



To: Acme Township Board of Trustees  
From: Sharon Corpe, Township Manager  
CC: Lewis Griffith  
Date: October 3, 2006  
Re: August 1, 2006 Board Meeting Minutes

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Attached please find a revised page 1 for the draft August 1, 2006 Board minutes. I apologize for the fact that the original version was included in your packets for tonight's meeting originally in error.

The attached reflects the change Mr. Griffith requested to the record of his comments. Following your instructions, I sought to listen to the recording of the August meeting. However, during that meeting the recording device had fallen off the table at one point. As is generally the case when this occurs, the recording was lost. I consulted with Chris Bzdok as to an appropriate course of action, and he recommended that we simply accede to Mr. Griffith's request under the circumstances.



**ACME TOWNSHIP REGULAR BOARD MEETING**  
**ACME TOWNSHIP HALL**  
**6042 Acme Road, Williamsburg MI 49690**  
**6:00 p.m. August 1, 2006**

**Meeting called to Order with the Pledge of Allegiance at 6:00 p.m.**

**Members present:** D. Dunville, W. Kladder, B. Kurtz, P. Scott, E. Takayama (6:07 p.m.), F. Zarafonitis  
**Members excused:** B. Boltres  
**Staff present:** S. Corpe, Township Manager/Recording Secretary  
C. Bzdok, Legal Counsel  
N. Birdsall, Legal Counsel

**Motion by Kladder, support by Scott to enter closed session to discuss pending Meijer Inc. v. Acme Township litigation because discussion in open session could have a detrimental impact on the financial interests of the township. Motion carried by unanimous roll call vote (Dunville, Kladder, Kurtz, Scott, Zarafonitis).**

**Public meeting recessed at 6:02 p.m.**

**Motion by Kladder, support by Dunville to resume public session at 7:00 p.m. Motion carried by unanimous roll call vote (Dunville, Kladder, Kurtz, Scott, Takayama, Zarafonitis).**

**INQUIRY AS TO CONFLICTS OF INTEREST:** None noted.

**A. CONSENT CALENDAR:**

**Motion by Takayama, support by Scott to approve the Consent Calendar as amended to remove the Accounts Payable for discussion, including:**

**RECEIVE AND FILE:**

1. **Treasurer's Report** as of 06/30/06
2. **Clerk's Report** through 07/27/06
3. Draft unapproved minutes **07/24/06 Planning Commission**
4. Draft unapproved minutes **07/13/06 Zoning Board of Appeals**

**ACTION:**

5. Consider approval minutes from **07/11/06 regular** Township Board Meeting
6. ~~Consider approval of **Accounts Payable** of \$138,627.11 through 07/27/06 (recommend approval: Dunville)~~
7. Approve amendment of **Acme Township Retirement Plan** to provide for monthly contributions to self-directed employee accounts (currently quarterly)

**Motion carried by unanimous roll call vote.**

**B. LIMITED PUBLIC COMMENT:**

Lewis Griffith, 5181 Lautner Road stated that ~~several~~ **two** months ago the Board "voted to be held back" from being open between midnight and 6:00 a.m. Recently the Board also approved an extension to the deck at the Bayview Inn, owned by Zarafonitis, but they did not impose a restriction closing the deck after midnight. Why would the Board impose such a restriction on Meijer but not on one of its Board members? Kurtz asked Corpe to respond. She stated that the application for minor change was for an extension of the area of an existing outdoor deck. The application did not encompass a change to the existing approve hours for the business. Mr. Griffith recalled an earlier situation regarding zoning for his business, a neighbor and a fence, and generally expressed the opinion that the township is treating larger businesses unfairly as

compared to smaller businesses.

- C. **CORRESPONDENCE:** None
- D. **SPECIAL PRESENTATIONS:** None
- E. **PUBLIC HEARINGS:** None
- F. **OLD BUSINESS:**

1. Consider **line of credit** offered by Grand Traverse County to Acme, East Bay, Peninsula, Garfield and Elmwood Townships for \$500,000.00 to cover Septage Treatment Plant Bond Payment: Kurtz noted that this is a continuation of discussion which commenced at last month's meeting, when Michael Houlihan and K. Ross Childs were present to answer questions. The matter was continued to this month to give Bzdok time to review the proposed agreement. Bzdok stated that when he received the agreement it was a staff proposal; he is uncertain as to whether or not the County Board has seen the agreement or taken action. Commissioner Inman stated that after the last meeting his board obtained copies of the agreement proposed by the Board of Public Works (BPW.) Mr. Houlihan stated that his purpose in sending the agreement to the five townships initially involved in the Septage treatment plant was to see if those municipalities would want to move in that direction before formally approaching the County Commission.

Bzdok noted that a proposed resolution was also provided with the proposed agreement. The resolution, if signed, states that the township will pay back the proposed \$500,000 loan and appears straightforward. A second tenet is a reaffirmation of the 2003 documents stating that the five townships would make payments on a bond if the County backed it. Bzdok understands that the decision by the five townships to enter into the initial agreement was based on assertions regarding the fiscal viability of the operation that may have been too optimistic. If, in the future, one or more of the townships would want to take legal action on the premise that they were misled into making their initial decisions, signing this agreement might negate the ability to do so. If this is a valid concern, Bzdok would recommend not signing the agreement as presented.

Zarafonitis asked if an amended copy of the resolution could be signed removing the second condition from the resolution, and it could be. Mr. Houlihan and the BPW may or may not be amenable to an amended resolution. Zarafonitis and Takayama both felt that the township was misled into the agreements initially and would not favor adopting the new resolution as presented. Takayama also feels it would be unwise to borrow more money to make a debt payment, particularly in a situation where it appears that the revenue stream projected to cover the debt payments was significantly overstated.

Kladder stated that the bond payment is going to come due. He does not believe the township should accept the proposed agreement, but he asked what the township would do to meet the payment. Mr. Houlihan stated last month that if the township didn't write a check on time, the County would automatically debit accounts it has on hand in the townships' name. Can the County do this? What other options for making the debt payment might exist? Bzdok does not have answers to these questions, but believes Boltres has been looking into the situation. The bond payment is due in November.

Kurtz stated that the five townships involved have representation on a committee that is advisory to the BPW only. They are represented on the BPW by one member. He feels that the problems with the Septage treatment plant do not belong to the five townships alone, but are properly the County's issue. Flows are significantly below projections even before accounting for the fact that the major sources of waste coming to the plant right now were not even contemplated in the initial models. Bay Harbor will be sending waste

to the plant at a cost of \$0.04/gallon, which is significantly lower than the rate county landowners are being asked to pay.

Kladder felt it prudent to convey to Commissioner Inman the level of concern the township has over the situation. Inman stated that the BPW is addressing how to meet the November bond payment in an environment where revenues are coming up short. They continue their commitment to returning the plant to a fully operational state over time, but the bond payment is the short-term focus. Options included seeing if the townships wanted to ask the County for a short-term loan to cover bond payments and potential increased costs. County Administrator Aloia has spoken individually with various commissioners but not with them in a group. Inman suspects most commissioners would be willing to extend the loan to the townships if asked, but they have the same types of questions as the townships have about where the money will be coming from in the future. He believes the townships and County are partners in this situation. The proposed loan to the townships from the county would be below market rates, set at the current yield on the county's investment portfolio (around 4%, with Prime Rate around 8%). Refinancing the original bond to reflect the actual financial situation is another potential option, perhaps with interest only payments or deferred interest payments. The down-side is that we would lose the current interest rate, which is favorable compared to the current economic environment.

Kurtz asked if Inman has reviewed the flow projections presented in 2002, handing him a copy.

Kladder echoed Zarafonitis' question about whether the BPW would accepted a signed resolution lacking the second provision. Bzdok asked Houlihan this question at the last meeting, and was told that the provision was inserted as an alternative to reciting the entire existing agreement. Bzdok does not believe it should be necessary. The proposed agreement seems to say that if it is not accepted by all five townships (in the form of adopted resolutions in a form acceptable to County Administrator Aloia) before September 1 it is null and void. If, as Kurtz says, at least one other township has refused to accept the agreement, the question may be moot. He would suggest sending a message back to the BPW that an amendment to the agreement would be necessary before Acme Township would find palatable. A different draft of the agreement could be proposed at a later date.

**The Board reached consensus to take no action regarding the proposed agreement and resolution.**

**G. NEW BUSINESS:**

1. Consider **SUP/Site Plan Application #2006-06P** by National Tower, LLC, c/o Cellere to locate and construct a cell tower just east of the Holiday Inn Express, 3536 Mt. Hope Road, Acme, Michigan: Steve Fox, attorney with Bishop & Heintz, represented the applicant in its quest for a 185' monopole tower (including lightning rod) to be located behind the Holiday Inn Express pursuant to Special Use Permit requirements and the Personal Wireless Services Ordinance. After several meetings and detailed consideration, the Planning Commission unanimously recommended approval of the application to the Board of Trustees. Mr. Fox reviewed his summary memo point by point, indicating a willingness to entertain questions.

Cellere originally considered co-location of the Verizon antenna they are siting at the Grand Traverse Resort. Finding this would not work, instead they chose to co-locate on the existing Yuba tower. This changed Verizon's "search ring" (sites suitable for location based on existing and proposed tower locations in terms of signal provision.) Mr. Fox stated that the Resort was unable to provide the needed 24-hour independent access to the site or enough space for the shed at the base of the tower for equipment, and the weight

of the new antenna would require significant structural improvements to the water tower. The issues blocking resort co-location, detailed in a letter drafted by Cellere and signed by the Tribal Water Authority were independently confirmed by Zoning Administrator Hull.

Another significant concern was whether or not placement of the tower would respect the prime scenic viewsheds identified by the township Master Plan, in which case enhanced requirements would come into play. There was significant discussion about the impact on viewsheds identified by the Master Plan, and what is intended by the identification of those viewsheds, as well as the potential impacts on various residential properties. Viewshed #6 was particularly studied. Takayama asked if photographs were taken from Scenic Hills, Pleasant Ridge and Wellington Farms, the areas about which he was particularly concerned, or if they were taken but not presented. Mr. Fox stated that no such photographs were taken. The photos taken were based on the descriptions of the prime scenic viewsheds as set forth and identified in the Master Plan. Even if the areas Takayama is concerned with did provide for identified prime scenic views, according to Mr. Fox the applicant has done everything it can to minimize the visual impact in terms of tower cooler and height while still creating a functional tower. Takayama expressed frustration that the ordinance and Master Plan do not seem to effectively protect the citizens who will be most affected. He offered apologies, feeling that the Planning Commission's "hands were tied" in terms of granting approval.

Kladder asked for Mr. Fox' assistance in reconciling assigned viewshed numbers in the applicant report with viewshed numbers from the Master Plan. Mr. Fox discussed how the Master Plan – identified viewsheds indicate vantage point, direction of view and what would be contained within the view. Kladder asked who had prepared the photographic simulations; Cellere did at Hull's request. Kladder finds it difficult to believe Holiday Inn would want to view the tower as proposed.

As recommended by the Planning Commission a revised landscaping plan has been presented that the applicant believes conforms to the suggestions made by Takayama and Krause.

Kladder noted that the proposed tower height means the FAA does not require it to be lit for aviation safety. What if the FAA changes its regulations and requires a light on that height? What if in the meantime the township redefines its protected scenic viewsheds? Would the tower be retrofitted with a light, or would it have to be abandoned? How would this mesh with potential revised scenic viewshed designations? Mr. Fox was uncertain, but suggested that if local ordinances conflicted with federal requirements the latter would prevail.

Kladder read the Personal Wireless Services Ordinance this afternoon, particularly the section that states that once the tower ceases to be actively in service for a certain period of time, the township provides a notice of abandonment and within a certain period of time the tower must be removed. How will the township be able to tell if the tower is abandoned? Cellere representatives stated that if Verizon ceases service in the area it will remove its antenna and structure, and that agreements with the landowner provide for even shorter removal timeframes than the township requires. The site will be served by two T-1 lines. Verizon will be offering voice, data and broadband internet service.

Zarafonitis clarified that the tower will belong to Cellere, a tower company that rents space to service providers. They can rent not only to Verizon but to other companies as well. The proposed tower can hold up to five customers, and can be strengthened and made 10' taller while still being under the height at which it must be lit, pursuant to additional township approvals.

Takayama confirmed that the only outstanding item from the Planning Commission level was the landscaping plan. He has reviewed this and notes that the number and spacing of the inserted juniper trees does not match the drawing. There will be 18-25 trees spaced at 4' on center.

Zarafonitis believes that the requirements of the ordinance appear to have been met, even though he does not personally favor a tower in this location.

**Motion by Zarafonitis, to approve SUP/Site Plan application #2006-6P.**

Andy Andres, Jr., Traverse City, asked if this matter is subject to public hearing at the Board level; Corpe replied that as an SUP there is a public hearing at the Planning Commission level only. He was allowed to speak, however, and suggested that the Board approve the application with a condition that additional height cannot be added. Zarafonitis asked if the Board would be able to deny a request for additional height later. Bzdok stated that the tower is being approved at a particular height, and the height cannot be changed without further formal township action. If the key issue relating to the tower is the impact of the height visually, it might require a major-level change. Zarafonitis observed that even if the township grants approval, the tower company may have another hurdle in front of it in terms of the landowner. Kladder suggested that it could be stated in the approval that any change to the tower height must be handled as a major change rather than as insignificant or minor. Mr. Fox stated that additional tower height can reduce the need for additional towers.

**Motion amended by Zarafonitis to approve SUP/Site Plan application #2006-6P under the condition that any future requests for additional tower height must be handled as major SUP amendments, based on the recommendations made by the Planning Commission, and with the SUP document to be prepared by staff. Motion supported by Dunville.**

Andy Andres, Sr., 4946 M-72 East, stated that he owns a piece of property that “this tower will ruin for view and stuff.” He consulted a real estate agent who says that the tower location could impact the value of each proposed lot by 50% to 75%. The property has been in his family for a very long time, and was left very natural until some diseased pines had to be removed. A cedar taken out was over 150 years old. He asked that before the Board makes a decision that people come up to his property to take a look. The community talks about the appearance of other proposed projects, but how about from his property? He understands that the applicant has a right to have a tower somewhere, but why where it negatively impacts him, unless they purchase his property? Kladder stated that he has walked the Andres property and it is beautiful. He has seen a picture of how the tower would look from the property and it will be intrusive. However, at this time all of the application requirements have been met and it appears the township has no choice but to approve. Zarafonitis agreed, noting that if the tower were moved it might have an equally detrimental effect on a different property owner. He hopes that the Johnson Family Limited Partnership is successful in blocking the construction.

**Motion carried by a vote of four (4) in favor (Dunville, Kladder, Scott, Zarafonitis) and two opposed (Kurtz, Takayama).**

2. Consider **MichCon Tax Tribunal Stipulations**: Corpe explained that Assessor Dawn Plude and Treasurer Boltres are recommending that Acme Township approve stipulations regarding a Michigan Tax Tribunal case involving MichCon and numerous statewide municipalities. MichCon has been challenging its personal property tax assessments since 1997. Much of the fact-finding and defense against their case has been performed by Oakland County. The stipulations propose that rather than MichCon receiving refunds for personal property taxes paid over the past decade, they will agree to accurately report

their personal property values going forward, which apparently had not been done. The municipalities involved are agreeing to freeze the personal property taxation rate they charge through the 2008 tax year. Plude has stated that if we do not agree to the stipulation we will incur thousands of dollars in additional attorney fees and will almost certainly end up refunding taxes collected over the past decade at the end.

**Motion by Zarafonitis, support by Scott to approve the MichCon Tax Tribunal Stipulations as presented. Motion carried by unanimous roll call vote.**

3. **Consider approval to seek bids for Township Engineer services:** Corpe's memo suggests that the township is experiencing an increasing need for services from professional engineers to review certain aspects of development plans submitted in support of commercial development applications, such as water runoff containment systems and designs for roads and potable and waste water systems. She proposed that the township solicit sealed bids for services from local engineering firms, ultimately selecting 2-3 firms to serve on an as-needed and rotating basis. This will familiarize the township better with a number of firms and ensure that we have another firm ready to serve if one of the firms we are working with is representing a development applicant. Corpe expects that any eventual contract will be based on hourly rates for work performed, similar to the arrangements we have with attorneys who represent the township. She expects the rates will be similar between firms, if not identical, stressing the need to ensure that the township and the applicants who will ultimately pay the cost for the needed services are served well and economically.

**Motion by Zarafonitis, support by Takayama to seek bids for Township Engineer services. Motion carried unanimously.**

Inman suggested that we talk to Kevin McElyea and the Prosecutor's office about the extent to which they will be able to provide the kind of consulting assistance that is being sought. They may be able to at least provide preliminary review. Mark Lewis, Infrastructure Advisory Chair, suggested that the township should also participate with the County Land Development Review Committee. This group provides one-stop input from health and transportation agencies in a forum where they explore concerns together, whereas generally we receive input from each agency individually. Corpe observed that some particular SUP applications require input from this County body already.

4. **Preliminary discussion regarding membership in Cherry Capital Cable Council/Support for TCTV2:** Kurtz serves on the CCCC board. For the 06-07 fiscal year the township did not budget for revenues from the cable franchise fees or contributions to the CCCC due to pending state and federal legislation that might eliminate the revenue stream. The legislation is still pending. In the meantime we receive franchise fee payments quarterly from Charter Communications, and make semi-annual payments to the CCCC. We have just received a bill. Boltres has expressed concern over continued participation in the CCCC. Corpe is obtaining further information about their budget, current township usage of public access and available services so a decision about ongoing participation can be made. The matter will be tabled pending receipt of further information.
5. **Consider approval of Accounts Payable of \$138,627.11 through 07/27/06 (recommend approval: Dunville):** Takayama asked why Acme Township appears to be a vendor for a \$400.00 item on the Accounts Payable report. This particular item was a correction to the way a check received for a ZBA application was posted. Originally it was deposited to a Planning and Zoning fees revenue line item in the General Fund, but it should have posted to a segregated escrow account in the Trust and Agency Fund. Corpe noted that there are cases when Acme Township will appear as a vendor when funds in payment for staff time, and hearing costs are deducted from escrow accounts and credited

to the General Fund.

Takayama also asked about what appeared to be a \$500 payment to Fifth Third Bank related to the postage meter. He recalls that a few months ago a bill of similar size was paid for upgrades to the programming chip to support the postage rate increase and wondered why new upgrades would be needed so soon. Corpe explained that the current transaction was for the purchase of postage rather than machine upgrades. Postage is purchased and downloaded directly to the machine over the phone lines, and the amount expended is automatically debited from our Fifth Third checking account.

Takayama asked about a line item for the vendor FundBalance. Dunville and Corpe explained that FundBalance is the name of the township's accounting software provider and the program itself; Takayama had thought the name was referring to the township's Fund Balance forward.

**Motion by Takayama, support by Kladder to approve Accounts Payable through 07/27/06 as presented. Motion carried by unanimous roll call vote.**

6. **Scenic Hills Dispute:** Zarafonitis raised an issue concerning a neighborhood dispute in Scenic Hills. Jim and Mary Ellen Sommerfield of 3177 Scenic Hills Drive were present. Mr. Sommerfield stated that they and other neighbors have been involved for 13 months in a lawsuit against another neighbor. Their subdivision has deed restrictions regarding maximum building heights which have traditionally been closely followed. A year ago an individual purchased a lot and brought in a significant amount of dirt to raise the grade level of the site before building his home. 22 out of 30 subdivision households signed a petition to let the neighbor know that he had acted contrary to the neighborhood's interests, but he proceeded to build his home on the elevated site anyway. Several of the neighbors initiated a lawsuit.

When the concerned neighbors contacted the township to see if there was any relief to be found through public channels they were told that the situation fell into a loophole which is not currently regulated by the township. Mr. Summerfield stated that Kurtz had expressed interest in being kept informed so a township representative could attend the court hearing, but when the day came no township officials were there. In making his ruling, the judge stated that neither the County nor township seem to have an interest in establishing an official "grade," and that any landowner could put even large amounts of fill on their lot and build atop it without penalty.

Mr. Sommerfield was told by Hull that a loophole exists that needs to be closed. While it appears to be too late to help the Scenic Hills community in this case, they are concerned for the future of the township. Could the builders of the 185' cell tower approved this evening do the same thing, effectively making the tower taller than proposed? Mr. Summerfield expressed frustration that the township has been aware of the situation for over a year, yet has done nothing to establish new standards. He noted that there are now interpersonal disputes occurring in his neighborhood requiring significant attention by the Sheriff's Deputy.

Corpe informed the Board as regards the cell tower that the standard language for all township SUPs states that the finished grade of a project shall be as shown in the plans approved for the project, and that deviations require further township approval. This language was put in place after a similar incident involving a motel along the waterfront some time ago. The situation is effectively regulated in commercial situations, but not in residential situations. She feels that it would exceedingly difficult to formulate a regulation for residential situations that would be reasonably and equitably enforceable and that would not place an undue financial hardship on residential property owners.



Mrs. Summerfield said she asked Hull about the ability to erect a fence on her property and was told she could put up a 7' fence on the side and rear yards and 3' in the front yard. Does this mean she could put an additional 50' of dirt under the fence first, and still build the 7' fence atop it? She was also told by Hull that that each subdivision makes many of these decisions for themselves. She believes that if the township can regulate the matter regarding commercial properties such as Meijer, they can regulate it on residential properties.

Mr. Summerfield stated that the house next door to the offending lot use to have pleasant views. Now it looks at and is dwarfed by a 9' mound of dirt when they used to look at the scenery and the bay. The owners, the Supinas, are elderly and have not received any assistance.

Corpe suggested that if the Board wishes to look into whether a regulation that would address such situations is feasible and advisable, good first steps would be to work through our attorney (which would incur expense, as this type of work is not included in his monthly retainer) and by searching the ordinances of other communities to see if they have regulations and how they are managed. The Board indicated that the staff should perform the search for similar ordinances and report back to the Board for further instructions.

7. **Road between Five Mile and Wild Juniper in Northpointe:** Kladder noticed that a number of trees have been removed from alongside a small road that connects Five Mile and Wild Juniper, and asked what the staff knew of the situation. He personally feels less safe traveling the road than he did; the road is narrow and curvy, and he and many others felt a measure of comfort in thinking that if they did leave the road their descent would be broken by the trees rather than facing the possibility of rolling all the way down the hill. Corpe is familiar with the situation, having been working off and on for several years with several Northpointe residents regarding questions about the road. Currently they are working on the issue intensively, so she is aware of the tree cutting as well. She is planning to present the matter to the Board in September for further discussion, but offered the following information now.

Northpointe was platted by Roger Watson in 1978. Through searching township files and discussions with current and former officials of the township and various agencies, as well as with Polly Cairns (a Wild Juniper resident, the Deputy Director of Equalization and Roger's daughter) Corpe has learned that during the development approval process the township indicated it would be beneficial to have a road connection directly to Five Mile Road.

The road as it exists today crosses two of the lots in the subdivision. The official plat map for Northpointe shows that a significant area of those two lots is within an easement designated for utilities and drainage. There is a sewer line in that easement which follows a different path than the road. The easement does not say that it is for ingress/egress purposes. The road is not shown as part of the official plat.

The minutes of the January 1979 township Board meeting indicated that Mr. Watson offered an easement for the road to the township, and that the township accepted on the condition that Mr. Watson remain responsible for the maintenance of the easement. However, subsequent title searches performed by Brad Zucco, who owns the lots containing a relatively small portion of the road, indicate that no easement was ever legally deeded to the township. In 2000 Mr. Zucco asked the township to close the road, in part due to his concerns over liability. The Board at that time indicated a disinclination to do so, and Mr. Zucco dropped his request.

This summer the new owner of the lot containing the bulk of the road, Robert Nalley,

approached the township about whether or not he would be able to obtain a Land Use Permit to build a detached garage that would be alongside and accessible from this roadway. He also asked questions about who is responsible for maintaining the road and who is liable for problems that occur. He stated that there is erosion undercutting the asphalt, and areas of the surface may need patching. Mr. Nalley expressed understanding that despite the murky legal status of the road, the principle of adverse possession may apply because the road has been in use for over 30 years by the public. Corpe believes that he is not necessarily pushing hard for road closure (although he might welcome it), but is seeking to clearly understand his rights, responsibilities and options.

Corpe has been working with Ms. Cairns and with Tom Bergklint, another Wild Juniper resident who is also a local appraiser. They are both deeply concerned about any attempt to close the road, and have been working to mobilize the neighborhood to keep it open. Corpe has spoken with a large share of the Wild Juniper residents they contacted, all of whom wish the road to remain open. She has also spoken to representatives of the DPW, Drain Commission and Metro Fire, all of whom indicate the road is handy to have in case of need but none of whom require the road to be there or seem anxious to assume responsibility for it. Road Commission representatives have been helpful with some documentation, and have indicated that the road comes nowhere near standards for public roads under their authority and that they would not be likely to accept responsibility for plowing and maintenance.

Corpe's plan is to turn over everything she has found to attorney Bzdok's office for review and an opinion as to whether or not the township has or should assume responsibility for the road for presentation at an upcoming meeting. She would then share the information with the residents on Wild Juniper. Mr. Bergklint and Ms. Cairns have indicated that a neighborhood meeting for this purpose with township representatives would be appreciated.

As to the tree-cutting that recently occurred, all of the trees removed were on the lots owned by Mr. Zucco and Mr. Nalley, the latter having informed her that both men plus the owner of another lot in the subdivision who wanted a view of the bay opened up shared the cost. The stumps were left in place to stabilize the soil, which Pete Bruski from the Soil Erosion Department indicates is the only requirement his office would have about the matter. Except in SUP situations with required/approved landscaping plans, the cutting of trees on private property is not regulated by the township. Most of the residents on Wild Juniper were distressed by the work done and the change to the character of the neighborhood. Several have indicated to Corpe that it violated deed restrictions in place against removal of any tree over a certain size unless diseased/dangerous or required for home construction. The full deed restrictions are not on file at the township, as the township does not have enforcement authority. As with Scenic Hills, the matter would have to be settled between the neighbors either in or out of court.

#### **H. REPORTS:**

1. **County Commissioner's Report** – Larry Inman: received and filed.
2. **Parks** – Tom Henkel: received and filed.
3. **Sheriff's Deputy** – Bob Sillers: received and filed.

#### **I. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD: None**

**Meeting adjourned at 9:04 p.m.**