



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, January 6, 2009 7:00 P.M.**

MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 7:02 P.M.

Members present: D. Dunville, R. Hardin, W. Kladder, P. Scott, E. Takayama, L. Wickle, F. Zarafonitis
Members excused: None
Staff present: S. Vreeland, Township Manager/Recording Secretary
T. Henkel, Parks & Maintenance Manager
C. Bzdok, Legal Counsel

INQUIRY AS TO CONFLICTS OF INTEREST: None noted

APPROVAL OF AGENDA: Motion by Scott, support by Takayama to approve the agenda as presented. Motion carried unanimously.

A. CONSENT CALENDAR:

Motion by Scott, support by Zarafonitis to approve the Consent Calendar, including:

RECEIVE AND FILE:

1. **Treasurer's Report** as of 11/30/08
2. **Clerk's Report** as of 01/02/09
3. Draft Unapproved Meeting Minutes:
 - a. **12/10/08 Shoreline Advisory**
 - b. **12/11/08 Parks & Recreation Advisory**
 - c. **12/15/08 Heritage Advisory**
 - d. **12/22/08 Planning Commission**
 - e. **12/03/08 Road Commission**

ACTION – approved:

4. Township Board meeting minutes of **12/09/08**
5. **Accounts Payable** of \$67,296.90 through 12/30/08

Motion carried by unanimous roll call vote.

B. LIMITED PUBLIC COMMENT: None

C. SPECIAL PRESENTATIONS: None

D. REPORTS:

1. **Sheriff's Deputy** – **Mike Matteucci**: received and filed.
2. **County Commissioner's Report** – **Larry Inman**: County Administrator Aloia hired a Resource Recovery Manager from Ann Arbor who should start work around the third week of January. Applications for the vacant Human Resources Manager are still being accepted on a nationwide basis. On January 14 at 6:00 p.m. there will be a meeting regarding the Septage Treatment Plant and presentation from county-hired consultant URS, followed by discussion regarding appropriate next steps. A joint meeting with the townships, cities and villages will be held on January 19 at the Civic Center. The County Strategic Planning sessions will be held in several weeks and an effort will be made to make them more interactive with members of the public in attendance. Public voting on suggested priorities will be accomplished through use of electronic voting technology. The City and County will meet on

January 26 to discuss options for the Boardman River Dams and what to do with the report received. No community consensus has been reached. Inman will be out of town in late January/early February to support a close family member with some medical issues. Kladder congratulated Inman on becoming Vice Chair of the County Commission. He also reported that the January 14 meeting on septage will be televised on Channel 99. He hopes all Board members will attend or watch, as this is an issue belonging to the townships that financed plant construction. Kladder's term as chair of the Sewer & Water Committee is ending this month. The affected townships are being asked to consider at their upcoming meetings how to fund the implementation of some of the activities suggested by the consultant's report; Kladder plans for this discussion to be held at our February meeting.

3. **Parks and Maintenance** – **Tom Henkel**: received and filed. Kladder asked about the status of the skating rink; Henkel has flooded it with some water to see if the ground is frozen enough to freeze the rink itself yet.

E. CORRESPONDENCE:

1. **12/09/08 letter from Bill Boltres** resigning from position as Facilities Advisory Chair: received and filed.

F. PUBLIC HEARINGS: None

G. OLD BUSINESS: None

H. NEW BUSINESS:

1. **Consider request from Planning Commission to distribute proposed Master Plan Amendment regarding official sanitary sewer service district to neighboring governmental units for review and comment as required by statute:** Vreeland summarized the information contained in Hull's staff report. This issue was discussed at some length several months ago, and the decision was made to move the map displaying the current sewer service district from the Zoning Ordinance to the Master Plan to match the expectations of a separate existing sewer district police power ordinance. No change to the shape of the district is proposed at this time.

Motion by Dunville, support by Scott to authorize the Planning Commission to distribute the proposed Master Plan amendment for review in accordance with state law. Motion carried by unanimous roll call vote.

2. **Consider whether to amend the current mandatory curbside recycling district:** At the Sewer and Water Committee, there was discussion about having the townships in the County review the scope of their mandatory curbside recycling districts annually. The County provided a map of our current district for our review. Inman discussed this with Aloia, who said that often Resource Recovery performs this review on their own, but this year decided to send the materials out to all of the townships for review. There will be a presentation about the mandatory curbside recycling district, what Resource Recovery would like to know and why at the joint County/Townships meeting later this month. Kladder observed that Peninsula, Long Lake and Green Lake Townships included their entire townships within the mandatory curbside recycling district several years ago. Scott noted that when his hauler nearly doubled his rates several years ago, they stated that it was because the township had included the whole township in the district when this was not true.

Hardin reported that the Planning Commission reviewed the district and recommended no change at this time. They are aware that solid waste issues are currently under debate, particularly the status of the centralized recycling drop-off sites throughout the County. They advise waiting to consider any changes to the district until the County-wide recycling picture is clearer. Zarafonitis expressed concern that many people won't haul their recycling to the end of the driveway but will put it in their car and take it to a centralized site. Takayama has

no problem leaving the district as is for now, but hopes the County will move forward on this issue soon. He recalls with interest the presentation several years ago by former Resource Recovery Manager Kelly Ignace about lower rates and better services in areas where there is a centralized authority, and feels we are being charged too much for too little service. Dunville noted that the home bins are small and don't hold much, and she would like to continue to have both home and centralized recycling. Hardin noted that there is a lot of activity at the recycling bins at the Holiday Shopper, and he wonders how much benefit the businesses there receive. He also believes it promotes contact and discussion between community neighbors. If recycling is important to someone they will seek ways to do it, and if not they will seek ways to avoid it. Wikle has been recycling for 10-15 years, and there are many bins out along Deepwater Point ever week. Her largest concern is that the current collectors won't take Styrofoam. She and her neighbors get a large load of Styrofoam together once a month and take it to a site that will accept it and resell it downstate. We do need to think about what level of service we are receiving for the rates we are paying. Dunville recalled that Ignace mentioned that many communities and/or their waste haulers make good money from selling collected recyclables.

Kladder believes that if the haulers are offering curbside recycling voluntarily outside of the mandatory district, as they seem to be doing, they could discontinue it at any time. Enlarging the mandatory district would protect against this. Offering people home collection bins would offer them a second option to the central collection points and prepare them in the event that the centralized bins are taken away and curbside becomes their only option. Commercial property curbside recycling is a completely separate discussion. Scott hopes that if there are going to be future serious discussions about changing the district that it will be well-publicized so that the public can be well-informed and provide significant input. Hardin reported that he was surprised to find how many people don't know about the debates on this issue that are taking place.

Motion by Scott, support by Wikle that the township leave the district as is for now, but to publicize meetings about potential changes, and to revisit the issue in no more than one year. Motion carried unanimously.

3. **Discuss status of Engineer of Record relationship with Fleis & Vandenbrink:** Kladder noted that several individuals from Fleis & Vandenbrink (F&V) were present (Principal Paul Galdes, Relationship Manager Jim Schiffer and Project Manager John DeVol. He referred to the memo in the packet about concerns over an invoice presented for various engineering services. Kladder and Vreeland were both extremely surprised when the invoice was presented, and took several weeks afterwards to think it through before having a discussion with Messrs. Schiffer and DeVol. There were two phone conversations on the same day about the details of the bill, and one item of particular concern to Kladder was a statement of how much in additional costs were not billed to the township. He was so concerned by the course of the discussion that he asked during it if the township were to be billed for that conversation itself, and about whether there was a common understanding of who was authorized to contract for work on behalf of the township. Mr. Galdes came up from downstate today to discuss the situation with Kladder and Vreeland and see if there might be a way to salvage the relationship.

Mr. Schiffer expressed his firm's enthusiasm for entering into the Engineer of Record (EOR) relationship with the township. He noted that there was a misunderstanding as to how work would be authorized and how to communicate about what work would be chargeable and what work would not, and said that his firm could have been clearer in these respects. They also did not communicate what the estimated fees and scope of services would be. He is asking for a second chance, perhaps involving a probationary period, to begin the relationship over. They would offer to cancel any outstanding invoices and establish a suitable procedure for future communications.

Kladder asked what items were not invoiced; Mr. Schiffer indicated this was approximately \$2,700 worth of relationship start-up work to meet with Kladder and Vreeland and to review sewer system maps, as well as for Harry Wieringa from their downstate office to meet with one of the committees about landscaping issues.

Kladder is questioning whether a continued relationship would be based, eventually, in trust, or perpetually in mistrust. He asked Vreeland to describe what might be the course of action if the relationship with F&V were to be terminated. Two concepts they discussed were to 1) refrain from entering a new EOR relationship at this time, but to refer to the RFP/Qs on file as a project need arises to select a likely good match and solicit a bid, or 2) return to the list of the other 11 candidates and select a new one to negotiate a relationship with.

Wikle asked for some more detailed information about the charges on the invoice, and Vreeland described her understanding of the, which was also outlined in the memo. Takayama asked if there was a clear understanding about who was authorized to contract for work on the township's behalf; Vreeland indicated that in all conversations held it seemed that there was a common understanding that she was that person, but that a specific clause that would have been in the standard contract form was amended out in discussions with township counsel. Zarafonitis and Hardin both expressed concern about the miscommunications, and said that if the relationship continues there has to be a much clearer and effective level of communication. Scott felt that the issue of being charged to prepare an estimate of cost to estimate the cost of an actual engineering job is what causes him to make his decision.

Mr. Galdes stated that Mr. Schiffer is intended to be the relationship manager and to handle the communication. Preparing the estimate for the estimate involved more than a phone call, but also several hours of some basic research, and they made a mistake in not informing Vreeland that there would be a cost for that time. He stated that Mr. DeVol also clearly felt that he was being asked by the Marina Advisory chair to perform a site visit at the marina to evaluate what it would take to perform a detailed structural review. This does not appear to be how Advisory Chair Jean Aukerman understands of the situation. Mr. Galdes stated that their EOR relationships have been generally very positive, and he has seen nothing to suggest that Vreeland was unhappy with the content of their technical work. The nature of the relationship with each client is different, and since this type of relationship may be new to the township Mr. Galdes speculated that they should have spent more time educating us about how such a relationship would work.

Kladder stated the question at hand as being to decide whether or not to invoke a 30-day notice of relationship termination clause in the contract. Takayama noted that the township agreed to pay by the hourly rate, it was not expected that the billing would be to such a minute level as it seems to be, and the township is accustomed to receiving a high volume of service for the money spent from our legal counsel. He feels that the contract document itself is not appropriate, and that the outstanding invoice balance should be negotiated. Mr. Galdes stated that they would prefer to deal on a lump-sum basis project-by-project instead of on an hourly basis. Scott echoed Takayama's concerns.

Motion by Zarafonitis, support by Scott to continue the Engineer of Record relationship with Fleis & Vandenbrink if a contract can be suitably renegotiated and approved by the Board.

Hardin stated that there is no dispute that firms need to bill appropriately for their services. Moving forward there would have to be a very clear mutual understanding of how the relationship will function. How missteps are handled is another important factor in evaluating any relationship. Dunville supported Hardin's comments. Takayama asked Bzdok if the existing contract would have to be cancelled prior to renegotiation or not; Bzdok stated that it could be approached either way, and in any case requires both parties to have a meeting of

the minds.

Kladder asked if it might be prudent to amend the motion to designate a committee of Hardin, Kladder and Vreeland to conduct the negotiations.

Motion amended by Zarafonitis, with support by Scott to add designation of a negotiation committee of Hardin, Kladder and Vreeland.

Amended motion carried unanimously.

4. **Consider amended fee schedule for Sayler Park Picnic Pavilions:** Parks & Recreation Advisory Chair Owen Sherberneau reported that Kladder provided the committee with research on what various townships around the state charge for use of facilities similar to our Sayler Park Picnic Pavilions. All of the townships charge residents for use at a rate reduced from that for non-township residents. Acme has never charged residents for use of the pavilions before, but revenues for pavilion rentals fall far short of the costs of maintaining them and the parks. Zarafonitis believes that \$25/day is extremely fair for a charge. Kladder has seen some townships charging as high as \$400/day. Sherberneau also observed that many out-of-township people know that they should have a resident call and make their reservation.

Hardin noted language in the deed from the donor of the westerly portion of Sayler Park to the township that prohibits use by Mormons and asked if there is any way to eliminate the language. Bzdok reported that there is not, but it is certainly unenforceable.

Vreeland stated that the township has been advising people who called for reservations for the upcoming summer after January 1 but before the Board meeting that the charge might be instated, and that one individual raised a concern about potentially being charged retroactively for her reservation if she made it before the Board took action. The Board was in agreement that only reservations made after the Board meeting would be subject to the new fee schedule.

Motion by Zarafonitis, support by Scott to institute a new fee schedule for Sayler Park picnic pavilion reservations of \$25/day for township residents, \$40/day for township businesses, and \$50/day for non-residents effective for reservations made on or after January 7. Motion carried by unanimous roll call vote.

5. **Discuss recommendations from Parks & Recreation Advisory for potential amendment of the 1982 Parks Ordinance:** Kladder asked if the advisory had performed any investigations about the impacts of the proposed two amendments to the Parks Ordinance. They had not; the proposed amendments were offered at the meeting. The proposal to allow licensed individuals to carry a concealed weapon within the parks came from one member who observed that the federal government has amended its rules to allow concealed weapons in the national parks. Kladder has learned from Deputy Matteucci that concealed weapons are not allowed in certain circumstances such as campgrounds or places of assembly. Bzdok stated that he could research the state CCW regulations and whether they override local regulations about where weapons may or may not be carried. Hardin does not understand the additional recommendation that current or retired military personnel be allowed to carry a weapon in the park, absent having a CCW permit. Bzdok believes that this may be an attitude that pre-dates modern CCW laws. Wikle observed that at memorial services weapons are often used by retired military personnel. She also asked if a paintball gun would be considered a weapon. Kladder believes that guns should not be allowed in the general parks due to concerns for child and family safety.

Motion by Scott, support by to amend the Parks Ordinance to allow leashed dogs, and that if allowed by state law the township continue to prohibit concealed weapons in the parks.

Kladder stated that he already observes dog droppings in the parks, even though currently dogs are prohibited. If dogs are to be allowed he feels the township should provide clean-up bags and provide for meaningful enforcement if dog droppings are not cleaned up.

Motion carried unanimously.

Bzdok may suggest other advisable amendments to the ordinance as he researches and redrafts it. He could make infractions a civil infraction subject to a ticket and a fine. Sherberneau suggested rolling the proposed regulations for the Woodland Acres pathways into the document. The draft ordinance will be presented to the Parks & Recreation Advisory for review at their meeting on January 29 and forwarding with a recommendation to the Board for a subsequent meeting.

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

Kladder asked two high-school Civics students in the audience to introduce themselves and explain why they were at the meeting. Civics is required course for graduation, and as part of the class each student must attend at least one public governmental meeting and perform at least 3 hours of community service.

Chris Bzdok, Spruce Street in Traverse City and a City Commissioner spoke on behalf of the City of Traverse City. The township is due to receive a letter from the City regarding potential collective bargaining and establishment of a solid waste authority by the City and Garfield Township. Downstate communities that establish such authorities generally receive a higher level of services for lower user fees through collective bargaining. The County has budgeted \$50,000 to hire a consultant, and the City is asking any government interested in participating in the exploration process at the ground level. Different communities may need different types of services. The City believes that a better deal can be negotiated for our citizens through a group approach. It had been hoped the letter would be received in time to be discussed at this meeting. There will be a lunch-hour meeting on January 26th on this issue at the Governmental Center on the second floor. After initial investigations are made there will be a future opt-in/opt-out opportunity for all communities in the County. Anyone is invited to attend but it would be helpful if the Board can designate someone to represent them officially.

Kladder stated that the 3rd meeting of the Acme Business Association will be held tomorrow morning at Hope Village at 7:30 p.m. The Sewer and Water Committee meets on Thursday and will select a new Chairman at this time. Kladder, Dunville and Vreeland will meet with new Tribal Chairman Derek Bailey on Friday. Kladder will be proposing a revitalized Economic Development Advisory to the Board in March. He has also been selected as the initial Metro Emergency Services Authority Board Chair. A mutual aid agreement is being negotiated between Metro and Blair Township, and the City and Peninsula Township are exploring the possibility of joining Metro Fire.

Takayama asked that any regulations regarding Woodland Acres are kept “low-key” and that the pathways not be widely advertised. Hardin would like the Parks & Recreation Advisory to monitor dogs in the park closely and re-evaluate whether this is a problem at the end of the year. Sherberneau observed that allowing dogs was proposed because people are already bringing them when it isn’t allowed so it was seen as an opportunity to try to manage the situation.

Meeting adjourned at 8:50 p.m.