



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. September 4, 2007**

Meeting called to Order by Clerk Dunville with the Pledge of Allegiance at 7:02 p.m.

Members present: B. Boltres, D. Dunville, W. Kladder, P. Scott, E. Takayama, F. Zarafonitis
Members excused: None
Staff present: S. Corpe, Township Manager/Recording Secretary
C. Bzdok, Legal Counsel (

APPOINT MEETING MODERATOR: Motion by Scott, support by Boltres to appoint Kladder to moderate the meeting. Motion carried by a vote of 5 in favor (Boltres, Dunville, Scott, Takayama, Zarafonitis), 0 opposed and 1 abstaining (Kladder).

INQUIRY AS TO CONFLICTS OF INTEREST: Kladder noted a conflict of interest with the discussion regarding selection of Supervisor candidates (New and Old Business #9).

APPROVAL OF AGENDA: Motion by Scott, support by Dunville to approve the agenda as amended to add discussion of appointing someone to attend a special Water & Sewer Committee Meeting on September 12 as part of item E-1. Motion carried unanimously.

A. CONSENT CALENDAR:
Motion by Scott, support by Takayama to approve the Consent Calendar as presented, including:

RECEIVE AND FILE:

1. **Treasurer's Report** as of 07/31/07
2. **Clerk's Report** as of 08/28/07
3. Draft Unapproved Minutes of **08/27/07 Planning Commission** meeting

ACTION:

4. Consider approval:
 - a. **08/07/07 regular** Township Board meeting minutes
 - b. **08/14/07 Special** Board meeting minutes
 - c. **08/29/07 Special** Board meeting minutes
5. Consider approval: **Accounts Payable** of \$148,394.21 through 08/28/07
6. Consider approval: **Storm Water Control Ordinance Administration and Enforcement Intergovernmental Agreement** with Grand Traverse County

Motion carried by unanimous roll call vote.

B. LIMITED PUBLIC COMMENT:
Jim Tenbusch, Hampshire Drive, would like some repairs done to his road before winter and potential further damage during the winter. He hopes that maintenance would help it last a little longer before repaving must be done.

C. CORRESPONDENCE: None

D. SPECIAL PRESENTATIONS: None

E. NEW AND OLD BUSINESS:

1. **Appoint a Board member to have interim executive authority for the township until a Supervisor is appointed:** Corpe summarized her memo.

Motion by Zarafonitis, support by Takayama to appoint Kladder to have interim executive authority for the township. Motion carried unanimously.

Kladder noted that someone is needed to attend the DPW Sewer & Water Committee meeting on September 12.

Motion by Dunville, support by Takayama to appoint Kladder to attend the DPW Sewer & Water Committee meeting on September 12.

Doug Dunnigan offered himself or Roy Challenger to attend, as they have attended a few of those meetings. The Board appreciated the offer but felt it important for an elected official to attend.

Motion carried unanimously.

2. **Discuss road access for Springbrook West Site Condominium Association:** Corpe summarized her memo. Steve Waugh, Springbrook West Condominium Association President, spoke on behalf of his neighborhood. They would like to seek a solution that would satisfy the neighborhood, the township, Metro Fire and the Road Commission. Currently the road in the neighborhood is traveled primarily by Springbrook West residents. People like to bicycle and walk there, both from West and from the rest of Springbrook and from Hampshire Hills. Right now they feel it's a generally safe environment for those activities. There is a commons in their neighborhood with tennis courts and other amenities that children and others like to walk or bike to and from. They, and some of the Westridge Road residents, are concerned about the possibility of additional traffic past their homes if there is a new connection to Country View from Bunker Hill.

Mr. Waugh stated that he has met with representatives of the township, Metro Fire and the Road Commission to learn about the needs of a wide variety of stakeholders. He has read minutes and letters dating back to 1999, where it is indicated that the Bunker Hill Road connection was a requirement of the site condominium expansion. They would like to find a solution that is positive for everyone.

Springbrook West will commit to maintaining the small portion of Country View Drive that they would like abandoned to private status, and to obtaining and maintaining a gate that limits vehicular access to emergency situations. Their condominium association is an active legal entity, and would amend their bylaws to place suitable conditions for maintenance into their governing documents.

Mr. Waugh stated that the idea of a gate is not to make their neighborhood entirely exclusive. They would like to limit automobile cross-access, but would not exclude people from other portions of Springbrook or other neighborhoods who would like to continue to walk, bike or similarly use Country View Drive.

Zarafonitis stated appreciation of their desire to limit the cross access, as he is a Springbrook resident and has experienced the traffic and speeding issues there. Kladder asked if the neighborhood association has determined what the costs would be to maintain the road segment and provide a gate. Mr. Waugh stated that the condo association collects dues but has built up a bit of an unspent reserve to apply to the project. They maintain the tennis courts and commons lawns. Kladder asked what they envision the recourse might be if they didn't meet their obligation to maintain a private road segment; would they be willing to have the road revert to public status under the Road Commission immediately? Mr. Waugh stated that they would be willing to work with our township attorney to come to suitable terms.

Scott stated that he can understand the concerns because when there was construction on M-

72 this summer the Resort opened a back gate out of The Shores, unleashing substantial traffic into his neighborhood which is filled with small children. Zarafonitis said that he believes that the chances of a condo association falling apart or not paying its dues are relatively slight, in terms of keeping up the maintenance.

Metro Chief Patrick Parker stated that his agency does want a second route of access into Springbrook as originally stated in a letter from them in 1999. There are over 100 lots served by only one access currently, and if there is a tree or power line down they might be unable to reach residents in the neighborhood in an emergency. The township's current Fire Protection Ordinance says that subdivisions over 30 lots shall be served by more than one access. Chief Parker believes the neighborhood's proposal would be acceptable to his agency. Zarafonitis asked if they have experience with automatic gates; Chief Parker stated that they do in LochenHeath. They have problems with manual gates in terms of keeping track of numerous keys or combination codes. A manual gate must have a Fire Department issued padlock that answers to one master key, or a gate with an infrared sensor that opens automatically when it receives a signal from an emergency services vehicle.

Mary Gillis, Road Commission Manager stated that the Country View/Bunker Hill connection process has been a lengthy one. She has done extensive research and appreciates the neighborhood concerns. She discussed several options with Mr. Waugh and Mr. John Sak last week, including abandonment of all the roads in Springbrook West. One concern she has with the particular proposal is that the road spur they would like abandoned crosses Lot 21 of Springbrook Hill. To do this required a plat amendment approved by all subdivision residents. The Road Commission very much wants the second access to Bunker Hill Road, primarily for safety reasons. She did discuss the matter with several of her Commissioners this morning, and they stated unwillingness to abandon even a small connector section. The Road Commission has held the Savages' money in escrow for a long time, having had funding issues for their portion of the project. This was a condition of their accepting the Springbrook West Roads. She feels there are other traffic calming measures that can be explored, but from her agency's view the roads are not a place for children to play. Her agency feels they belong in parks or other areas, and they would be willing to help the neighborhood seek grant funding for a dedicated bike path. The Road Commission does not permit any gating of public roads. The particular proposal is not viable to the Road Commission.

Zarafonitis asked about abandonment of all of the roads in Springbrook West. Ms. Gillis stated she didn't get an impression one way or the other from her Commissioners on this idea. If this were to occur, they would need a petition to be presented quickly. To abandon a public road requires a petition from a minimum of seven residents, three of whom hold property in the area. If there is not universal agreement a series of public hearings is required before a decision is made. The connection to Bunker Hill could be started, and the abandonment process could be pursued concurrently. Kladder asked how much additional traffic Ms. Gillis believes would be generated by the connection; she has no firm traffic counts but she believes that the people who would speed through will be primarily Springbrook West or nearby Springbrook Hills residents, and parents of children who play in the area. Kladder asked if there would be stop signs placed; there would be one at the Bunker Hill/Country View connection point. One could potentially be placed at the junction of the circular area of the Country View as well. A staff traffic technician can evaluate the options and suggest the safest alternative meeting their standards.

Takayama asked why the connection to Bunker Hill was not made long ago when the subdivision was started. The connection was a condition of the addition of the last four lots on the north side of the previously approved and developed site condominium. Zarafonitis asked if the connection construction could be deferred. Ms. Gillis replied that the Savages are also concerned by the delay in completing the commitment and utilizing the funds they

placed in escrow and have been pushing for the construction.

Mr. Waugh stated that he doesn't understand all of the technical requirements of the situation, but he doesn't view a process as a roadblock.

David Kipley, 4085 Circle View Drive stated that his law firm helped established the site condominium. He has lived in Springbrook for 26 years and used to live across from outlot 21. He recalls that the cross-access was required by the Road Commission along with the Bunker Hill Road connection. He noted that the hill on Bunker Hill between Bartlett and Springbrook causes short sight distances; at the time they would not allow a direct and fully separate access to Springbrook West from Bunker Hill Road and required the connection through Springbrook. This began a lengthy process of gaining approval for the outlot use from all of the subdivision residents, lengthy because the subdivision association had become inactive and they needed at least 80% approval. Mr. Kipley actually delivered the Savages' escrowed funds to the Road Commission to pay for the realignment of Bunker Hill to lower the hill profile, to the tune of almost \$40,000. He suspects the Road Commission does not want to return the funds as a primary motivator for finishing the project. A cul-de-sac originally put in on the north side of Springbrook West was intended to be temporary until the Bunker Hill connection went through. Everything was done with the understanding that there would be eventual access to Bunker Hill Road as well as to Westridge. Mr. Kipley said that the only people who travel Springbrook Roads are residents or their guests, and a very few people who know about a way to access the VASA from Circle View. Mr. Kipley stated his interest is as historian and resident; he is not representing the Savages who have sold all of their lots in Springbrook at this point. Mr. Waugh asked what would have to be done to discontinue the connection through lot 21 entirely; Springbrook #1 would have to be replatted again.

Matt Erjavac lives on Westridge Drive. He stated the Savages had the intention of making Springbrook West private. He recalls the Savages stopping him and his wife when they went to have a peek while he was building it and telling him the area was private. He does not believe there should be any gates.

Zarafonitis asked if the Board has the authority to ask the Road Commission to hold off until next year to have the Bunker Hill connection built. Ms. Gillis indicated in the negative. She said that the Road Commission doesn't fear returning money to the Savages; it would be much less expensive as the cost of the work has tripled since they accepted the escrow. They are honoring a commitment made in the interests of public safety. She believes that continued interaction with the residents can yield some positive impacts on their concerns.

Scott asked if is possible that the Road Commission might allow privatization of all the Roads in Springbrook West. Ms. Gillis stated that it is possible, but since the Commission's reaction is unknown it would be better if they proceeded quickly, with road construction scheduled to occur this month.

Ron Hardin, Westridge Drive, stated that his family has used Springbrook West for recreational purposes. He supports the public safety reasons for cross-connections. He is concerned because some of the stress on existing and worn-down roads in Springbrook could be relieved by the through cross-connection. He also stated that Road Commission plowing in Springbrook comes late and is generally performed poorly, allowing ice and ruts to build up. He is concerned that the plow bypassing a private road would create an additional ridge that would be difficult to keep open and safe for a private plower, and make emergency access problematic if possible. He does not believe a gate is the answer, while he'd support speed bumps or signage. As the subdivision develops there will be increasing development. Development of the Andres property will add traffic to already stressed Springbrook Road.

Takayama has the understanding that the Bunker Hill Road connection will occur as planned when the condo association was established. It's up to the residents of the neighborhood to seek road privatization if that's what they would like, and the township will have a place in that process. He is not opposed to either public or private status for the road, but supports whatever solution will provide the widest benefit. The Bunker Hill connection seems bound to occur.

Motion by Takayama, support by Dunville to have the Board “step back” and let the Road Commission pursue the Bunker Hill Road/Country View connection plans, leaving additional details to be worked out between the neighborhood and the Road Commission. Motion carried unanimously.

3. Discuss **new cable franchise agreement** with Charter Communications: Corpe summarized her memo for the Board.

Motion by Zarafonitis, support by Scott to approve the Uniform Video Service Local Franchise Agreement with Charter Communications as presented. Motion carried unanimously.

4. Consider **Proposed 2007-08 Budget Amendment #2, Resolution #R-2007-17 (Shoreline Preservation Fund) and amended appraisal bid**: Corpe summarized her memo for the Board.

Motion by Dunville, support by Zarafonitis to approve budget amendment Resolution #R-2007-17 as presented. Motion carried by unanimous roll call vote.

5. Consider approval of **letter to shoreline landowners** suggested by Shoreline Preservation Advisory and decide who should sign it:

Motion by Dunville, support by Takayama to approve sending the shoreline landowner letter as presented under Paul Brink's and Pat Salathiel's signature. Motion carried by unanimous roll call vote.

A brief recess was declared from 8:25 p.m. to 8:41 p.m.

6. Consider request **by LochenHeath for release from agreements/obligation** to turn over on-site public water system to Acme Township: Corpe summarized her staff memo. Marc Krakow, Partner in LochenHeath, Troy Molby from Gourdie Fraser and Guy Guarino the LochenHeath General Manager represented the development. Dr. Krakow stated that they have been exploring all available options regarding the water system. Their current Type 1 water system can serve 149 residents out of approximately 500 total approved units. They were told that once they expanded to 150 units they would be required by the DEQ to put in a water storage system. In-ground storage is no longer permitted, so a water tower would be required at about 350,000 gallons (similar size to the tower at the Resort). LochenHeath felt this would be unrealistic, as the tower would be at the highest point of their property, near US 31 and intruding on a viewshed. They came to feel that the best option for them and for the community would be to seek a connection to the Tribal water system. They propose to extend the water line currently serving Windward Ridge to Dock Road and into LochenHeath from there. The water is abundant and flow rates (1,500 gallons/minute as opposed to the current maximum 650 gallons/minute) will support adequate fire suppression. They feel that connecting to the Tribal system is in the best interest of all parties.

Kladder asked Chief Parker and Fire Marshall Brad Schnaidt what they would see as advantages of various options in the situation. Mr. Schnaidt confirmed that underground tanks are no longer permitted. Fire suppression water flows are a critical issue for them.

Kladder asked if fire hydrants at the Resort have been kept adequately accessible; they have.

Takayama asked who paid for the extension across US 31 of the water main to Windward Ridge. The 12" main was paid for by Windward Ridge. Dr. Krakow stated that there is an agreement by which LochenHeath would pay off half the system costs they incurred in exchange for the additional connection. The Tribe would own all of the water infrastructure.

Scott asked what would happen if there are problems with pipes in the system – would the township be responsible? Bzdok stated that his communications with Don Schmidt, counsel for LochenHeath indicate that the township would have no involvement or responsibility for the situation, which is a public water system simply being provided by a non-township entity. Their discussions have been that if at a future point in time the Tribe no longer serves the development, all of the existing agreements proposed to be set aside would come back into full force and effect. The township would take ownership of the system accordingly. Zarafonitis asked where the water supply would come from in that instance. Kladder asked if the system would have to be brought up to township specifications if this occurred. For instance, the proposed construction would be plastic pipe, but the DPW requires iron pipes – would they have to be changed out? Bzdok replied that such details can be worked out, and if this should come to pass some modifications might be needed to the agreements to account for changes in circumstances that always occur with the passage of time. The only thing that would trigger this situation would be if the Tribe no longer provides water to LochenHeath.

The Board asked about any expenditures made to maintain the system over the years and reimbursement to the township for them. Corpe stated that the records combined water and sewer expenses; she has a spreadsheet good through August 2006 she is working to update through the present. As of a year ago she has identified approximately \$9,500 in unreimbursed operating and maintenance expenses. Dr. Krakow has expressed complete willingness to make the appropriate reimbursement, which will be deposited back to the township's Sewer Fund.

Bzdok stated that originally we had proposed to release only certain terms of the agreements related to turnover requirements, but discussion between the attorneys will set the agreements entirely aside unless and until the Tribe stops providing water. Resolution #R-2001-04 which established water user rates would be set aside as well. The parties agree in substance as to the terms; the final language of the document can be worked out given a suitable motion.

Zarafonitis asked how soon the Tribal connection would begin if the concept is approved this evening. Mr. Molby indicated that the water main design is underway, with permitting to follow. Construction could begin this fall.

Motion by Scott, support by Dunville to repeal Resolution #R-2001-04 and approve an agreement in concept subject to finalization by counsel that will set aside existing water agreements between Acme Township and LochenHeath, clearing the way for a LochenHeath/Tribal water connection. Motion carried by unanimous roll call vote.

7. **Consider proposal from Stephen J. Schoenow, attorney for Richard and Karen Kane, regarding [Kane/Sayler Park common lot line issue](#):** Corpe summarized her memo for the Board. Mr. Schoenow presented on behalf of the Kanes. He expressed some thoughts about boundary issues between private individuals and municipalities, particularly that a private individual cannot make a claim of adverse possession against a municipality. Mr. Goetzman, the previous landowner, has stated that a chain link fence between the properties has been in place since at least 1940. Mr. Schoenow stated, and provided pictures, of posts cemented into the ground that don't conform to the fenceline, and a surveyor's mark in a pine tree. The 1999 and 2006 surveys came to two different conclusions, but he asserts that the existing and "original" monuments support the approximate 4' gap between the properties at the East Bay

shoreline. There are surveying difficulties in the northern area of the township. Mr. Schoenow apologized for sending his most recent memo so late this evening before the meeting, in which he lays out his theory of boundaries and occupational lines that have been established relative to things like fences in situations when surveys and boundary lines don't agree. The case law he has read tends, in his opinion, towards not disturbing the functional boundaries (fences, etc.) when a survey disagrees. He suggested that trying to follow boundary lines as suggested by the new survey might cause all of the lot lines in the Supervisor's Plat of Peninsula view to be relocated by association. Mr. Schoenow noted that the surveys differ, so at least one is incorrect, and perhaps it is best in such circumstances to "let sleeping dogs lie" and establish the boundary line based on the existing occupational line.

Kladder asked how far back the park dates. The Kanes house dates back to the 1950's or 1960's. The fence may be older, and it is believed it was placed by the township. Kladder asked about placement of a breakwall north of the fence; it was placed by the Goetzmans and another property owner.

Boltres stated that in a case of private ownership, adverse possession would allow resolution of the situation because the property has been occupied a certain way for a long period of time. He is concerned about a chain reaction of property line relocations up the road. He feels an opportunity exists to apply the adverse possession rules even though they don't strictly apply to municipal entities.

Bzdok suggested two possible points of view. He stated the Board can do as it pleases. One view is that the township and the Kanes have an signed agreement recognizing that an encroachment exists. There is no legal reason, regardless of the legal doctrines discussed, to do anything. He understands the Kanes' concerns regarding the issue. Otherwise, and if the agreement didn't exist, there's still no reason to take action. He does not agree with Mr. Schoenow's interpretation. He drew a picture of the situation on a large pad of paper, including the fence line and a rough example of how the house encroaches into the park. The license agreement allows a continued encroachment over an area we thought was in the park, but may actually not be. They are now asking to occupy all of the land to the fenceline, whether the house is on it or not. The Board can decide to allow this, but is not required to do so. The idea of "acquiescence" applies to plat where there is less land than presumed and lots must be shrunk to match; in this case there is extra land which is the opposite case. Bzdok suggested that modifications to the agreement should occur if they improve the township's position in some way. Rather than giving more land away than anyone ever contemplated, an easement could be recorded to replace the license that would allow clear transfer of the property as the situation exists to heirs and assigns. Bzdok suggests the exchange so that both parties obtain a benefit over the existing situation. Any action the Board approves can be achieved through legal drafting; it's the Board's option.

Mr. Schoenow agreed with Bzdok that legal opinions disagree. As to "possession limitation doctrine," he states the matter doesn't just cover the no-man's land in the 2006 survey but also the 1999 survey and the fenceline as it has existed for many decades. The doctrine would say that since the surveys disagree, if the township moves the fence they would have to reapportion deeds and lot distributions northward. He is arguing that the matter should be left as it has functioned. He stated that there are three types of "acquiescence" including by agreement which is what occurred in 1999. The agreement was signed when the Kanes were out of town; Mrs. Kane says on advice of the real estate agent. Perhaps it would have been better had they obtained legal counsel. Since there are metal stakes near the shoreline 4' away from the fenceline, he suspects the no-man's land issue was known or suspected some time ago. He also argued that once the issue is known it must be resolved between the parties. He has seen no change in the way either party uses the land since the agreement was signed in 1999, and feels there is room to therefore argue that the agreement has no binding effect on his clients.

Kladder asked if the township could develop an easement that would allow the house to remain as is and be passed to heirs and assigns until a major renovation, at which time it would have to be modified and conform to setback requirements and land used by them would revert to the township thereafter. No house has an infinite lifetime; it will be torn down at some point. He has a problem with the idea of simply giving away public land. Bzdok stated that such an easement would be possible. Mrs. Kane stated that at least two other property owners have structures that encroach on their neighbors' properties, some to the extent of 15' or 17'. Somehow she believes that the platting and surveying is mistaken throughout the whole subdivision. She wants to ensure that her son does not have to move or demolish the house. The Board generally expressed a desire to allow the house to be used during its functional lifetime but to have the easement expire at the end of that period. Bzdok stated that he could draft such language.

Motion by Boltres, support by Scott to direct Bzdok to prepare an easement that would run with the land, allowing the Kane residence to remain where it is until such time as a significant structural change occurs. The no-man's land identified in the 2006 survey would be recognized as township property.

Kladder is concerned with creation of an appropriate definition of "remodeling" or "significant structural change." Takayama is concerned about the possibility of this issue coming up yet again someday. Bzdok can't entirely guarantee against this possibility, or a possible re-platting of the subdivision (which does not include the park.) The no-man's land would come to the township in the form of a Quit Claim Deed. Kladder asked if the Board would review and approve the final draft; Bzdok stated it could be brought back to the Board before being formally offered to the Kanes.

Motion carried unanimously.

8. **Consider approval of reorganization of Metro Fire Department pursuant to Public Act 57:** Chief Parker addressed the Board, introducing East Bay Township Supervisor Glen Lile, Joe McManus from Garfield Township, and Fire Marshall Brad Schnaidt. They are seeking approval from Acme Township to reorganize Metro Fire pursuant to PA 57. The Board has received presentations regarding this matter before, and has adopted motions to allow former Supervisor Kurtz to pursue detailed discussions. Consulting firm Plante Moran has suggested in favor of the reorganization as evidenced by their presentation in the Board packets.

Metro Fire has been operated as a full governmental entity since 1980. In 2004 it was discovered, while preparing to finance a new fire truck, that it had not been appropriately constituted under state law. The IRS also confirmed by not issuing a tax-exempt certificate. The issue was reconfirmed when a fatal accident involving a fire truck caused the insurance company to observe that Metro was not a legally-constituted governmental entity. They covered the claim anyway. Maintaining governmental entity operations when this is not fully the case is a liability to the townships involved. Metro has been informed that the way it operates is actually a model for state legislation for shared fire authorities, even though it hasn't been properly accomplished to date.

A draft of proposed Articles of Incorporation has been provided. Metro Fire has adopted a motion approving a move forward. They hope that the Board will approve moving forward in concept this evening, with further details to be worked out.

Boltres does not have much background in this matter. He knows Kladder has been learning, but perhaps it would be best if Kladder continued his research and presented a report to the Board to better educate them. He personally wonders why East Bay, Garfield and Acme are working together, but separately from the rest of the County. He believes some economies of

scale could be achieved by expanding the organization, and that needs change over time. Zarafonitis stated that when Metro Fire was formed in 1980 other townships were welcomed to join but chose not to. They didn't at the time, or since, largely due to politics and money. Metro is trying to be progressive, where as the Rural Fire Departments are moving at a slower pace. Zarafonitis understands that the attempt is to keep things functioning relatively the same as they do now, but to bring the legalities up to speed. Scott stated that the Public Safety Advisory has recommended the reorganization under PA 57, so he feels there has been broad input.

Zarafonitis appreciated some of the comments Bzdok provided, and agrees that there are some things that need to be hammered out with the agreement before the Board can move ahead with a final approval. Chief Parker stated that he believes a motion from the Board this evening would allow the final agreement to be worked out, with subsequent adoption by the Board. Bzdok noted that the proposed motion received for the Board to potentially use would allow semantic but not substantive changes subject to further discussion, Today Metro's counsel, Chuck Judson, indicated in an e-mail to him that there is no definitive draft yet and that there are substantive details to be worked out. At 5:33 this evening Mr. Judson stated that they would accept a general motion of support for creation of a PA 57 agreement, which would lead to further discussion about the details and a return of a final document to the township board for deliberation. Bzdok suggested creation of a punchlist of items of substantive agreement/discussion.

Boltres is concerned over several of the key aspects, such as who controls budget approval and sets funding.

Kladder noted that East Bay Township and Garfield both own fire buildings (rather than Metro owning them). East Bay has ambulance service but Garfield does not. There is a question as to whether the ambulance service would end. A new fire hall is being remodeled on Three Mile Road and is owned by Metro Fire as is the administration building on Parsons Road. Chief Parker stated that the current discussions would have East Bay and Garfield leasing their buildings to Metro for \$1, and Metro would assume all operation, maintenance, salary and benefits costs.

Kladder stated that a public hearing has been scheduled for later this month. Why would a public hearing be scheduled after the Board has been asked to give approval? Chief Parker stated that there is discussion about a potential joint meeting of all three township Boards later this month to finalize the agreement to be efficient.

Kladder noted that there are ongoing discussions as to allocate total Metro operating costs between the three townships. The current and proposed future model is based on property SEV. The township's current fire protection special assessment is 1.5 mills. Looking at the first draft of the proposed Metro Budget for 2008, it appears that there would be a special assessment increase to approximately 2.3 mills. Chief Parker stated this is necessary to maintain service levels and move the Metro strategic plan forward. The benefit to Acme would be provision of a full-time paid station Captain in the hall during normal working hours, and paid on-call night response crew.

Kladder expressed concern over budget approval and special assessment rate setting. He interprets that the new model would not give the township any control over the budget level and levy needed to support it. Chief Parker responded that the current Metro Board consists of the township Supervisors. The new Board would have seven members, all of whom must be elected officials from the townships (2 from Acme, 2 from East Bay, 3 from Garfield). They vote on the budget. Zarafonitis asked what would happen if two of the three township sets of representatives vote in favor of a budget and one against. If the third won't go along, their only choice per Chief Parker would be to leave Metro Fire. A township leaving would

still be responsible for paying on any debt incurred by Metro during their participation.

Kladder noted that some governmental entities save up before large purchases. For the first time, Metro made a major purchase (a fire truck) by taking on long-term debt. How does Metro plan to pay for such expenditures in the future? How would costs be allocated? Chief Parker stated that now and proposed for the future is that each township pays according to their percentage of total SEV in the consortium. Perhaps equipment such as trucks could be paid for from loans or savings. To add new fire stations as proposed, they are considering bonding which would have to be approved by the Metro Board, the township boards and the voters. Based on current SEV ratios, Acme Township would be responsible for 20% of the costs. Zarafonitis observed again that if Metro sought its own millage, and if voters in Acme turned it down but a majority of voters supported it between the other two townships, Acme voters would have to pay it too. Zarafonitis and Kladder noted that with the projected growth in the township our SEV could surpass East Bay's soon.

Kladder asked how fire staff would be housed, as we currently have no room here. Right now they'd be dispatched from their homes, as they are now, which delays response times because they have to stop at the station first for equipment. Kladder also noted that Metro would assume liability and would have to ensure for the risk; the township might be able to drop such coverage on its policy.

Kladder asked if it has ever been discussed that if a township pulled out of Metro they would retain/take with them certain assets; it has not. Currently if a township pulls out they do not take any assets with them.

Zarafonitis asked Mr. McManus for his thoughts. Mr. McManus stated that the process started over two years ago. Each township has brought several elected officials into the process; at least one trustee along with each Supervisor. The rest of the county could join Metro at any time. It would cost significantly, and so far they have been unwilling to do so. The rural townships would have to raise millages significantly. The concerns Kladder has raised have mirrored the ones he has raised. Garfield is concerned because they have only 3 votes on the board, yet they pay half the bill. They feel like they have too few votes, while everyone else seems to feel they have too many. He urged the Board to consider the benefit of Metro participation in terms of what it would cost for the township to provide the same level of service all alone – it would be prohibitively expensive. Garfield has considered leaving Metro simply because the process has been stalled. The economies of scale are important, and the consortium is currently at risk. Garfield will discuss the matter at their meeting on September 13, and Mr. McManus agrees that there are substantive details that need to be worked out.

Glen Lile, East Bay Township Supervisor, echoed statements about the length of the process. An agreement to move forward in concept is necessary, and there are details that need to be hammered out. Everyone wants to work it out so that any two townships can't drag a third along unwillingly through any situation. The Boards and attorneys will need to create, review and refine subsequent drafts. East Bay will consider the matter at their meeting next Monday night.

Chief Parker had hoped for agreement in more than just concept, but if it is necessary it's necessary. He hopes to have everything completed and up and running under PA 57 by January 1. There is a 6week processing time once the paperwork is submitted. Kladder appreciated the desire, but stated that the process must take the time needed to satisfy all of the townships, even if it isn't finalized until after January 1.

Bzdok believes support to move forward with negotiations is the farthest the Board can go at this time. He had thought the proposed Articles of Incorporation were a firm draft, but was

told by Metro's counsel at 5:30 this evening they were not. There are many questions to be answered, such as ultimate control of the budget, and whether Metro should have to ask voters directly for tax levies rather than having the individual townships support and create the levies to support the budget. There has to be greater clarity as to how autonomy Metro would truly be allowed to have. He suggested that the Board compile questions for Metro to act on. He supports the overall process as a modern approach to fire protection. Kladder is specifically concerned with township control over the budget, and if the township's don't have sufficient control he has begun to wonder if Metro should have to justify the budget and requested millage directly to the public. Mr. McManus feels the opposite. The township's do set the amount of independence Metro will have from them; Garfield would prefer to keep a fairly tight level of control. The Metro Board may control the budget, but Metro Board members will be elected township officials.

Motion by Boltres to have Kladder learn more and report back in writing to the Board with recommendation before the Board provides any level of feedback to Metro Fire.

Kladder stated that Zarafonitis is the Trustee appointed to the effort along with the Supervisor; perhaps the new Supervisor should serve.

Motion failed for lack of support.

Motion by Zarafonitis, support by Scott to support in principle further work on Articles of Incorporation for Metro Fire pursuant to Public Act 57.

Kladder invited Board members and members of the public to forward questions and concerns for a punchlist to Corpe for compilation.

Motion carried unanimously.

Kladder recused himself from the Board, joining the audience, and turning the meeting back over to Clerk Dunville at 10:24 p.m.

9. **Select Supervisor candidates to interview on September 12 and establish interview format/questions:** Pursuant to Bzdok's suggestion at the last meeting, Corpe distributed paper ballots Board members could use to indicate their choices for four candidates to be interviewed. The ballots were returned to her, tabulated in a spreadsheet, with the ballots identified by Board member and final tabulation read aloud.

Motion by Scott, support by Zarafonitis that on September 12 a special meeting be held to interview Doug Dunnigan, Bill Foster, Wayne Kladder and Jay Zollinger for the position of Supervisor. Motion carried unanimously.

Dunville spoke with Ross Childs, who consulted with the township during in 2002 when the township interviewed to fill Mark Ritter's unexpired term. She has a list of some of the questions used during that process as examples of potential questions for this process. Takayama asked if Board members should submit potential additional questions. Scott feels that questions should be uniform for all candidates; Boltres felt they need not be. Bzdok stated that this is a policy question rather than a legal question. Takayama suggested that candidates should be asked to wait in a separate area so as not to hear the questions asked of earlier interviewees and gain an unfair advantage. Bzdok stated that they can be requested to do so, but we cannot force them to exclude themselves from a public meeting.

F. REPORTS

1. **County Commissioner's Report – Larry Inman:** received and filed
2. **Parks and Maintenance – Tom Henkel:** received and filed

3. **Sheriff's Deputy – Mike Matteucci:** Deputy Matteucci provided a summary of the August 2007 monthly statistics provided. Kladder asked about his involvement in the Labor Day traffic stings; he was busy all over town all weekend.

G. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

Michael Srdjak, US 31 North, stated that he reads in the law that a Supervisor may appoint a Deputy Supervisor if they choose. He asked if Mr. Kurtz could have done this, eliminating the need to fill his position through such a process, and if this could be done in the future. Bzdok stated that a Supervisor may have a deputy. However, the Deputy Supervisor does not automatically succeed to the post; in fact their appointment expires with the exit from office of the person who appointed them.

Andy Andres, Jr., Traverse City, suggested that candidates be interviewed in a random order as drawn the night of the meeting. He also suggested that the Board entertain potential questions to candidates suggested by the public.

Andy Andres Sr., 4946 M-72 East, feels that the voting performed this evening was a "shame." He feels that every person who lives in the community, who pays the Board's salaries, should have a say. During the last supervisor vacancy, all individuals who submitted applications were interviewed. Takayama said at the last meeting that he already knew there were certain people for whom he would not vote, which Mr. Andres feels is inappropriate. He has supported the Board in the past, but no longer feels he can do so. He was asked today if as a business owner he only interviewed some candidates for a position rather than all of them. He feels there is a difference because in his business he was the sole wage payer. In this instance the public pays the wage, so he feels all applicants should be heard.

Ron Hardin, 4712 Westridge Drive, ask that when the Board deliberates about Metro Fire, they check into the question of withdrawal from Metro Fire. There is a heavy price; the equipment in this station belongs to Metro Fire. If the township were to leave the organization the equipment would be redistributed throughout Metro and Acme would have to acquire all new equipment. This cost is surely higher than working out any differences within the organization might be.

Meeting adjourned at 10:42 p.m.