



**ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, December 4, 2012, 7:00 p.m.**

MEETING CALLED TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 7:00 p.m.

Members present: C. Bassett, C. Collett, A. Jenema, G. LaPointe, P. Scott, D. White, J. Zollinger

Members excused: None

Staff present: S. Vreeland, Township Manager/Recording Secretary
J. Jocks, Township Counsel

A. STUDY SESSION: None

B. LIMITED PUBLIC COMMENT:

Dave Hoxsie welcomed the new board members on behalf of the Acme Heritage Society, and indicated they would keep the Board informed about their Hoxsie House preservation efforts. Zollinger thanked the Acme Heritage Society for decorating house for the holidays and the Acme Business Association for providing and decorating the tree in Bayside Park.

Doug Mansfield, Union Township Supervisor, is the District 8 representative for the Michigan Townships Association. He has served on the MTA board for 9 years and is the Treasurer. In a few years he will be President. If the Board has any questions or concerns he welcomed them to contact him.

Dave Benda, Grand Traverse County Administrator/Controller, gave his greetings and good wishes to the Board. He looks forward to working collaboratively with the township.

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

D. INQUIRY AS TO CONFLICTS OF INTEREST: Scott asked if there is any concern with members of this Board appointing themselves to various board and committee positions. Jocks asked if any of the positions would require a financial benefit to the holder and was told they would not. Jocks indicated that it is not a conflict of interest if there is no financial benefit and no unreasonable level of personal relationship on the part of the appointee. If anyone is uncomfortable voting on their own appointment they may refrain. White will receive additional compensation for appointment to the Planning Commission, so he recused himself from the vote on the full slate of appointments.

E. CONSENT CALENDAR: Motion by Jenema, support by Collett to approve the Consent Calendar as amended to remove items 1d, 1f, 2b, and 2e for further discussion, including:

1. **RECEIVE AND FILE:**

- a. [Treasurer's Report](#) as of October 2012
- b. [Clerk's Report](#) as of 11/27/12
- c. Draft Unapproved Meeting Minutes:
 1. Planning Commission [11/19/12](#)
- d. [Parks and Maintenance Report](#)—Tom Henkel
- e. [The Metro Insider Newsletter November 2012](#)
- f. [Planning, Zoning & Administrative Activity Report](#)

2. **ACTION – Consider approval:**

- a. Township Board meeting minutes of [11/13/12](#)
- b. [Accounts Payable](#) of \$137,797.42 through 11/28/12 (recommend approval: Bassett)
- c. [2013 Board of Trustees Regular Meeting Schedule](#)
- d. [Resolution R-2012-25 Application for Annual Permit to work in MDOT Right-Of-Way](#)
- e. [Approve amendment to Plante Moran Engagement Agreement for water and sewer system consolidation study](#)

Motion carried by unanimous roll call vote.

F. SPECIAL PRESENTATIONS/DISCUSSIONS:

- 1. **Freedom of Information Act and Open Meetings Act – Jeff Jocks:** Zollinger asked Jocks to speak about these two very important acts at this first meeting of the new administration. Jocks provided the copies of the actual statutes updated through today as well as some general summaries of them. These two acts exist for the purpose of “sunshine” and the open activity of government. Citizens have the right to see all of the decisions made by their government and to have them discussed in an open forum with opportunities for public comment. They also have the right to examine the public documents of the township.

Deliberation is discussion about any issue that might be voted on towards a final decision, where individuals exchange their opinions about what the decision should be on behalf of the government. Deliberation must always occur in the open. If four of the seven elected officials are sitting around a table discussing their opinion on any township issue, whether legal, land use decision, or personnel related, it can be considered a public meeting. Public meetings must be duly noticed and the public must be available to attend. Therefore, it is important that deliberations are conducted at open public meetings.

There are legal requirements for when and how public meeting notices must be given to the public. If deliberations occur outside of a duly noticed public meeting, a citizen, County Prosecutor or others could file a lawsuit seeking to have the decision reversed. In such a situation, the plaintiff can seek legal and court costs to be paid by the township. They could also seek an injunction to prevent such discussions from being held outside of a public meeting. The township has been very careful in the past about this matter, by such means as ensuring that all citizen advisory meetings are held as public meeting with published notice in advance.

LaPointe asked if opinions about issues can be discussed with other elected officials when a quorum is not present. Jocks stated that this can be true, but only to a point. There is case law where if one Trustee calls another to express a view, and the second calls a third, and the third calls a fourth and so on, it can appear to be a purposeful attempt to avoid the requirements of the Open Meetings Act (OMA). It can also be a problem if three board members sit down together to discuss an issue, and some leave while others then come to discuss the same issue.

LaPointe asked if subcommittee meetings can be held privately. Jocks replied that if a subcommittee meets to research an issue and make a recommendation of action to the Board, that meeting should be held as an open meeting. He encouraged the Board to always err on the side of caution and to hold a meeting as an open meeting if there is any possible question. County Commissioner Larry Inman stated that in his 20 years in office he has attended annual training sessions on the OMA. He has been taught that ad hoc committees formed to bring back a recommendation must be public open meetings with opportunity for public comment and published agendas

and minutes. There are provisions for times when the Board may meet in closed session according to the law, with discussion occurring in the closed session and a motion making the decision being offered when the Board is back in open session. If a Board meeting is being held at a location other than the township hall, his understanding is that the required meeting notice must be posted both at the township hall and at the alternative meeting place suggested.

Jocks continued that the Board can go into closed session for a number of reasons listed in the statute, including but not limited to real estate purchases, personnel issues, litigation, or other issues statutorily subject to confidentiality. The Board must meet in open session, and a motion must be made to go into closed session that clearly expresses the reasons for going into closed session. Some issues require 2/3 approval to go into closed session, while some only require a majority. Minutes of the closed session must be kept. Once the closed session is completed the Board moves to come back into open session. If a decision is to be made, a motion must be made in open session to take that decision. Collett asked what would happen if the Board goes into closed session and discusses an issue, but needs more information before it can make a decision. Jocks replied that the Board would come back into open session and announce that they have not made a decision. Perhaps they might mention what action they intend to take to gather the information required to reach a decision. At a future time there could be an additional closed session meeting towards issue resolution. Jocks recommended avoiding going into closed session if at all possible, while recognizing that there are valid reasons for the township's best interests as to why it may need to happen.

LaPointe found some articles on this topic and he sent it to a variety of Board members with some points he found interesting highlighted. Inman and Jocks indicated that simply distributing information outside of a public meeting is permissible. LaPointe asked about the ability to have a conversation with the Supervisor about an issue he believes the township should address. Jocks indicating that discussing an issue is permissible; but it is not permissible to hold discussions towards a decision on an issue outside of a public meeting with an intention to avoid a required public discussion. If one elected official sends an opinion by e-mail, and another responds with an opinion, it can become a deliberation and should be avoided. The entire issue has many grey areas.

Turning to the Freedom of Information Act (FOIA), a citizen can make a request for documents from the township. These documents can include e-mails between elected and appointed officials. Caution in the use of e-mail to discuss issues is warranted. Public documents subject to FOIA generally include any document used to conduct the business of the township that is in the township's possession and control. Can a person's personal e-mail fall into this category? Yes, if an official is using their personal e-mail to conduct the business of the township. Jocks recommends leaning towards disclosure unless there is a compelling reason not to. Any document related to the work of the township could become subject to FOIA, whether it includes elected or appointed officials, the contents of township files, messages from citizens or local agencies to elected or appointed officials, etc.

The township has 5 business days to respond to a FOIA, and may request an extension of up to 10 more business days if needed to fulfill an expansive request. The township can charge the costs of the lowest-paid staffer capable of compiling the data and copying costs. If the township withholds any documents that by law may be withheld, it must disclose the fact that it has withheld the documents and provide a general description of them. The township does not have to disclose documents under FOIA to an entity that is suing the township, but those documents may be subject to

the discovery process in court. If a citizen feels that information has been unreasonably withheld from a FOIA response, they can sue and a judge will decide.

Vreeland and Jocks said there are occasions when documents may be withheld from a FOIA response. If a document is legitimately withheld, the township has to disclose that it was withheld and provide a general description of the document.

Jocks encouraged everyone to rely on the letter of the statute more than the summaries of the statute. Everyone should be mindful of what they write, as it may be disclosed at some point in time. He recommends erring on the side of disclosure when in doubt.

Zollinger asked about “standing FOIAs.” People can subscribe to receipt of repetitive documents such as monthly agendas. Such FOIAs must be renewed every 6 months. Scott asked if FOIA responses can be given by e-mail rather than in paper form. Vreeland stated that she has done this approximately 3-4 times. She always offers the choice to the requesting individual, and points out that she does not need to charge copying costs if electronic delivery is selected.

2.

Consider Blight Elimination Grant Letter of Support towards Shoreline Deconstruction:

Megan Olds from the Grand Traverse Regional Land Conservancy provided an update regarding the Shoreline Preservation project. The Conservancy has partnered with the township for about six years now to acquire additional shoreline parkland. Phase III of the project is underway to acquire 2 more properties and to deconstruct existing structures on those two properties plus 2 of the Phase II properties. She provided a general brochure about the Conservancy and handout about the park project, and a handout about a grant program that might help to fund deconstruction of the former Coldwell Banker Schmidt, Mountain Jacks, Sun n' Sand Motel and Beach Club Motel properties. The Beach Club Motel property is due to be acquired in 2013 using funds from the Michigan Natural Resources Trust Fund and private individual and foundation donors. The Sun n' Sand and Mountain Jack's properties were previously acquired using these sources plus some township matching funds, and the Coldwell Banker property would be acquired using private donations.

Olds and Vreeland have been working with Deputy County Planning Director Jean Derenzy on state grant funding opportunities to support deconstruction of the old buildings. There is a new blight elimination grant program available this year funded by settlements received by various states related to mortgage fraud. Derenzy and Olds feel that a grant application including a variety of local blight elimination targets in the county would be stronger than submitting each as separate, competing applications.

Scoring criteria were provided for the grant. Criterion 4 indicates that local support and additional investment are key elements the state will be looking for in each grant proposal. The grant application is due December 12. To help with criterion 4, the County is asking Acme Township to provide a letter of support for the application.

LaPointe thought that the township had previously decided not to pursue acquisition of the former Coldwell Banker Schmidt office property, but he sees demolition of the building in the grant application package. The general public has expressed concern about when the buildings will be coming down on the shoreline properties, and the estimated cost included in the grant proposal is \$400,000. If the grant is not awarded, where else will the funding for demolition come from? Olds replied that this state grant provides the best fit for our project of any she has reviewed relative to our

product. Other deconstruction funding sources are being pursued as well.

As to the Schmidt property, it remains the township's choice whether or not to acquire that property. Once it was known that the property was available, the township, through the Conservancy, asked to amend the approved Phase III MDNR Trust Fund application to include purchasing that parcel. We asked to add another parcel to the grant request as well, a 15' – 20' wide strip of beach immediately north of the Beach Club Motel. The Trust Fund denied the application amendment request. The denial seemed based less in the merits of the properties for acquisition than in the Trust Fund seeking to follow their administrative policies more closely.

Collett asked what would happen if the County grant request is only partially funded. Olds indicated that the Conservancy has agreed to perform fundraising for the Acme Shoreline project and that this is just one of many sources of funding they are following up. If the township agreed to contribute public funds towards the costs it would be beneficial. The total grant proposal package is \$900,000 for 5 projects: one at the Barns, two residential, a county property and Acme Township. Acme's is the largest in cost. If actual costs for demolition exceed grant amounts requested and/or awarded, the shortfall would need to be made up locally.

Jenema asked how a partial grant award would be allocated between the component projects. Would each project receive a pro-rata share of the funding based on its share of the request? Olds stated that this has not been determined, and she supports collaborative negotiations between the parties should this occur. Multiple fundraising avenues are being pursued, and any assistance is better than none in her opinion..

LaPointe requested preparation of a timeline containing key shoreline project-related deadlines. LaPointe recommended that proration of partial grant funding should be agreed upon before the grant application is made. Olds agreed in concept but expressed doubt this could be done before the December 12 grant application due date. The grant decision date is February 15, 2013.

Collett asked if there is a deadline for using grant funds awarded. Olds replied that the grant program deadline is 14 months from award. Vreeland further noted that normally the Trust Fund requires properties acquired with their grant funding to be cleared within 90 days of closing. We have already received extensions on the Phase II properties to June 30, 2013, and she has been told by Trust Fund Staff that there will be no additional extensions of time. It therefore appears that the township has approximately 7 months to complete the deconstruction, at least as to the Mountain Jack's and Sun n' Sand properties. If the township does not meet its commitments under the Trust Fund grant agreements, it would be liable for repayment the granted acquisition monies. The Phase III grant agreement with the Trust Fund requires closing on the Beach Club Motel property by August 1, 2013. We can request an extension of this deadline, which may or may not be given at the Trust Fund's discretion.

Jenema asked if any of the other local agencies involved in this grant request are contributing matching funds; Olds was uncertain but suspects that the Barns will provide some level of match. Jenema also asked if the township budgeted any funds for deconstruction in the current fiscal year; Vreeland believes we have not, and that the township has been relying on Conservancy fundraising. Collett noted that there is approximately \$130,000 in the township's Shoreline Fund at this time, and wondered if any of this could be allocated to deconstruction. Vreeland replied that nearly all this amount is required for repayment of a 2011 Capital Improvements Bond issued to help with cash flow and timing for closings for both the shoreline and farmland

preservation projects and recommended it not be used towards other expenditures.

Zollinger noted a [letter received today from John Zaloudek](#) supporting the grant application.

Motion by Scott, support by Jenema to authorize Supervisor and/or Manager to prepare requested letter of support for grant application as a step towards fundraising goal for deconstruction of blighted buildings on Phase II and III Shoreline Acquisition properties (Beach Club Motel, Sun n' Sand Motel, Mountain Jack's Restaurant, Coldwell Banker Schmidt Building.) Motion carried unanimously.

G. REPORTS:

1. **Sheriff's Report – Deputy Jason Roelofs:** For November, there were 24 citations written in Acme. There were 11 property damage accidents and 1 injury accident. There were 6 criminal arrests. There were two breaking and entering cases, some domestic assaults, and some people driving on a suspended license. Some items were stolen from cars in the Bates Road area over the past month. In the city a car was stopped and a variety of stolen items were found. Some of the items recovered from that arrest were traced back to the Bates Road area. Deputy Charlie Jetter is the County traffic patrol officer right now, and asked that several radar trailers be deployed on M-72 until the snow plows are out. The goal is to help drivers be more cautious on M-72 because there was a high rate of serious accidents last winter. Deputy Roelofs has been monitoring traffic and noticing people slowing down when they see the radar trailers.
2. **County Commissioner's Report – Larry Inman:** Inman is looking forward to working with the new board members. He tries to stop in from time to time to keep in touch and keep the township updated on County issues. His district is changing in January, and will now include Acme, Whitewater, and a portion of East Bay Township. The new county health department building was officially opened today. It contains Dental North, a community dental clinic and emergency management services. The City and County are working towards changing the way that Library Board members are appointed. The County is asking the city to give up a seat that it appoints so that the County may appoint one more of the members. The City would appoint 2 and the County 7. The County would like to align the membership more closely with the locations of the satellite libraries. The number of County Commissioners will be reduced by 2, and several Commissioners who will be seated on January 1 are newly elected for the first time. The County has about a \$1 million shortfall in its budget based on lower property tax values and significant reductions in taxable value awarded to properties in the County, most notably the big box stores in Garfield Township, by the state Tax Tribunal. After January 1 the county will be having some significant discussions about what is and isn't mandated by state law for the county to do, and how the county structures itself to do business. They received a 1-time dividend for \$550,000 from their liability insurance carrier. Along with some other revenues the shortfall was recovered for this year, but the County may have to look at layoffs, program changes, and/or changes to benefits offered and employee cost-sharing in the costs of those benefits. Administrator Benda has significant budgeting experience and will lead the Commission through a process to determine what should be done. Inman wished everyone a Merry Christmas and Happy New Year.

H. CORRESPONDENCE: None

I. PUBLIC HEARINGS: None

J. NEW BUSINESS:

1. Consider approval of [SUP Application 2012-10P](#), Water's Edge Assisted Living

Facility: Doug Mansfield represented the application to remodel the existing Gold Coast Inn 3-story motel on US 31 N. to a 27-unit assisted living facility. Fire suppression for the site would be provided by an on-site storage tank with a back-up generator and fire sprinkling for all residential rooms and common areas. Final plans will include a notation that the fire suppression system will meet all requirements of the county Construction Code office and Metro Emergency Services Authority. By removing some parking spaces a fire lane can be established for emergency access. The building will be resided in a celery green with green and white trim and some stone features. There will be interior hallways where none exist today. The facility would not require a license or have in-house doctors or physical therapy staff. A 5' wide sidewalk will be installed as required by the zoning ordinance, although Mr. Mansfield is concerned about adding a sidewalk alongside a 55 mph public highway. An outdoor common space will be added at the north side of the building. There are plans for two additional stairwells to meet code requirements and a boardwalk connection to the TART which is adjacent to the property. The Planning Commission requested low-impact development ("LID") stormwater control features if possible. The soils drain well, which is good for water infiltration but not necessarily for creating a LID rain garden.

One item discussed at the Planning Commission was an emergency pump for the fire suppression water system. Mr. Mansfield stated that if power to the site is lost a backup generator will keep the sprinkler system running for up to the 2-hour design period. A complete commercial system is being provided that will provide fire suppression to attics and closets, similar to what would be required for a "stacked flat" apartment building.

There are plans to provide a boardwalk connection to the TART, but this is conditioned upon receiving approval to cross wetlands from MDEQ. Such approval is not expected to be forthcoming until Summer 2013.

Jenema raised a concern because the zoning ordinance information in the board packet indicates that assisted living land uses require a minimum two acre parcel of land, while the subject property is approximately 0.7 acres. If these facts are correct, a variance from the Zoning Board of Appeals would be required for this application to be approved. The Board can continue its review and could approve the application subject to the condition that the applicant obtain a variance of the lot area requirements. Jocks will review the documents and materials again to be sure whether or not the variance process is necessary or if there was some unintended error in constructing the ordinance or the meeting packet that would make a variance unnecessary. LaPointe asked if scheduling a variance hearing would cause a delay to the applicant, and if so what the township can do to mitigate the effects of the situation.

LaPointe noted that the agenda provides for public comment at the beginning and end of the meeting, but as the meeting goes on a lot happens. Some public bodies additionally open the floor to public comment during each agenda item and prior to a vote. He suggests the Acme board adopt this practice going forward. Zollinger feels that given the proper format that this can provide useful information. Scott is not against open the floor to public input throughout the agenda; however, he is opposed to the idea of opening the floor during every single agenda item. He was concerned that an extended loop of deliberation, public comment on deliberation, and deliberation on the public comment could ensue. LaPointe urged allowing public

comment for every agenda item, having been occasional frustrated by the lack of opportunity to add to the discussion when he was part of the public audience.

While the Board continued with the agenda, Jocks did some additional research and spoke with Mr. Mansfield. Ultimately, the following motion was made:

Motion by Scott, support by Jenema to approve SUP application 2012-10P subject to a variance of the minimum lot size requirements for an assisted living facility being approved if required, said requirement to be removed if township counsel determines it is not necessary, and conditioned upon satisfying all agency requirements including signed submittal of a legal access easement, lighting photometrics, obtaining all applicable permits, and providing a connection to the TART subject to MDEQ permit approval. Motion carried unanimously.

2. **Fire Insurance Withholding Program**: Vreeland provided highlights from the packet materials. Zollinger asked how this program would affect the existing Dangerous Buildings Ordinance. Vreeland finds the two to be separate and having some overlap, but not redundant. The withholding program applies to only properties damaged by fire or explosion, while the ordinance covers any building made dangerous under any circumstance.

Collett expressed concern about what would happen if the township escrows money withheld from an insurance settlement to ensure property remediation, but the actual remediation costs exceed the amount in escrow. What happens if there isn't enough to do the job? Jocks and Vreeland noted that the ordinance allows a tax lien to be placed on a property with a dangerous building to cover any township costs for repair. If the tax lien remains unpaid, ultimately there can be a tax foreclosure on the property. It can take some time for the township to be reimbursed in cash. The township may be limited in its ability to place a tax lien on commercial properties. Collett's concern is whether by taking insurance withholding the township becomes a partner to and/or responsible for the remediation.

LaPointe strongly opposed participating in this program as a personal property rights issue. He objects to the concept that if there is a fire at his home the township might or might not decide to withhold some of his insurance proceeds. He believes there is no problem currently that needs solving, and that we already have a tool to protect the township from ongoing dangerous situations. It seems as if the township is being mistrustful of the public without giving them a chance to do the right thing. LaPointe is also concerned that the township might "arbitrarily" choose when to do withhold and when not. If the Dangerous Buildings Ordinance already provides a mechanism for cleanup of properties, participation in this program would be redundant. Scott and Bassett concurred, and Collett feels the township could be stuck with a problem it doesn't have today. White concurred with LaPointe.

Motion by Scott, support by Collett to not participate in the Fire Insurance Withholding Program, and to communicate such to MESA. Motion carried unanimously.

3. **Appointments**: Zollinger provided a list of proposed appointments to various boards and committees:
 - a. **Board of Review 2013-14**: Toni Morrison, Jim Heffner, Karly Wentzloff
 - b. **Board *ex officio* Planning Commission Member**: Doug White

- c. **Planning Commission, filling 2 unexpired terms of office ending 07/15/2013:** Beth Finch and Dan Rosa.
- d. **Acme Board Members to MESA Board:** along with Supervisor Zollinger, Scott, and Collett as alternate.
- e. **Recommendation for township official to be appointed to County Farmland Preservation Board:** Doug White. Inman reported that the County generally seeks candidates from Acme Township as the only farmland preservation program they work with at this time. The County Commission will make the actual appointment.
- f. **Township Farmland Advisory:** Dave Hoxsie and Greg Send, terms to expire 2015
- g. **Township Parks & Recreation Advisory:** Jack Challender, term to expire 2015

In conjunction with item J3,

- 4. **Recommendation to combine Parks & Recreation Advisory with Yuba Creek Natural Area Steering Committee:** Zollinger recommends combining the two advisories because they have overlapping responsibilities. Scott asked if Zollinger has spoken with the existing YCNA committee members about whether they wish to continue to serve. Zollinger has not yet spoken to them. This body has not met in the past three years. LaPointe asked if there is a written scope/purpose/mission statement for the YCNA. He would like to see the missions for the YCNA Steering Committee and the Parks & Recreation Advisory so they can be compared and combined appropriately for a combined body. Vreeland stated that what the YCNA Steering Committee has done is essential a one park-focused subset of what the Parks & Recreation Advisory does.

Motion by LaPointe, support by Jenema to ratify the Supervisor's appointments as presented and to combine the Parks & Recreation Advisory with the Yuba Creek Natural Area Steering Committee. Motion carried by a vote of 6 in favor (Bassett, Collett, Jenema, LaPointe, Scott, Zollinger), 0 opposed, and 1 abstaining (White).

- 5. **Consider amendment to Sayler Park Shelter Rental Fee Schedule:** Zollinger is proposing that since township landowners support the township through the payment of property taxes, and since the revenues generated by landowner shelter usage are minimal, township property owners, residences and businesses should not be charged a shelter usage fee. Non-township businesses and residents would still be charged the current \$50.00/day. Township residents and businesses reserving a shelter would be required to provide a \$25.00 refundable deposit that would be returned if the area is left in good condition.

Motion by Jenema, support by Bassett to accept the suggested Sayler Park fee schedule effective January 1, 2013. Motion carried by unanimous roll call vote.

- 6. **Consider application(s) to the December 2012 2% Tribal Grant Cycle:** Vreeland summarized the memo and packet materials. LaPointe asked how the Tribe views requests, and whether fewer more strategic requests would be better than more frequent smaller requests. Inman stated that when he Tribe applied to place additional land in trust status at Turtle Creek they would work with Acme, Whitewater and the

County on an agreement for payments in lieu of taxes. To date such agreement has not been completed, and most parties are still trying to work on the matter. The Tribe has two applications pending for the placement of land in federal trust. Inman encouraged the township that if there are projects or needs that Tribal 2% funding could help with, we should be comfortable asking. Vreeland agreed that for some time now there have been discussions about a payment in lieu of taxes agreement. She recalls a tribal attorney provided her with a copy of a federal law indicating that Tribes are not permitted to provide payments in lieu of real property taxes on lands in trust. She also recalls that Tribal leadership has indicated orally that they are willing to create agreements for payments in lieu of property taxes on subsequent development on those lands when they are developed.

LaPointe suggested applying for a grant to provide grass seed, an irrigation system, and topsoil for Bayside Park. The need to remove some old wiring from the park was also noted. Henkel noted that there are several obsolete curb cuts that will need to be removed. Zollinger suggested seeking grant support for 75% of the costs of the beach groomer purchase and the e-coli monitoring and testing in 2013. Collett suggested seeking support to move forward with the Sayler Park boat launch improvement, noting that some funds in the General Fund Balance Forward are earmarked for this purpose.

White asked if some grooming can be performed on the beach at Sayler Park if we purchase the equipment. He receives many complaints about the condition of the shoreline there. Henkel stated that we have a beach grooming permit for Bayside Park that allows an area 350' x 20' to be groomed for 5 years. The township can apply for a similar permit to groom at Sayler park if desired. The state and local environmental agency preferred standards are for no more than 25% of the total beach frontage to be groomed.

Motion by Jenema, support by Scott for the Manager to submit Tribal 2% grant applications for a beach groomer and for 2013 beach e-coli testing and investigation at 75% of expected costs. Motion carried unanimously.

K. OLD BUSINESS:

L. ITEMS REMOVED FROM THE CONSENT CALENDAR:

1. **Parks and Maintenance Report** – Tom Henkel: LaPointe noted that this report stresses the amount of time Henkel spends on various types of projects. He would find it more valuable to receive information about details of the projects and Henkel's recommendations or concerns for the future. He would like to see more of a subjective management report. Jenema asked if Henkel attends the Parks & Recreation Advisory meetings to advise them and provide staff support; he does. Henkel stated that the current report format was as requested by the previous administration. He keeps a daily time log, including mileage, by 15-minute increments.

White noted that the fence at Yuba Cemetery has been removed, and asked if a new one is being installed. Henkel has the new fence sections and will install them as time allows. Families using the cemetery are concerned about protection from snowmobiles. Some of the old fence went to a township family, the rest went for scrap and returned over \$80.00 to the township.

Motion by LaPointe, support by Scott to receive and file the Parks & Maintenance Report. Motion carried unanimously.

2. **Planning, Zoning & Administrative Activity Report:** LaPointe noted a comment in the report that the final shoreline placemaking plan document was presented to the Board of Trustees. He did not understand this to be a final plan that the township would move forward. He believes it would be a huge undertaking and that more discussion with a larger group of people is needed. He did not view this as a final plan. It could require 20 years to implement and could require millions to fund. This is a visioning concept but details, costs and funding sources have not yet been fully explored.

Jenema asked about the status of the stormwater control ordinance. Vreeland replied that as of January 1 the agreement with GT County for them to help administer and enforce this ordinance will expire and the township will be solely responsible for stormwater control ordinance administration. While awaiting additional information on our options with the County, she suggests that in the short term the township should work with Beckett & Raeder under our existing planning services contract.. Jenema also noted past discussion about having the Conservancy manage shoreline deconstruction for us. She asked if we are still working in that direction. Vreeland reported that Jocks has been working with Matt McDonough at the Conservancy on a proposed deconstruction management contract for board consideration. It may be discussed at a meeting between the township and Conservancy coming up next week. Jocks has not seen a revised copy for over a month. The contract would be authorizing the Conservancy to undertake activities on the township's behalf prior to funding actual deconstruction, such as obtaining bids, performing studies, etc.

Motion by LaPointe, support by Scott to receive and file the Planning, Zoning & Administration Activity Report. Motion carried unanimously.

3. **Accounts Payable of \$137,797.42 through 11/28/12 (recommend approval: Bassett):** LaPointe feels the report format is unhelpful. He recommends that when people are more settled in the report be reformatted. Inman stated that the county, a different governmental structure, has an ad-hoc committee review all bills monthly and recommend that the Commission approve payment. He recommended that the Clerk and Treasurer contact Dean Bott, County Finance Officer. Mr. Bott could show them a computer program the County uses to track budgeted amounts, expended amounts, and remaining appropriated amounts available.

Motion by LaPointe, support by Scott to approve Accounts Payable of \$137,797.42 through 11/28/12 as recommended. Motion carried by unanimous roll call vote.

4. **Approve amendment to Plante Moran Engagement Agreement for water and sewer system consolidation study:** Collett wondered about the utility of spending more money when the central question of the study has already been answered. Zollinger noted that a second part of the study is a look at the infrastructure as it exists today, and the similarities and differences between the townships that work together. Our ongoing work with East Bay Township to obtain correct readings from meters where our sewer infrastructure meets is one example of this need. Collett is concerned that the funding would result in Plante Moran learning about a sewer system, but result in little practical benefit to the township. Jenema added concern about whether it is appropriate for an accounting firm to consider sanitary engineering questions, noting the firm's statement that they would rely on municipal engineers to provide data. Collett read that the accounting firm would coordinate meetings and contract with engineers; it appears they would only be facilitating. LaPointe understood the initial study results being that moving forward with an authority does not make sense, but it is still important for the group of municipalities

to learn to work together more effectively and efficiently. Jocks noted the fee and payment terms of the contract, which expects that township and other engineers will have to expend “material” additional time and effort to assist in the process at an unlimited cost above and beyond the costs of the contract with Plante Moran.

Inman said the Board of Public works is in transition. The idea of creating a new governmental entity to perform the functions the DPW performs today has been discussed for some time. The County expanded the BPW so that each township Supervisor could be represented on the body which operates and maintains the infrastructure owned by the townships and contracted with the DPW for operation and maintenance. Another model would be to stop cooperating under any structure and have each township manage its water and sewer assets independently. With continued cooperation, there are also concerns about how much each member entity is charged for services and for overhead, and how to most equitably divide costs for the system going forward. It's hard for him as a seasoned County Commissioner to understand the issue fully, so it must be very difficult for a new township board. Perhaps asking to be more fully briefed by people who have been intimately involved in the discussions and issue for some time would be beneficial prior to deciding on whether to proceed with the amended study agreement. Scott also recommended more discussion with former Supervisor Kladder.

Motion by Collett, support by Scott to table amendment of the Plante Moran engagement agreement to the January meeting.

Jenema understands that the board is tabling the question to get more information. Zollinger will be talking to a variety of people to gather information and perspectives. Jenema also stressed the need to better understand the costs of the study above and beyond the fees that would be payable to Plante Moran.

Motion carried unanimously.

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

Noelle Knopf, 3585 Lookout Point in East Bay Township, congratulated the board on their first meeting. Her experience with the Conservancy is that they have never defaulted on a commitment they made and they work hard. She wished everyone happy holidays.

Virginia Tegel, 4810 Bartlett Road, thanked the board for its service and will welcome the new Planning Commissioners. She particularly appreciated the attention given to the important subject of township parks. She is a frequent park user and her research indicates public parks are a community focal point and an economic driver. As part of the Master Plan update the township 5-year Parks & Recreation Plan is also being updated. A survey will be going out to all township residents in January, so each board member will have a chance to respond. She is pleased that the township is funding the beach E Coli testing at Bayside Park. Ms. Tegel is deeply involved in water quality issues. Shorefront weeds play an important part in water quality and safe, healthy beaches. She appreciates concerns about how the Sayler Park beach looks, but she believes that as a community we need to set the standard for water quality protection, particularly by adhering to recommended beach grooming standards.

LaPointe asked Ms. Tegel if the Board will see the survey before it goes out to the general public. A draft of the survey is attached to the November Planning Commission meeting minutes, and another draft will be reviewed at the December meeting. The township is working with NMC to prepare and administer the survey in a neutral and appropriate way.

Meeting adjourned at 10:21 p.m.