



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, September 1, 2009 7:00 P.M.**

MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 7:00 P.M.

Members present: D. Dunville, R. Hardin, W. Kladder, P. Scott, E. Takayama, L. Wikle, F. Zarafonitis
Members excused: None
Staff present: S. Vreeland, Township Manager/Recording Secretary
J. Jocks, Legal Counsel

A. STUDY SESSION: None

B. LIMITED PUBLIC COMMENT:

Gordie LaPointe, 6375 Plum Drive stated that he regularly reviews the Clerk's and Treasurer's Reports to understand the financial state of the township. The Clerk's Report does have annual budget information but not a balance sheet, and the Treasurer's Report shows bank balances. Neither gives him a sense of how much cash is available in various funds for various purposes. He was surprised when \$150,000 was available for the Shoreline Preservation Project that was not allocated for other purposes. He would appreciate understanding what the township's reserves are in a clearer fashion.

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

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

E. CONSENT CALENDAR:

Motion by Scott, support by Dunville to approve the Consent Calendar as presented, including:

RECEIVE AND FILE:

1. **Treasurer's Report** as of 07/31/09
2. **Clerk's Report** as of 08/25/09
3. Draft Unapproved Meeting Minutes:
 - a. Planning Commission **08/24/09**
 - b. GT County Road Commission **07/22/09** and **08/11/09**
 - c. Shoreline Advisory **08/12/09**
 - d. Zoning Board of Appeals **08/13/09**
 - e. Metro Emergency Minutes **07/28/09**
4. Metro Emergency Services Newsletter **08/15/09**

ACTION – Consider approval:

4. Township Board closed and **regular session meeting minutes of 08-11-09**
5. **Accounts Payable** of \$418,189.12 through 08/24/09

Motion carried by unanimous roll call vote.

F. SPECIAL PRESENTATIONS: None

G. REPORTS:

1. **Sheriff's Deputy** – Mike Matteucci:

2. **County Commissioner's Report:** – Larry Inman: Last Wednesday the County adopted its

ORV ordinance and it has been published. Next month the County will discuss allocating money for maps indicating roads open and closed to ORV use. The map will be available on the County website. The Road Commission will soon be recommending that the County seek a 1 mill levy on the August 2010 ballot, and they will explain how funds raised would be allocated between various areas of the County and between primary and local roads. Inman provided copies of the updated County Strategic Plan. The plan is updated every year, and there will be a large public process during the cycle following County Commissioner elections every other year. The Commission on Aging is also seeking renewal of a current senior services millage on the August 2010 ballot, and will ask for a millage to take over the City Senior Center. If this occurs, the townships would no longer be asked to make an annual contribution to the center. They are currently researching how much operating and capital maintenance costs would be. The landfill surcharge has been continued for another year pending a local municipal study regarding solid waste services and the potential creation of a solid waste authority. The Board of Public Works is considering a change in its makeup to reflect representation of the five townships responsible for the septage treatment plant. However a concern has arisen because Elmwood Township in Leelanau County is one of the five townships, and non-County residents are prohibited from serving on County boards. Reviews of the septage treatment plan situation are pending. Currently the plant is doing better financially, with the operating deficit decreasing each year. We are actively trying to attract additional waste flows from surrounding counties. However the non-guaranteeing townships have hired an attorney and may object to a county-wide assessment on septic tank users as a funding option. They hope to seek resolution of these key issues by the end of the year. The County budgeting process starts in September and they face all the same revenue cuts from state sources and flat revenue from property taxes that all municipalities do. Employment expenses continue to rise, and there are 17 different collective bargaining units that the County deals with.

Acme Township is participating in the solid waste survey, and Kladder has participated in the surveys related to the process. As to the septage plant, some are optimistic that we will have to borrow \$200,000 or less from the County to make the bond payments this year. The plant made over \$100,000 last month, and when it rains the flows from Bay Harbor are particularly strong.

3. **Parks and Maintenance** – Tom Henkel: received and filed.

H. CORRESPONDENCE:

I. PUBLIC HEARINGS:

1. **Consider adoption of Resolution #R-2009-21 adopting 2009 Emergency Services Special Assessment levy rate (combined for Police and Fire protection) and 2010 Metro Fire Emergency Services Budget:** Metro Chief Pat Parker was present to answer questions about the proposed budget of approximately \$3.3 million. The department will respond to about 3,500 calls for service from four stations this year. Staffing levels have been enhanced; for instance there is someone in the Acme station at least 8 hours per day, and 16 hours 2 days per week. The East Bay station is staffed 24 hours/day now. Average response times have dropped from 10 minutes to 8 minutes. The department has applied for a stimulus grant to build a new station on the west side of Garfield Township. They are discussing the project with the federal government weekly, while other departments that have applied have not heard from the government at all. September 1 is the first date when awards will be announced, and we are optimistic.

Adding a new station does increase expense for equipment, utilities and personnel. Proposed Station 12 is expected to be on-line in October 2010, and would have its first full year in 2011. To support the new station, it is anticipated that the annual assessment for fire would have to rise from the 2.0 mill current level to perhaps 2.28 mills. But for 2010 the department proposes holding the line at the 2.0 mill assessment. Approximately \$380,000 was removed

from the proposed budget before it was recommended for approval.

Takayama asked if equipment will be transferred from other stations to the new station. A reserve engine would be moved there temporarily for the first 2 years, and a new engine planned for in the normal equipment replacement cycle would be purchased in 2015. They have planned to purchase a new truck when the payments on the existing trucks have ended. Hardin asked if the other townships have combined their police and fire levies under one joint emergency services special assessment as we do; Chief Parker stated that Acme has allowed for the potential for police, fire and EMS services, East Bay has covered only fire and EMS services, and Garfield provides for fire only. Hardin asked if there was a possibility and if it would make sense that certain emergency services could be combined for cost and training efficiencies. For instance if the Sheriff's Department and fire departments needed the same sort of training, can it be done cooperatively on a cost-sharing basis. This is done where it can be, but the only real overlap is in basic emergency medical training. Hardin also asked what happens to used fire trucks when we dispose of them. They are fairly used up by that time, but they are resold to other places. Frequently they go to places such as Honduras. Brokering used fire apparatus is a big business. The ladder truck that was most recently retired is now in North Carolina. The next engine to be replaced may be too worn out and need to be scrapped.

Kladder noted that one benefit of the new station could be a decrease in our Insurance Services Office (ISO) rating from 6. Chief Parker believes we could attain a 5 now, and a 4 when the new station comes on line. Lower ratings translate into lower insurance costs for landowners served by the department. Only a few years ago the rating was an 8.

Zarafonitis would have liked to see a small increase in the levy rate for this year rather than a bigger jump next year, comparing the situation to the shock of not raising sewer usage rates for many years and then having to raise them by a significant amount.

Kladder read the proposed resolution aloud.

Public Hearing opened and closed at 7:36 p.m., there being no public comment.

Scott noted that he works for the corrections department and is not our Community Policing Officer, but asked Jocks if there was any potential conflict of interest and if he should abstain from the vote. Because the levy supports the salary and benefits specifically for the township CPO, Jocks opined that no conflict exists but encouraged Scott to abstain from the vote if he was uncomfortable with participating.

**Motion by Scott, support by Zarafonitis to adopt Resolution #R-2009-21 as presented.
Motion carried by unanimous roll call vote.**

J. OLD BUSINESS:

1. **Discuss legal opinion – potential township zoning authority as regards deep injection waste disposal wells:** This item was pulled from last month's Consent Calendar at the request of Rachelle Babcock, Bartlett Road. It was not discussed later in that meeting due to the lateness of the hour. Ms. Babcock is not present this evening. Kladder read Vreeland's cover memo for this item as presented last month. It is the township attorney's position that the state has not explicitly given townships the ability to regulate deep injection wells through zoning, and that any attempt to do so would be risky at best. Likewise, any attempt to regulate issues such as trucking wastes to well sites would imply similar regulations on all forms of trucking of commodities within the township. Counsel recommends that the township not attempt to regulate this situation through zoning.

Motion by Zarafonitis, support by Scott to receive and file the information regarding zoning authority pertaining to deep injection waste disposal well. Motion carried unanimously.

2. **Update on Barefoot Triathlon – GT Resort – September 6:** Steve Timmer from the Grand Traverse Resort & Spa was present to discuss the Barefoot Triathlon which is to be held this coming Sunday. This is the first year of the event named after the Resort's lifestyle magazine. There are two races planned: a childrens' race on Saturday contained completely within the Resort property. Sunday's race begins at 8:00 a.m. Sunday (Olympic distance) and 8:30 (sprint distance) with a swim in East Bay, then cycling up Deepwater Point to Dock Road, across US 31 along Brackett Road to Elk Lake Road and back to the Resort, and culminating with a run within the Resort property. The entire race should be completed by approximately 11:30. The swim to bike transition is expected to occur between 9:00 and 9:15 a.m., and the bike to run transition is expected to be complete by 10:40 a.m. and everyone will be off the public roads. Wikle observed that there could be a traffic conflict with Mass at Christ the King Catholic Church. As of now 160 athletes are signed up, with another 20-40 registrations expected on race day. The event was capped at 300 entrants for this year. People are coming from many states to participate in the event. Traffic control officers will be in place at the US 31 and M-72 and at US 31 and Dock Road intersections.

Hardin asked how the zebra mussel population is where the swim will occur; Kladder snorkels there regularly and reports that they have all moved on to deeper waters. The water is so shallow that they will start waist-deep after walking out into the water. The swimming course will end at the Resort dock so they will run up the dock to the shore. Plenty of spectators are anticipated, and the Resort is stressing that they part on-property and use shuttles to the various event transition sites. Wikle asked if the residents of Deepwater Point and Peaceful Valley are aware of the race, as they have no other way in or out of their developments; letters have been sent to the properties the race will pass by but not to the whole length of the shoreline. Bicyclists are prohibited from racing side by side, and can take no more than 15 seconds to pass. Race volunteers will be stationed along the course to assist as needed. This is planned to be an annual event that they hope will grow.

Kladder has discussed the use of Bayside Park to launch the swim with the township's insurance agent and they have expressed no concerns and gratitude for being notified. Jocks worked with the Resort's attorney on an indemnification agreement between the township, Resort and 3 Disciplines Racing, the professional race organizer, that will help protect the township and its property from misuse or accident.

Motion by Zarafonitis, support by Dunville to approve the indemnification agreement between the township, Resort and 3 Disciplines Racing as presented. Motion carried unanimously.

Kladder noted that a commercial was filmed in Saylor Park last week as well. Suddenly the township seems to be having requests for special events, so the recent initiative to formulate a special events policy is well-timed.

K. NEW BUSINESS:

1. **Approve Rotary Charities grant application for Shoreline Preservation Program:**

Motion by Takayama, support by Dunville to adopt Resolution #R-2009-22 approving Rotary Charities grant application for Shoreline Preservation program. Motion carried unanimously.

2. **Discuss township Assessor position:** Vreeland summarized the materials provided in the meeting packets. Hardin asked if working under the proposed arrangement would permanently tie us to concurrently hiring both an assessor and that assessor's firm; it would

not. Scott asked whether or not the proposal of hiring Dawn Plude to be the township's part time assessor and hiring her firm to perform assessing support work would create a conflict of interest. This issue was particularly examined, and every attempt has been made to minimize conflict of interest issues. While Dawn will oversee the day-to-day work of her firm, both Dawn and her firm will report to the Supervisor or his designee. Dawn also does not have hiring authority over the assessing support firm; the final employment control for both is the Board of Trustees. Even so, the documents prepared recognize that there may be conflict of interest issues and recognizes that entering into this arrangement constitutes a conscious decision on the part of the Board to make an exception to the policy due to the unique situation.

Motion by Dunville, support by Scott to appoint Dawn Plude to the part-time salaried officer of Acme Township Assessor at an annual salary of \$5,000 under the terms set forth in the proposed employment agreement with the expected work section to be completed by the Supervisor, and that the township enter into the proposed contract for assessing support services with AD Assessing at an annual amount of \$28,600/year. Motion carried by unanimous roll call vote.

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

Kladder attended a meeting at Evergreen, the company to which the township leased gas exploration rights on various parklands. Natural gas prices have dropped by about 75% recently. He reported that the state legislature is in the process of appropriating funds for the Phragmites treatment grant that the township participated in. It has been discovered that there may be errors in the formula by which monthly sewage treatment costs are split between Acme and East Bay townships based on sewage flows through shared pipes, pumps and meters that need to be addressed.

Mr. LaPointe read the packet and heard the discussion about the Assessing contract. He knows that Dawn is in the office one day per week but does not know how much time she spends on our work during the rest of the week, and wonders if \$33,000/year is an appropriate amount of money for the job. Are there more cost-effective competitors?

Dar Fenner, 5255 Arrowhead Circle, noted that one of the first things on our agendas is an inquiry as to conflicts of interest. He asked if anyone on the Board expressed a conflict of interest at last month's meeting relative to the discussion about whether or not to place a road repair millage on a ballot. Mr. Fenner has reviewed the township's 2002 Conflict of Interest policy, and read a segment from it regarding how potential conflicts of interest are handled. He believes that anyone who lives in the Holiday Hills area would have had a conflict of interest because they would be voting to potentially have the entire township vote to pay a millage that would pay for repairs to roads they need. He hopes the matter will be reviewed.

There followed some general discussion about how the annual budget documents, which are available on the website, contain information about what expected revenues and expenditures and our nearly \$1 million current balance forward. The monthly Treasurer's report shows the current balances in the bank. Not everyone would be able to read a formal balance sheet, but perhaps it would be helpful to summarize the month's revenues, expenditures and fund balances on one page. We also update the township at least quarterly on how we are doing compared to our budget year-to-date.

Meeting adjourned at 8:25 p.m.