



ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, August 10, 2010 7:00 P.M.

MEETING CALLED TO ORDER 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 and Recording Secretary
J. Jocks, Legal Counsel

- A. STUDY SESSION:** None
- B. LIMITED PUBLIC COMMENT:** None
- C. APPROVAL OF AGENDA:** Motion by Wikle, support by Dunville to approve the agenda as amended to add consideration of an agreement between the township and the G.T. Resort to permit use of Bayside Park for a triathlon on Labor Day under New Business. Motion carried unanimously.
- D. INQUIRY AS TO CONFLICTS OF INTEREST:** Takayama disclosed a conflict of interest regarding Dr. Saunders' disputed DPW billing.
- E. CONSENT CALENDAR:** Motion by Zarafonitis, support by Takayama to approve the Consent Calendar as presented, including:

RECEIVE AND FILE:

1. [Treasurer's Report](#) as of 06-30-10
2. [Clerk's Report](#) as of 08-04-10
3. Draft Unapproved Meeting Minutes:
 - a. [07-26-10](#) Planning Commission
 - b. [07-21-10](#) Shoreline Advisory
4. [Parks and Maintenance](#) – Tom Henkel:
5. [Metro Emergency Services Newsletter July 2010](#)
6. [Deputy Zoning Administrator's Report](#) – Marvin Radke, Jr.:
7. [Status Update – VGT-Phase I SUP Application #2009-01P](#)
8. [Liquor License Fee Information](#)

ACTION – Consider approval:

8. Township Board meeting minutes of [07-06-10](#)
9. [Accounts Payable](#) of \$217,631.91 through 08-04-10 (recommend approval: Dunville)
10. [Township Manager](#) Compensation for serving as Zoning Administrator

Motion carried by unanimous roll call vote.

F. SPECIAL PRESENTATIONS/DISCUSSIONS:

1. [GT County Road Commission Annual Update](#) – **Deb Hunt and Jim Maitland:** Mr. Maitland stated that the Road Commission provided the 2009 Act 51 report. They continue to see decreased funding as people drive more fuel efficient cars and drive less, while their sole source of revenue is a per-gallon gas tax. The new Hammond-Hartman-Keystone road section was officially opened this morning. Today's presentation is largely geared towards education about the road repair millage request that will appear on the November general election ballot.

Ms. Hunt stated that there will be a request for 1 mill for 4 years on the November ballot. A committee has been meeting for about 1 ½ years to discuss how funds raised in this way might be fairly allocated. The general purpose would be system-wide improvements to the County public road network. The incorporated cities and villages are, by statute, entitled to keep 100% of the funds raised by millage within their jurisdictions. Each municipality would be asked to provide a road repair priority list for the Road Commission. They have provided each township with information about the condition of its roads which is updated annually. The last time the state gas tax that funds road repairs was increased was in 1997, and over the years revenues have decreased and costs have increased substantially. The Road Commission has been trying to adjust by becoming more efficient, privatizing some services, not replacing employees who leave, and adjusting their level of cost sharing in certain local projects.

If the millage is successful, primary roads would receive 25% of funds generated, with the remaining 75% to be dedicated to local roads including gravel roads. No funds would be expended on private roads. When it comes to gas tax funding, road commissions by law can only contribute a maximum of 50% of local road projects, but they would have more discretion with millage funds. The Road Commission will net about \$4 million for township road repairs which is not enough to fix all of the existing problems in the County, but it would make a good start. The Road Commission will try to redistribute money back to projects in each township in proportion to where it came from, but in some cases there may be roads that are used by so many members of the general public that more repair money will be used in a township than came from that township.

Hardin asked what the Road Commission's plans are for constructing new roads. The Hartman/Keystone Road is an example of a new road, but this is the only new road outside of subdivision roads that has been constructed in many years. There is a repair project list and the Commission is always looking for grant funding to assist with costs. This funding can usually only be used for primary roads.

Wikle asked what the money spent in Acme Township in 2009 was used for; it was mostly used for repairs to Bates and Lautner Roads.

Kladder asked if any of the millage would be used for salaries. Mr. Maitland said that the Commission is attempting to spend 100% on road repairs. This includes some expenses related to engineering department employees.

Takayama observed that a portion of M-72 West in Leelanau County was repaved last year. Many people he spoke to felt that road was less in need of repair than many others that were left untouched. State or Federal highways are funded separately through MDOT from gas tax money before local Road Commissions receive a share of the remainder.

Hardin asked how the new Complete Streets regulations will affect road costs. There will be an impact if new roads have to include sidewalks and bike trails, but no new funding source has accompanied the legislation. Most of the people using the complete street facilities aren't generating any revenue to support them.

Paul Fair asked if the township or county is doing anything to prepare for traffic impacts related to new development at the town center property. He specifically mentioned Bunker Hill and Lautner Roads. Vreeland noted that while the township and road agencies can require certain road improvements needed to serve a land use on sections of road immediately abutting that land use, Michigan currently does not allow impact fees to be charged. Impact fees are charges to land users to offset anticipated future public impacts associated with their activity across a broader area of the community.

2. [Metro Emergencies Services Strategic Plan](#) - Chief Pat Parker: Chief Parker displayed a

picture of the [house fire in Wolverine Heights](#). It was one of about five calls for service one evening several weeks ago, and the house suffered a direct lightning strike. The MESA strategic plan presented has been in the works for some time. An annual plan and a 3-5 year plan are presented, beginning with a mission statement and a values statement. These are followed by a vision statement for the next 10 years. Representatives of MESA met with representatives from a variety of local governments and agencies and with their own employees to develop the plan. They found in general that not everyone was aware of “who they are” or what they do. In general there was positive feedback about current activities, particularly the public education program with children and seniors. Most people in the MESA townships are satisfied with services provided and employees are generally happy about the department’s overall direction and want to be part of the organization as it becomes more one entity and less three separate township departments.

The economy is having an impact on MESA as operating revenues are decreasing along with property values in the service area. They are also setting aside larger reserves for tax tribunal property value appeals. They anticipate that the population of the area will continue to become older and wealthier overall, and that they will be willing to pay for high-quality services. There should be little manufacturing growth, but high-tech business growth may bring increased hazardous materials concerns. There will be increased home occupations, and calls for service will likely continue to be less fire-oriented and more general emergency oriented. A full-time training officer and a full-time medical officer would be desirable. MESA is striving to increase employee education and particularly their physical fitness. They have implemented a mentoring program this spring. They have applied for accreditation as a way to continually seek and demonstrate organizational improvement. Only one other fire department in the state is accredited, and relatively few across the nation. It is something that can be done fairly inexpensively.

MESA is also seeking to improve its ISO rating from a “6” to a “4.” This will result in noticeable reductions for businesses in their insurance costs, and some reduction for residences. They expect to see 2010 Census figures indicating overall population growth in the region and will continue to seek strategic partnerships with other area emergency services agencies. They would like to explore fire-based medical transport services. Finding funding for training, equipment and new stations will be an ongoing issue they plan to address through a public awareness campaign, and perhaps capital improvement bonding. Fees for services like plan reviews, or billing non-MESA townships for MESA services provided are also under review.

MESA made a conscious effort to contain their strategic plan on one large page of paper that can be posted in facilities and constantly part of their employees’ awareness.

Scott asked if accreditation will assist with the ISO rating; Chief Parker said that cities that become accredited normally see a 2-3 position increase in their ISO rating. The two organizations do communicate with one another.

Hardin asked who owns the regional training center near the fairgrounds; it is owned by all 26 members including MESA. Organizations from Benzie and Wexford Counties and Petoskey are also members. The facility is on the fairgrounds through a long-term lease. Non-member organizations do occasionally pay for using the facility, although not very often. Hardin suggested that perhaps we could begin offering programs rather than just renting out the facility as another source of both involvement and revenue.

Station 12 is under construction in western Garfield Township. It is one of only 4 in the state and 10 nationwide to receive ARRA funding. The location was based on service call patterns within MESA’s territory. \$2.3 million was awarded. The goal is to occupy the building in the spring of 2011. It contains space that could be utilized by ambulance service and perhaps a sheriff’s deputy office. The location is leased from Garfield Township within a public park

for \$1/year for 50 years. Kladder noted that there is increasing public comment that MESA should offer fire-based ambulance services. There are about 12-15 ambulance calls for service per month in Acme Township, and it costs about \$300,000/year for an advanced life support ambulance to be stationed. All MESA rescue trucks are equipped for medical emergencies; they simply are unable to transport patients.

G. REPORTS:

1. **Sheriff's Deputy – Mike Matteucci:** Deputy Matteucci reported 63 citations in Acme Township in July that were traffic related, and a total of 351 calls for service. Two new batteries were purchased for the radar trailer and it is functioning better. He has not had time to look into costs for adding flashing lights to the trailer as suggested by Scott. The Sheriff's Department responds to all situations where a premises protection alarm is tripped, and most times there isn't really a problem.
2. **County Commissioner's Report – Larry Inman:** The County is working on their 2011 budget and feeling uncertainty about revenue levels over the next 2-3 years. There will be two meetings in September to discuss how the budget will be handled. Ideas include voluntary unpaid furlough days. The County's bond rating recently increased to AA which lowers financing costs for the County or any townships choosing to use their bond rating. Munson Medical Center has bonded through the County as well. Bargaining with labor unions regarding healthcare copays has shown some success. They are considering one-time retirement incentive payments for positions that would then remain unfilled. The Equalization Department is asking the County to consider stronger collections efforts regarding past due personal property taxes. The County may also dip into its fund balance to help shore up revenues for the next two years. They are committed to doing everything they can before cutting back on personnel expenses. The fire prevention education funding, which is in its second year of a three year agreement, might be funded in 2011 from the fund balance but is potentially in jeopardy.

There was a DPW G5 meeting recently, and they hope to have a business plan for the septage treatment plant by the end of September that can be reviewed by the individual townships soon thereafter. If interest rates remain at current levels it might make sense to refinance some of the outstanding debt.

Blair Township's vote on a mandatory single-hauler solid waste system that would have cut costs to residents by half was defeated by about 65% - 45%. Acme is working with the City and several other townships to seek bids for solid waste services to see if cost savings and efficiencies can be achieved.

H. CORRESPONDENCE: None

I. NEW BUSINESS:

1. **Disputed sewer maintenance bill from Dr. Mark Saunders:** Dr. Saunders and DPW Manager George Champlin were both present to answer questions. Questions were asked about the vactor truck that responded to the call for service. Mr. Champlin stated that it turned out that there was a misalignment of a pipe and an inspection manhole on the property that was causing debris to collect and back up from time to time prior to being washed through the system most of the time. In this case some flows came up through the manhole cover. Normally inspection manholes are on property lines or in a right-of-way, but this one is internal to the property. It was permitted to be placed where it was based on where prior pipe was to a previous building and business on the property.

Kladder noted that Dr. Saunders raised a question about the right of DPW staff to enter a property. Relevant passages from the sewer construction and use ordinances were provided to the Board demonstrating that DPW staff has the right to enter property for inspections or to solve problems.

Dr. Saunders provided photographs from his property that were part of the Board packet. One picture demonstrates what Dr. Saunders says is damage to his yard from road snowplowing. One picture demonstrates that a manhole cover was unearthed, but a pile of debris was left next to the manhole cover. Kladder observed that the latter condition may be related to recent access to and inspection of the sewer system. There was discussion about the use of loaders and plows to provide for clear sight distance on public road intersections in the winter, and that a portion of the grassy area adjacent to the pavement is within the road right-of-way. Dr. Saunders can work with the Road Commission on questions related to plowing impacts.

Wikle posed a scenario where a landowner has a green spot near a sewer line so they may know there's a leak, and there may be some surface dampness. Mr. Champlin stated that if the problem is related to the sewer lead that connects the land use to the sewer main and on private property, the landowner needs to call a private company for repair. However, the DPW still has to oversee repairs to make sure that it is made appropriately to prevent future problems to the landowner or the regional system. If the DPW is dispatched on an emergency basis and ultimately the situation has to be handled privately by the landowner, the landowner is charged for the DPW's time to respond and investigate. If the problem turns out to be in the public portion of the system, the landowner is not charged.

Mr. Champlin said he received a call stating that someone had called for assistance with sewage coming out of an inspection manhole. He called two DPW workers to meet him at the site in case it was an emergency the DPW should handle. When he reached the site he found that the problem was on the private portion of the system and advised Dr. Saunders that he had to call someone to handle it. The DPW workers that were called inspected the nearby public portion of the system to ensure that the problem wasn't there or compounded there.

Dr. Saunders feels that a miscommunication occurred. Dr. Saunders called to say there was a problem on his property and says he was told by the person who answered that he would have to call a private company to handle it. He paid Roto-Rooter to take care of the problem. He thought perhaps the call service miscommunicated the situation to Mr. Champlin, or perhaps Mr. Champlin received the correct message but independently decided to come to the site anyway. Dr. Saunders feels that he is being charged unnecessarily after he took care of the problem as he was directed to do.

Mr. Champlin said he attempted to get tapes from the call center of the phone call, but they aren't kept this long. He stated that the call center does not give advice to callers, that they only relay information and a phone number to the DPW for follow-up. Mr. Champlin received a message that sewage was coming out of a manhole on Shore Road. He called the number left at the call center and got an answering machine. His time to respond to the situation was not billed, as he is salaried staff.

Dr. Saunders stated that he was billed on July 14, 2008 and promptly responded that he felt he had been billed in error. He states that he did not receive a response or any other communication about the situation until he wrote a letter in March 2010 after receiving a billing containing a past due amount. He requested back copies of prior past due invoices but says he has been told they cannot be found.

Wikle stated that if someone told her that a sewer line was bubbling up at a professional office close to the bay and Acme Creek along the line that serves significant residential development along Deepwater Point, she would respond with urgency as well. Dunville is concerned by the question of why the DPW responded if Dr. Saunders was told he must handle the matter privately.

Scott can appreciate that there may have been a misunderstanding, but feels that it is very understandable that the DPW took the action they did for reasons mentioned by Wikle and

when they could not immediately made contact with Dr. Saunders.

Motion by Scott to invoice Dr. Saunders for the full \$385 billed by the DPW. Motion failed for lack of support.

Motion by Zarafonitis, support by Dunville that the \$385 DPW bill be split between the township and Dr. Saunders.

Scott did not feel that splitting the bill would be appropriate. Hardin believes that Dr. Saunders has an issue of principle rather than affordability, and is concerned because the DPW has not provided full documentation for its side of the story in the form of the past invoices. He believes that both sides of the story hold some merit and that it is difficult to determine overwhelming fault. Zarafonitis believes that the matter should have been handled sooner and more efficiently when the documentation was fresh. Kladder noted that the rest of the system ratepayers would be subsidizing this situation if the township splits the bill. Wikle noted that because this is the township's system, in one way or another the situation ends up being handled by us. She feels similarly to Hardin that the arguments made by both sides have merit.

Mr. Champlin noted that the billing address is on Scenic Hills Drive which is Dr. Saunders' private residence. He also stated that the call center is only an answering service and that they would report if asked that they do not give advice.

Motion by a vote of 5 in favor (Dunville, Hardin, Kladder, Wikle Zarafonitis) 1 opposed (Scott) and 1 abstaining (Takayama).

2. **Engineer of Record:** Kladder stated that a number of projects are coming up with which the township needs engineering assistance, including sewer repairs, project reviews and perhaps even consideration of development of a water system. In 2008 the township considered hiring an Engineer of Record. One was selected but the relationship didn't work effectively. Kladder feels it is time to take another look at having officially-designated engineering representation for the township.

Motion by Dunville, support by Scott that the Engineer of Record selection committee consisting of the Supervisor, Manager and Trustee Ron Hardin be reconvened to review the proposals received in 2008 and make a new Engineer of Record selection recommendation to the Board. Motion carried by unanimous roll call vote.

3. **Purchase BS&A Assessing & Tax Program Net Versions:** Vreeland summarized the packet information. Scott asked if there would be a big learning curve for the new software; those who have reviewed it found it easy to use immediately. Takayama expressed strong concern about the cost of the upgrade, whether or not it is truly necessary or advisable, whether all avenues had been explored to reduce upgrade costs including cost sharing with the County, and whether other more cost-effective software options exist and have been fully explored. Wikle expressed strong feelings that the new software version has significant improvements that will result in noticeable efficiencies and the ability to better and more transparently serve the public. Both Vreeland and Wikle indicated that assessing software has to be approved by the State Tax Commission for use, and that very few companies sell programs that are authorized for government use in Michigan at this time. We did look at a competitor that is not authorized yet but hopes to be soon, but their program did not seem like as good an option. The County and all the townships in it also looked at whether the County could license the software and all the townships could access it, but this option actually turned out to be more expensive once viewing licenses for each township were included. There were also concerns about townships being unable to access their data if Internet services was down at their location or the County, or if there was a county hardware failure. Takayama continued to express very strong concerns about whether this would be a necessary

and prudent expenditure, and whether or not the best deal possible had been negotiated.

Motion by Takayama, support by Zarafonitis to table the BSA software upgrade purchase decision to the September meeting to allow Takayama and Wikle to negotiate towards reduced pricing options.

Scott asked if instead the motion could be to approve the expenditure contingent upon Takayama and Wikle attempting to negotiate the price downwards. Takayama was concerned that the contractor would have no incentive to negotiate knowing that the expenditure has ultimately been approved.

Motion carried by a vote of 5 in favor (Dunville, Hardin, Kladder, Takayama, Zarafonitis) and 2 opposed (Scott, Wikle).

Dunville believes the bigger issue is the annual support cost rather than the purchase price.

4. Consider [bid from Integrity Software](#) to replace Remote Access Server: Vreeland summarized the packet information. It was not anticipated that the server would fail, so we did not initially budget for this expense this year. She will seek economies elsewhere in the supplies and materials budgets to compensate.

Motion by Dunville, support by Zarafonitis to accept the quote from Integrity Software for replacement and configuration of the network remote access server in the amount of \$1,685.00. Motion carried by unanimous roll call vote.

5. [Resolution](#) amending Emergency Services Special Assessment District process:

Motion by Scott, support by Takayama to adopt Resolution R-2010-27 as presented. Motion carried by unanimous roll call vote.

6. [Shoreline Sign](#) issue: The Conservancy and Shoreline Preservation Advisory would like to place a sign on our newly acquired shoreline property to attract public attention to the ongoing project. A preliminary sign design was presented, but the final design is not complete. D.H. Day Signs has volunteered a donation of \$400 towards the cost, and the Conservancy is asking the township to split the remaining cost. The township previously indicated it would expend up to \$350 from the Shoreline Preservation account. The two-sided sign would be placed on the Shoreside Inn sign structure.

Motion by Scott, support by Dunville to approve expenditure of \$350.00 from the Shoreline Fund towards purchase of a sign for the newly acquired properties.

Takayama understands the purpose of the sign as raising public awareness and participation in the project. He is concerned because “shoreline preservation” appeals to one segment of the community – preservationists. Others who are more oriented in other ways might be better reached by a sign about the “public park” rather than about “preservation.” The Board generally agreed, some noting that “preservation” can sometimes connote limited access which is not the case with this property.

Motion carried by unanimous roll call vote.

7. [Draft Request for Proposals](#) – Acme Shoreline Project Phase I Green Deconstruction: Kladder provided a revised timeline for the RFP and stated that he has received some feedback from people he asked for editorial assistance that is not incorporated in this draft. It has yet to be reviewed by several others, including our legal counsel. One question is how long asbestos removal will require, which may ultimately change the overall project schedule. There has been strong interest from members of the public in the cottages on the Willow

Beach and Knollwood properties, and it currently appears that we might be able to allow them to be removed sooner rather than later. Utilities shutoffs on the properties have been completed. Kladder discussed the small piece of land between the Knollwood and the Bay Villa Condominiums with the condo association president and we will be contacting the people we believe still own it in the near future.

Kladder provided a timeline for the RFP process to follow.

8. **Barefoot Triathlon:** A draft agreement regarding use of Bayside Park for the start of the swimming portion of the 2nd annual Barefoot Triathlon between the township, Resort and race organizer 3Disciplines Racing was provided. The Sheriff's Department will be present the Sunday of Labor Day weekend for the event, and there will be boats in the water in case of emergencies during the swimming portion. Landowners along Deepwater Point Road where the course passes by will receive advance letters alerting them to the event. Parking management and bussing to the site will be managed by the Resort.

Jocks noted that there are references to "IC Images" that need to be eliminated from a prior use of the agreement format to permit filming a commercial in Bayside Park. He may also recommend a slight change of language if the swim start site is the former Shoreside Inn. This may not be an issue, as the "Bayside Park" name may or may not be extended along the new sections of public shoreline.

Motion by Scott, support by to approve the contract between the township, Grand Traverse Resort and 3 Disciplines Racing with corrections as recommended by legal counsel. Motion carried by unanimous roll call vote.

J. **PUBLIC HEARINGS:** None

K. **OLD BUSINESS:**

1. **Adopt Resolution accepting DNRE Harbors and Docks – Engineering Study Grant Agreement and committing to providing 50% matching funds:** This spring the township applied for a grant from the DNRE Waterways program to cover 50% of the anticipated \$40,000 cost for a municipal marina feasibility study. Thanks to the efforts of Marina Advisory Chair Jean Aukerman and Sea Grant/MSUE Agent Mark Breederland the township was awarded the grant. The proposed grant agreement and a required acceptance resolution require approval. Several other grant requests that might help match this grant are pending, and one was recently denied. The township transferred \$20,000 to cover half the cost of the study to the Shoreline Fund in a previous fiscal year.

Motion by Scott, support by Dunville to adopt Resolution R-2010-28 as presented. Motion carried by unanimous roll call vote.

2. **Potential non-developmental deep gas exploration lease – Yuba Creek Natural Area:** The offer previously made for deep gas exploration rights under Yuba Creek Natural Area has been substantially reduced, and could be rescinded at any time. Kladder has become aware of a documentary called "Gasland" that was shown at the Film Festival and is playing on HBO about this sort of gas exploration. He has seen some of it, and many entities such as the Conservancy and the County are having second thoughts about leasing exploration rights under public parkland based on the information presented. Takayama saw the movie and learned a lot from it. He particularly feels less certain that claims of safety in the exploration process should be relied upon. Current gas exploration laws do not place liability for environmental damage or impacts on human habitation on the exploration firms, although this may be changing. He would favor waiting to see what protections might be put in place for the public before proceeding with further exploration leasing on our public parkland. Scott and Dunville concurred. Hardin noted that people in this area are still dealing with the aftermath of a well rupture nearby. The Board chose not to accept the lease offer.

L. PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:
None

MEETING ADJOURNED AT 9:30 p.m.