hours.
- Assist other Agency at the station.
- Greenfield School drop off.
- Assist Oakland County Sheriff on Riverbank.
- Trouble with customer in Books A Million.
- Beverly School pick up.
- Greenfield School pick up.
- Citizen assist on Kinross.
- Suspicious circumstances on Southfield.
- Medical on Dunblaine Street.
- Traffic accident on Lahser and Stafford.
- Medical in Huntley Square Apartments.

- Medical at Mission Point.
- Traffic enforcement on Lahser and Hillview.
- Assist citizen on Bellvine Trail.
- Traffic enforcement at Lahser and 13 Mile.
- Driver's License Never Acquired subject arrested and taken into custody without incident on Southfield and Locherbie.
- Sub check in the area of Walmer and Chelton.
- Alarm on Beverly Road.
- Fire alarm on Southfield Road.
- Beverly School drop off.
- Greenfield School drop off.
- Medical in Huntley Square Apartments.
- Beverly School pick up.
- Greenfield School pick up.
- Medical on Birwood Street.
- Wild turkey complaint at 14 Mile and Pierce.
- Suspicious vehicle on Vernon Drive.
- Warrant arrest pick up from Troy PD subject arrested taken into custody without incident.
- Alarm on 14 Mile Road.
- Traffic enforcement on Lahser and Nottingham.
- Traffic enforcement on Greenfield and 13 Mile.
- Sub check in the area of Warwick and Norchester.
- Extra patrol on 14 Mile Road.
- Road hazard on Georgetown and Foxrun.
- Suspicious vehicle at Groves High School.
- Suspicious vehicle at Market Fresh.
- Hospice death on Kinross.
- Medical on Lahser Road.
- Larceny report in Huntley Square Apartments.
- House fire on Weston Drive.
- Lift assist on Arlington Street.
- Parking complaint on Southfield Road.
- Motorist assist on 13 Mile and Southfield.
- Area check at the Apostolic Church.
- Driver's License Never Acquired subject arrested and taken into custody without incident on 14 Mile and Greenfield Road.
- Area check after hours on 13 Mile Road.
- Suspicious vehicle on 14 Mile and Southfield.
- Radar detail on Lahser and Hillview.

- Driver's License Never Acquired subject arrested and taken into custody without incident on 13 Mile and Greenfield Road.
- Suspicious persons in Douglas Evans Nature Preserve.
- Extra patrol at Beverly School after hours.
- Traffic enforcement at 13 Mile and Greenfield.
- Extra patrol at Groves High School after hours.

Fire & Emergency Medical Services

- 1 Structure Fire.
- 27 EMS Call - Medicals.
- 3 Lift Assist/Invalid Assist.
- 1 Dispatched & Cancelled En-Route.
- 1 False Alarm or False Call - Other.
- 3 CO Detector Activations.
- 2 Apparatus Checks.
- 12 Fire training hours entered into ISO records.
- 14 Courses Approved on SMOKE system.
- 7 SCBA mask Fit Tests completed.
- Supervise Platoon 3 and 4.
- Bi-Weekly NFIRS data export uploaded to FEMA.
- Submit 2021 Quarter 4 EQIP Data Reporting to the Oakland County Medical Control Authority.
- Residential fire safety inspection conducted.

Detective Bureau & School Liaison

- Swear to for Assault & Battery.
- Issued Drunk Driving ticket.
- Issued Drunk Driving High BAC ticket.
- Sent out OWI 2nd to OC Prosecutor.
- FTD case sent to OC Prosecutor.
- In-Custody for Domestic Violence.
- Developed suspect in Larceny case.
- Zoom Meeting with BPS Admin.
- Picked up evidence at OC Computer Crimes.
- Tik Tok & Snap Chat investigation training.
- Traffic Conference at 46th District Court.
- SLO at Groves for school security detail.
- Assisted Patrol with electrical fire (Weston).

BBB Scam Alert: Preparing for mask mandates? Watch out for online cons

By [Better Business Bureau](#). October 6, 2020.

Due to COVID-19, many state and local governments have implemented policies requiring people to wear face masks in public places. After the initial outbreak earlier this year, supplies have rebounded slightly; however, [BBB Scam Tracker](#) has received numerous reports about scam websites claiming to sell face masks online but not delivering. When trying to find a reliable source to purchase a mask, watch out for phony ecommerce sites and [other scams](#).

How the Scam Works:

When looking to purchase masks to help protect yourself – or family – from coronavirus, you begin searching online retailers.

Unfortunately, there are several phony online stores – especially when an item is in high demand. According to BBB Scam Tracker reports, these phony sellers take victims' money and never deliver anything at all. One person reported ordering nearly \$200 in masks and received no product or response from the seller: "I checked back a few times over the past week to see if there was updated information on a shipping date, but never got more information than that 'the order was being processed.'" These sites use tricks, like limited time deals, to entice you into ordering more.

In the worst cases, these sites are actually a way to steal your personal and credit card information, opening you up to identity theft.

Watch out for Coronavirus Cons:

Keep the following tips in mind when looking for face masks or other ways to protect yourself from the coronavirus.

- **Be savvy about product claims.** Be sure to evaluate claims of any medical product before buying. Especially watch out for products claiming to offer a “miracle cure” for a range of ailments.
- **Only buy from reputable stores and websites.** The best way to avoid getting scammed is to purchase products directly from a seller you know and trust. Check [BBB.org](https://www.bbb.org) to read what other consumers’ experiences have been.
- **Be sure the online store has working contact information.** If a company seems legitimate but you aren’t familiar with it, be extra careful with your personal information. Before offering up your name, address, and credit card information, make sure the company is legitimate such as if the business has a real street address, a working customer service number and a positive BBB Business Profile. These are just a few of the things to be looking out for to determine if a company is legitimate.
- **As the virus spreads, be wary of other coronavirus cons.** Look out for fake cures, phony prevention measures [and other scams](#).

For more information:

The FDA offers these [tips to recognize fraudulent health products](#), and [CDC has this FAQ](#) about coronavirus.

BBB Tip: Avoid being "ghosted" by your tax preparer

Many of us have heard of being "ghosted" after a date, but have you ever been ghosted by your tax preparer? Unfortunately, many have and they're often met with serious consequences.

Black Market Tax preparers set up shop around tax time, usually in a rental or short term location. They will often (but not always) promise fast or large refunds to filers. Also known as "Ghost Tax Preparers", these are un-certified individuals that bypass checks and balances in the tax preparer certification system. Commonly, the big refunds they promise. Are not calculated in Legal ways.

In 2006, the IRS made efforts to increase oversight of tax preparers to combat unscrupulous activity in the industry and began to require all tax preparers to have a PTIN, or a Preparer Tax Identification Number. But this system only works if tax preparers *sign* the returns they file. Some tax preparers that don't want to follow the process, simply don't sign the returns!

Ghost preparers actually prepare the tax return, but when it's submitted to the IRS they ask the taxpayer to sign their own return, making it look like it was self-filed. This doesn't seem like a big deal, until something goes wrong and the preparer is nowhere to be found. Since the return is technically self-filed, the taxpayer is liable for any errors or omissions the ghost preparer made, including underpayment and negligence penalties, which often accompany these situations because the large refund promised was not accurate in the first place.

How do they do this? According to the IRS, "The ghost preparer can print the paper return for their client and tell them to sign and mail it to the IRS. Or, for electronically-filed returns, they will prepare it but won't digitally sign it as the paid preparer."

By law, anyone who prepares, or even assists with preparing, federal tax returns for compensation must have a valid Preparer Tax Identification Number (PTIN). Tax preparers should sign the tax returns they prepare and include their PTIN on the tax return. Here are some red flags to watch for and tips to avoid being ghosted by your tax preparer:

Be wary of those offering fast refunds or large returns. Your return amount, deduction amount, or taxes owed is solely based on your past years tax information and the current tax laws. The time it will take to receive your refund or tax notice, will depend entirely upon the IRS.

- Don't sign your own tax return if asked by a tax preparer.
- Review your tax return before it's submitted to ensure it was signed properly by your tax preparer.
- Only allow funds to be deposited into your personal accounts. Some Ghost Preparers will have funds deposited into their accounts to be later distributed.

- Do your research! Check www.bbb.org for complaints and reviews on tax services in your area. Be cautious of "pop-up" and seasonal tax services. Don't be afraid to ask about their processes, credentials, and for their PTIN. The IRS has resources to help you [check those credentials](#).

Tax scams are very common during tax season. Following these tips, avoiding other common [tax scams](#), and keeping your [tax information secure](#) can help keep your finances safe! Report Ghost Tax Preparers to your local BBB or BBB's Scam TrackerSM at www.bbb.org/scamtracker.

NATIONAL RADON ACTION MONTH



HEALTH DIVISION
DAVID COULTER
OAKLAND COUNTY EXECUTIVE



TEST FOR RADON

Radon is a naturally occurring gas you can't see, smell, or taste. It can be harmful when present in buildings. Be sure to test your home this winter.

NORTH
OAKLAND HEALTH CLINIC
1200 N. Telegraph Bldg #34E
Pontiac, MI 48341

SOUTH
OAKLAND HEALTH CLINIC
27725 Greenfield Rd.
Southfield, MI 48076

**SPECIAL FOR
THE MONTH OF JANUARY:**

\$5

**To purchase more than 15 radon kits,
please call 248-858-1312.**

For more information, call Nurse on Call at 800.848.5533 or visit oakgov.com/health

NURSE ON CALL PUBLIC HEALTH INFORMATION
800.848.5533 NOC@OAKGOV.COM
OAKGOV.COM/HEALTH



@PUBLICHEALTHOC

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