



ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, September 7, 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. Wickle, 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 Scott, support by Dunville 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 07-31-10
- 2. [Clerk's Report](#) as of 08-30-10
- 3. Draft Unapproved Meeting Minutes:
 - a. Planning Commission [08-30-10](#)
 - b. Metro Emergency Services [07-27-10](#)
 - c. [08-18-10](#) Shoreline Advisory Notes
 - d. [07-21-10](#) Road Commission
- 4. [Parks and Maintenance](#) – Tom Henkel:
- 5. [Metro Emergency Services Newsletter August 2010](#)
- 6. [Status Update – VGT-Phase I SUP Application #2009-01P](#)
- 7. [Planning, Zoning & Administrative Update](#) – S. Vreeland

ACTION – Consider approval:

- 7. Township Board meeting minutes of [08-10-10](#)
- 8. [Accounts Payable](#) of \$62,794.08 through 08-30-10 (recommend approval: Dunville)

Motion carried by unanimous roll call vote.

F. REPORTS:

- 1. [Sheriff's Deputy](#) – Mike Matteucci: 42 citations, 1 personal injury accident, 8 property damage accidents and 293 total complaints (59 of which were non-criminal and 39 criminal) were logged during August. At previous meetings the Board had asked whether the township trailer could be retrofitted with a flashing over-speed limit alarm. The manufacturer told Deputy Matteucci how to remove the controller component and upgrade it over the winter. Parts would cost about \$100 plus shipping, and he and Henkel could probably do the work. Scott recommended following up on this. There has been an increased incidence of larcenies from unlocked cars in home driveways, including Dunville's daughter and several of Zarafonitis' neighbors. Three bicycles were stolen from a Sherwood Drive house. All thefts have come from unlocked vehicles and no property damage has been done. Some suspects

will be interviewed in coming weeks. There has been an increased incidence in the city as well; in those cases car doors are left open and the car batteries run down. Cars near the road in small driveways near wooded areas are “carhopped” most often.

2. **County Commissioner’s Report – Larry Inman:** The County is seeking to cut \$2.5 million from the 2011 annual budget. They are expecting significantly lower tax revenues due to property tax value decreases and a belief that at least 60% of Tax Tribunal contested amounts will be awarded back to landowners. The County’s S&P bond rating has been increased to AA largely due to its significant fund balance. Labor unions are indicating willingness to discuss some concessions in terms of unpaid days off. Some Counties have reduced hours from 40/week to 37.5 per week for full-time employees. Healthcare insurance copays are being reviewed, and consideration is being given to one-time payouts for voluntary retirements. The new budget must be in place by October 31. A draft business plan for the septage treatment plant is expected to be available by the end of September. Legislation is pending at the state level that would allow counties to have an elected Road Commission by district. Right now the County Commission can appoint by district or there can be an election that does not require representation distributed throughout the service region. The Health Department fall flu shot schedule for a combined regular/H1N1 flu shot will be available soon. The County has been discussing whether and how to audit personal property tax statements and payments countywide. The Equalization Director presented three potential scenarios: audit companies that are paying their personal property tax (site visits to compare filings to assets), obtain lists of companies that are not paying and audit and pursue them, or audit everyone. A proposal is being sought for sending a reminder notice to companies that have not paid or filed a report. Some County Commissioners feel it is an unfair tax and are not eager to pursue collections.

Kladder asked what the County’s thoughts are about policing. He has seen a lot of discussion lately about whether and how the City Police and County Sheriffs Department should cooperate, and thoughts about whether positions at the county level should be cut. Some townships have offered to pay extra for a Community Policing Officer over and above general road patrol. Inman stated that since CPO positions are at township discretion those positions are not under consideration for elimination. Scott observed that positions are assigned largely by seniority. So, while Acme’s CPO position might not be eliminated, if Deputy Matteucci did not have sufficient seniority he might lose his job and a more senior officer might be reassigned to us if general County positions are cut. CPOs are only called on to support services outside of their townships in the case of emergency. The overall number of general road patrol officers is already very slim, and concern was expressed about potential scenarios where all general officer positions are cut and only CPOs remain at township discretion. Inman reported that each department has been asked to propose 10% budget cuts. Actual needed cuts are closer to 7%, and the Commission has a discretionary fund they will accumulate with the remaining 3% and allocate back to high priority areas as defined by the County strategic plan. Inman realizes that the township will be considering solid waste options soon, and says that the entire County is now considered to be eligible for curbside recycling service. The County is looking for decisions by the end of the year as to whether the townships will stick to the intergovernmental solid waste agreement and under what conditions. A transitional period between curbside recycling and centralized dropoff bins may be required, along with a possible extension of the landfill surcharge.

3. **Septage Treatment Plant – Wayne Kladder:** Acting DPW Director K. Ross Childs was also present to answer questions about the e-mail he prepared. There is an estimated \$400,000 shortfall coming later this year, with Acme’s pro-rated share being approximately \$25,200. Kladder expects that the guaranteeing townships will need to loan the money to make the septage bond payments to the County around November. An interest rate ranging from 2-5% might be payable to the townships on these funds. All townships agreed to loan the funds to the County at a common interest rate. The township budgeted up to approximately \$37,000 for septage bond payment loans in our current fiscal year, which should cover this potential

payment plus an additional payment in Spring 2011. The guaranteeing townships are still seeking to have the County share in the payment amount, potentially with the County paying 50% and the townships paying a pro-rata share of the other 50%.

G. CORRESPONDENCE: None

H. SPECIAL PRESENTATIONS/DISCUSSIONS:

1. **Approval of proposed 2011 DPW Budgets for Acme Water & Sanitary Systems:** The County and the DPW operate on a calendar fiscal year, so now is the time they are working to approve their budget for 2011. Mr. Childs provided updated copies at the meeting to correct a typographical error. In 2010 we budgeted \$270,000 for sewage disposal based on prior three year actual amounts plus potential increases, but the actual amount anticipated may come closer to \$200,000, which is what has been budgeted for 2011. The DPW is also bidding out a SCADA telemetering system. Kladder noted that the Hope Village Water system agreed to usage fee increases in 2010 and 2011; the latter should take effect in January. The LochenHeath water and sewer systems are still owned by the development residents who are still paying the bulk of the operational and maintenance costs until the systems are turned over to the township. The township received a letter from the DNRE last week (referred to under item J1 below) advising the township of ongoing operational deficiencies in the LochenHeath water system. The water supply is safe for human consumption, but there are repairs that need to be made to bring the system to required standards and ownership must be formally turned over to the township. The DNRE has given a deadline of October 31 for as many deficiencies as possible to be addressed, and a plan for addressing the remainder to be provided. Kladder and Vreeland have already met with Jim Maitland from the homeowners' association to begin working on this project. The Orchard Shores sanitary system was recently pumped and inspected. Several tanks need new ground-level ports installed but otherwise the system is in good condition. It will be inspected next year and pumped if needed again in 2012. Also, a pump that may have been damaged by lightning needs to be rebuilt and wiring in the system repaired to prevent further pump damage. Rates were raised this year for the Orchard Shores system but may need to be raised again to cover some of these unanticipated expenses and continue to build a modest fund balance to help cover future repairs. On the main sanitary sewer system, Kladder is seeking approval to solicit bids for some repairs pursuant to the recent inspections. These repairs should reduce some groundwater infiltration, which will in turn reduce our treatment plant costs. Mr. Childs is seeking approval for from each township for their respective portions of the DPW budget prior to submitting the overall department budget to County administration for review and final approval. If there are any changes from current figures the township will be notified.

Takayama asked about what seems like a high level of expense for bank fees relative to the septage treatment plant. This line item also contains some year-end agreement-based return of costs to waste haulers. The new state requirement that waste within 25 miles of a plant be taken to some plant (not necessarily the nearest one) will take effect on October 1. Any waste generated within 15 miles of the County plant is supposed to come to the plant. Mr. Childs continues to seek new sources of septage flows and revenues. It appears that a waste treatment plant operated by the Tribe in Peshawbestown will be upgraded to accept septage in the near future. The DPW also continues to follow up on cases where wastes are generated and/or pumped but do not arrive at the treatment plant as required.

2. **Metro Emergencies Services 2011 Budget - Pat Parker:** The presented budget was approved by the MESA Board at their August 25 meeting. MESA staff was concerned about presenting this budget because property values decreased in all member townships this year and the number of Tax Tribunal appeals has increased significantly. There are also questions about why the organization is expanding when the economy is in rough condition. A federal grant was received to help construct the new facility to serve a portion of the overall territory that serves 2,400 calls for service per year. The new station is expected to reduce response time by approximately 6 minutes. There are also plans to replace a 1982 tanker truck that is

not functioning well. MESA applied for a grant for this purpose to Cherryland Electric's foundation, and was awarded a 10-year interest-free loan in December 2009 supported by a federal USDA grant.

Kladder stated that the MESA board made cuts to the costs for existing service levels. If the new fire station is not built, the federal grant would have to be returned. The new station will represent a service expansion which will create additional costs. Originally there was some discussion of an increase of up to 0.5 mills in the annual special assessment district levy; however, the current proposal is for a 0.3 mill increase (a move to 2.3 mills for fire protection to accompany an unchanged 0.25 mills for police protection).

MESA employs a fire prevention educator who is shared with a variety of County entities. The position is in year 2 of a 3 year contract. Preliminary County budgets show their funding towards this service being cut. MESA staff is not receiving raises, and administration is looking at ways to reduce healthcare insurance costs.

The proposed 0.3 mill increase would raise approximately \$100,000 additional revenue from Acme Township in one year.

I. PUBLIC HEARINGS:

- 1. Adoption of [Resolution](#) adopting 2010 Emergency Services Special Assessment levy rate (combined for Police and Fire protection and other emergency services) and 2011 Metro Fire Emergency Services Budget:** It was noted that there are three points at which the defunct Public Safety Advisory is referenced from prior years' drafts of the resolution that should be deleted.

Public Hearing opened and closed at 7:55 p.m., there being no public comment.

Motion by Scott, support by Dunville to adopt Resolution R-2010-29 as amended to delete reference to the Public Safety Advisory adopting the 2010 Emergency Services Special Assessment Levy rate of 2.55 mills. Motion carried by unanimous roll call vote.

J. NEW BUSINESS:

- 1. LochenHeath Water Supply System – [notice from MDEQ](#):** This letter was provided to the Board for their information. The original permit for the LochenHeath water system was issued by the state in the township's name. The state holds the township responsible for the system. However, the system has not yet been turned over to the township for operation and maintenance. The Supervisor and Manager have already met with Jim Maitland, the LochenHeath Homeowners Association government liaison, to begin determining how to bring the system as fully into compliance as possible by the October 31 deadline, and to prepare an appropriate timeline to provide to the state for completion of the remainder. We have also communicated our cooperative spirit to Brian Thurston, the person responsible for Water System permits at the DNRE – Cadillac office.
- 2. [Resolution](#) to amend DPW 2010 budget for Orchard Shores Sanitary System:** The DPW budget for the Orchard Shores sanitary system needs to be amended because costs are running unexpectedly high this year. Last year a pump failed; it was replaced with a spare kept on hand and the failed pump was repaired and kept to be the spare. This year the pump that was changed in failed. It was determined that the repeated pump failures were due to damage to the electrical system likely caused by a lightning strike. The additional funds are needed for the additional man-hours spend on repairs and for new parts for the electrical system. The pump will be repaired in early 2011 and placed back on the shelf as a spare.

Motion by Scott, support by Dunville to approve Resolution R-2010-30 amending the 2010 DPW Orchard Shores budget as suggested. Motion carried by unanimous roll call vote.

3. **Surface Water Quality Monitoring Agreement with Whitewater Township:** Vreeland summarized her memo. Whitewater Township would like to continue having Acme Township perform surface water quality monitoring at several locations on creeks in their jurisdiction, although not as many sites as previously tested. Because payments were coming in over the past several years for testing that was not performed, she is suggesting that initially the new round of testing be performed at no additional cost until the full value already paid has been expended.

Motion by Dunville, support by Zarafonitis that the Township Manager and Buildings & Grounds Manager be authorized to work with legal counsel and representatives of Whitewater Township as recommended to prepare for potential adoption a revised intergovernmental agreement for surface water quality testing between Acme and Whitewater Townships. Motion carried by unanimous roll call vote.

4. **Unpaid Civil Infraction Ticket – Verizon Wireless:** Our attorney could write one final letter to the recipient of the ticket advising them that if they don't follow through with a response within a certain time period, the township will proceed with enforcement action. Jocks stated that the next step in the process is that if the ticket is not paid, the ticket being formally recognized as a "notice of citation," then a formal citation is issued and filed in District Court. Similar to traffic tickets, the offender can admit responsibility and pay the ticket or deny responsibility/contest the ticket and attend an informal hearing through the Court. At an informal hearing no attorneys are present, just the offender and the person issuing the ticket. A formal hearing could instead be held at which attorneys could be present and witnesses could be called. The citation is similar to the original ticket issued. Questions were raised as to whether the township or the courts would ultimately receive the fines. Court costs would be paid by the offender if found responsible, if not found responsible neither party would pay costs.

The Board felt that an appropriate standard process would be that if a ticket is not addressed within 30 days, the township will issue a 10-day notice to address the ticket or the township will take the matter to the District Court.

5. **Introduction of proposed Acme Township Dangerous Buildings Ordinance 2010-02:** There are a number of structures in the township that appear to be in dangerous condition. Adoption of the proposed ordinance would enable the township to examine these buildings and provide a mechanism for ensuring they are repaired or demolished if necessary. If needed action is not taken by the landowner after due process, if the structure is residential in nature the township could take action and place a tax lien on the property to recoup its costs. Such tax liens may not be placed on commercial structures. The proposed ordinance involves a variety of individuals who are well-qualified in the building trades in the examination, hearings and appeals processes.

David Elliot, a gentleman in the audience, said he served as a condemnation officer in Pontiac some time ago. He had no particular training, but he would go out with a building inspector to review buildings. In most or all cases the landowners approached complied readily with remediation requirements and it was never necessary to hold a hearing. Scott appreciated the idea of having individuals with expertise appointed to an appeals body rather than having the Board of Trustees serve in this capacity. Kladder suggested having MESA Chief Parker review the proposed ordinance from a fire prevention perspective. The ordinance will be presented again at the October meeting for deliberation and potential adoption.

6. **Introduction of proposed Acme Township Financial Responsibility Ordinance 2010-03:** The township has found itself in the position from time to time of being asked to approve a new permit of some sort when the requester owes money for another permit or process, real or personal property taxes, or some other costs. Wikle had raised the question of whether the

township had the ability to require that obligations be paid to current status before issuing new permits or beginning new processes. The provided draft is the result of work by staff and legal counsel performed after consulting with similar ordinances drafted by other townships in the County. Takayama asked that the language in the first “findings” paragraph be amended to be a little less dramatic if possible. The ordinance will be presented again at the October meeting for deliberation.

K. OLD BUSINESS:

1. **Update from Shoreline Advisory – Knollwood Motel options:** The Shoreline Advisory is asking for additional time to fully develop information to assist the Board in deciding the fate of the main building at the Knollwood Motel property. The timing would actually work out well as deconstruction bids are due to the township on September 13 and a contracting recommendation should be made at the October meeting. At this time we are aware of four to five key bidding units, some of which represent multi-organizational consortiums, although there may be more. Each bidder that has spoken with Kladder has suggested different approaches, and we are hearing differing thoughts about which materials can and can’t be recycled and how to recycle them. Under some scenarios it may be difficult to achieve an 80% reuse level. Wells on the shoreline properties will be capped in the near future but it will be possible to reopen them if desired at a future point in time.
2. **Resolution extending maturity date of Short Term Grant Anticipation Note to 12-31-10:** Materials were not yet ready for this meeting, so a special board meeting will be required prior to September 30 to take action to extend the maturity date of the grant anticipation note issued in March for the purchase of the Shoreside Inn property. The township had to issue the note because the Natural Resources Trust Fund currently does not send cash to closing for its 75% grant funding of property acquisitions. The grantee must pay the full purchase price at closing and await reimbursement. Kladder is aware of some townships that ended up refusing their grants because they did not have sufficient cash on hand to use them and could not issue short-term debt either. We believe Acme Township is the first grant award under the reimbursement policy, and we are keeping close track of all additional expenses associated with the policy so that we can lobby the Trust Fund for a policy amendment and they might return to sending funds to closing.
3. **Repairs to Sanitary Sewers along US 31 North:** Recent sanitary sewer inspection along US 31 North revealed three problem areas that need addressing. There is a large root ball in the lines just south of Windward Ridge which needs to be removed before the full extent of needed repairs can be assessed. The other two problems were located on a spur of the main system near Crest Haven Road and appear to be generating significant groundwater infiltration into the sewer lines. There are several different ways to make the repair without digging up the line; one involves an expanding material that forces patching material into any cracks, the other involves inserting an expandable sleeve in the line similar to an arterial stent. Some areas where there is significant grease buildup have also been identified for further inspection and potential cleaning. Kladder is seeking approval to develop and distribute an RFP.

Motion by Scott, support by Takayama to authorize Acme Township to issue an RFQ-P for repairs between MH#3 and MH#4, MH #25B-25C and MH #68-68B. Motion carried unanimously.

4. **BS&A Assessing & Tax Program Net Versions purchase decision (Takayama & Wikle):** Wikle, Takayama and Plude met the day after the last meeting to discuss Takayama’s questions from the last meeting about the proposed software purchase and talk with BS&A representatives. They learned that support for the existing program versions will not stop immediately, but there will be no new updates after 2-3 years. Installation costs of about \$950 will not be needed, as we will install from a disk shipped to us. We have already paid our annual maintenance and support costs which would be transferred to the new software if we

upgrade immediately. BS&A is interested in using Acme as a trial township, so we have asked for an additional discount in consideration of this fact. We are awaiting an answer to this request, which was passed along through County Treasurer Bill Rokos. Wikle and Vreeland have discussed running both programs in tandem for a while to ensure all is running smoothly before abandoning the old program.

Takayama has thought much about the meeting for the past month. Plude's partner Amy Jenema has a copy of the new software because some of the townships they service in Antrim County use it. His impression is that Plude has no strong feelings about upgrading at this time after having the opportunity to work with both programs. He did hear the BS&A representative say that they would continue to support the existing version for at least another few years. He remains unconvinced that the upgrade is a wise decision in our current economic climate while the current version still functions satisfactorily. He has heard that there could be some efficiencies, but not that it would save vast sums of money in labor costs. He also believes it will become more affordable in several years when initial development costs have already been amortized to some extent.

Wikle believes the new program will be a time saver for her department, and that it will not become significantly less expensive over time. Purchasing now represents an opportunity to receive a discount and make payments over time. The impact of the assessing software on assessing workflow may well be less than the impact of the tax software on the Treasurer's office. She made sharp cuts elsewhere in her department budget for the purpose of being able to afford the software upgrade. She has also implemented other time and cost saving measures and has been able to reduce some work hours for her deputy.

Scott stated that if the township is to be used as a test case, a price discount is mandatory. If a good deal is available now that would not be available in 3 years, we should consider the deal. He suggested that if we need to have a special meeting later this month anyway, we could obtain a firm discounted price to review at that time. Dunville supports a software upgrade if the Treasurer says it will be more efficient.

a. (only if item K1 results in a purchase decision) [Bid from Integrity Software](#) to upgrade network backup software for BS&A Net version implementation: discussion deferred pending outcome of BS&A Software Discussion.

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

Jocks noted that he has been serving the township for approximately a year and expressed his appreciation for working with the township.

MEETING ADJOURNED AT 9:33 p.m.