



ACME TOWNSHIP REGULAR BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, February 5, 2013, 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, P. Scott, D. White, J. Zollinger
Members excused: G. LaPointe
Staff present: S. Vreeland, Township Manager/Recording Secretary
J. Jocks, Township Counsel

A. STUDY SESSION: None

B. LIMITED PUBLIC COMMENT:

Charlene Abernethy, 4312 Westridge Dr., continued her comments from the January Board meeting. She is concerned about challenges to the local environment from increased development and traffic, and wonders if the Board has considered how to address these challenges and how to cover costs. She expressed particular concerns regarding the condition of local roads and whether pedestrians will be able to safely cross US 31 North between businesses and parkland as traffic increases. She already finds the traffic on this road a deterrent to successful commerce. How will increased costs for police and emergency services be covered? Will business and quality of life be enhanced by easy non-motorized access? She provided her [written comments](#) for the record.

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

D. INQUIRY AS TO CONFLICTS OF INTEREST: No conflicts of interest noted.

E. CONSENT CALENDAR: Motion by Jenema, support by Collett to approve the Consent Calendar as amended, including:

1. RECEIVE AND FILE:

- a. [Treasurer's Report](#) as of December 2012
- b. [Clerk's Report](#) as of 12/31/12
- c. Draft Unapproved Meeting Minutes:
 - a. Planning Commission [1/7/13](#) and [1/21/13](#)
- d. [Parks and Maintenance Report](#) – Tom Henkel
- e. [The Metro Insider Newsletter](#)
- f. [Planning, Zoning & Administrative Activity Report](#)
- g. [TC-TALUS updates](#)

2. ACTION – Consider approval:

- a. Township Board meeting minutes of [1/8/13](#) and [1/14/13](#)
- b. [Accounts Payable](#) of \$82,329.54 through 1/31/13 (recommend approval: Bassett)
- c. [March Board of Review Schedule Resolution R-2013-04](#)
- d. [Payment to Blair Twp – DPW Buyout](#)
- e. [Resolution R-2013-06 permitting written assessment appeals from residents](#)

Motion carried by unanimous roll call vote.

F. ITEMS REMOVED FROM THE CONSENT CALENDAR:

1. **Township Board meeting minutes of [1/8/13](#):** Collett found the minutes lengthy, and has reviewed recommendations from the Michigan Township's Association regarding the preferred format. She is recommending that the Clerk prepare a policy for how our township

board minutes should be presented. Collett found some sections too long, perhaps unnecessary, and perhaps requiring too much staff time. Scott suggested that if minutes are less detailed, a copy of the audio recording could be retained for longer and attached to the minutes to address any questions.

Motion by Collett, support by Scott that prior to the next meeting the Clerk develop guidelines for township meeting minutes format and retention of meeting audio recording files. Motion carried unanimously.

Motion by Jenema, support by Bassett to approve the minutes of the 01/08/13 board meeting as presented. Motion carried by a vote of 5 in favor (Bassett, Jenema, Scott, White, Zollinger) and 1 opposed (Collett).

G. SPECIAL PRESENTATIONS/DISCUSSIONS:

1. Tom Henkel – 25 Years of Service to Acme Township & 40 Years to MESA

2. [Northflight Station 8 Ambulance](#) – **Roye Meis:** Northflight or a predecessor has provided service to Acme Township since 1984. Meis summarized the events of the past year which have lead to an ambulance being stationed within the township for 16 hours a day, which has significantly decreased response time to calls for service.

Zollinger asked about the number of cancelled runs on the report, and about the number of calls to Hope Village due to a policy change there. Meis stated that about a third of all ambulance calls are cancelled when it is determined that there is no significant need. Hope Village is an assisted living facility without significant trained nursing staff. They rely on emergency services to help handle resident falls or medical concerns.

3. [Township/Conservancy Shoreline Project Management Agreement and Schmidt Property](#) – **Matt McDonough:** An updated project management agreement was provided. About a year ago the Conservancy made an offer to the prior Supervisor to manage the shoreline project deconstruction. The proposed agreement would allow the Conservancy to facilitate this process for the township. Particular challenges with the former Mt. Jack's site lead McDonough to recommend seeking advice from an engineer on how to proceed. After receiving this advice the Conservancy would report back to and seek direction from the township board. Zollinger recommended having the Conservancy serve as the township's project manager. The township has received an extension of the customary 90-day period to remove buildings after property acquisition; the Phase II buildings are to be removed by June 30, 2013. Jocks reviewed the documents and confirmed that it provides for assistance to the township while the township retains decision-making authority. The Conservancy will not charge a fee for deconstruction management services. McDonough believes that if the township is making progress towards deconstruction that the Trust Fund would work with the township regarding the final deadline.

Gene Veliquette, Elk Lake Road in Whitewater Township, urged the township to encourage private fundraising to prevent the financial burden from falling back on the taxpayers. Shoreline Advisory Co-Chair Kathleen Guy stated that all previous shoreline project fundraising goals have been met or exceeded. Fundraising is ongoing and generous year-end gifts have been received.

Last year the township approached the Conservancy about possible acquisition of the former Coldwell Banker Schmidt building at the southwest corner of US 31 N and M-72 E. The Conservancy approached the MNR Trust Fund about substituting this property for the East Bay Animal Hospital in the Phase III grant, as the veterinarian was no longer interested in possible sale of his property. The Trust Fund declined. Mr. Schmidt is willing to sell the property at \$140,000 with a \$25,000 bargain sale from the \$165,000 appraised value.

The site was a gas station in the past, so there are environmental contamination concerns. The Conservancy has provided its standard assignable purchase option agreement relative to this property, but would not proceed to option the property unless it were fairly certain the township would subsequently assume the option. Mr. Schmidt's attorney did not accept the boilerplate environmental liability language in the Conservancy's document, which would have the seller indemnifying the buyer entirely for any potential contamination and cleanup concerns. A property owner that is downstream of the site could potentially pursue the site owner for a nuisance. There is a statute of limitations. Part 201 says that if a potential purchaser performs a Phase I Environmental Assessment which determines that a Phase II assessment is warranted, and if the second assessment finds that the site is a "facility" under the meaning of the law, the purchaser would rarely be held liable for cleaning up the site. The state could pursue prior landowners for site cleanup.

If the township enters into the option agreement, the required environmental assessment(s) would be performed. After reviewing the results the township could assess potential liability and the option agreement could be cancelled upon return of the option payment. McDonough reported that a donor has committed to fund the cost of the environmental assessments to enable the township to make a more informed decision.

The Schmidt property is contiguous with the existing park and could provide direct vehicular access from the park to the stoplight at US 31, M-72 and Shores Beach Lane. It could also serve as an access road to Shores Beach Lane and the stoplight for the Shell gas station. McDonough stated they would only aid fundraising for property acquisition if it is used for parkland access and/or purposes.

Today the landowner's attorney has asked for the removal of the last sentence of section 16 of the proposed option agreement. Jocks and McDonough recommended against its removal.

Motion by Scott to proceed with Phase I and possibly Phase II environmental assessments on the Schmidt property, and for the attorneys to continue discussion regarding the last sentence of Section 16 of the proposed option agreement. Motion died for lack of support.

McDonough stated the known past use of the property requires a Phase II environmental assessment. He anticipates that the option wording question could be resolved by next Monday's special board meeting. This is not a property that would meet the Conservancy's criteria for purchase and retention. McDonough stated that the environmental study costs and purchase price for the property would be paid with dollars from Conservancy fundraising.

Motion by Scott, support by Jenema to proceed with Phase I and Phase II environmental assessments on the Schmidt property, for the attorneys to continue discussion regarding the last sentence of Section 16 of the proposed option agreement, and for recommendations to be brought to the March board meeting. Motion carried unanimously.

Returning to the deconstruction discussion, the township's insurance company has suggested an amount to require from contractors for liability insurance. Jocks believes it was, and recommends it be, \$1,000,000 per occurrence and \$3,000,000 in aggregate.

Motion by Jenema, support by Scott to enter into the proposed agreement for shoreline project management with the Grand Traverse Regional Land Conservancy with correction to the agreement date and requiring contractor liability insurance of \$1,000,000 per occurrence and \$3,000,000 aggregate. Motion carried unanimously.

H. REPORTS:

1. [Sheriff's Report](#) – **Deputy Jason Roelofs:** Deputy Roelofs summarized the law enforcement statistics. Four larcenies last month are a good reminder to lock doors on cars and homes.
2. [County Commissioner's Report](#) – **Larry Inman:** There will be a 4-hour county strategic planning meeting soon, followed by the establishment of County Commission priorities for the next three years. A new agreement between the county, city and district library has been approved which changes how library board appointments are made. A new three-year contract with the County Administrator has been approved. An ad hoc committee has been formed to pursue, with representatives from Acme and Whitewater Townships and the Tribe, a potential memorandum of understanding and additional cooperative discussions. Inman noted the correspondence regarding televising meetings, and mentioned that the County, and East Bay, Garfield and Elmwood Townships all have the ability to video record their meetings. The County can webcast live and archived meetings. Chris Cramer would be a good resource at the County, and the other township supervisors would be as well.

Inman introduced new County Road Commissioner Bill Mouser. He is a Whitewater Township resident who was unanimously selected to the post by the County Commission to replace Jim Maitland. He was assigned as the liaison between the Road Commission and Acme Whitewater and Union Townships at a recent organizational meeting. Many key staff positions have been filled by new personnel, and there will be an emphasis on maintenance of existing road assets. Presentations on road condition ratings (PASER) and the “mix of fixes” strategy for planning road repairs will be coming up on March 6 at the Green Lake Township Hall and March 7 at the East Bay Township Hall. The presentations are open to the public; RSVPs to Deb Hunt are appreciated. Cass Road bridge/dam removal is under discussion. The Holiday Road project is expected to move forward soon. The program of the County providing labor for gravel roads if townships purchase the materials will be continued.

The Chair declared a recess from 8:48 - 8:56 p.m.

I. CORRESPONDENCE:

1. **01/24/13** [Letter from Pat Salathiel – televising public meetings](#)
2. **01/28/13** [Letter from Jean Aukerman – taping public meetings](#)

Vreeland briefly summarized the funding set aside in the fund balance forward as restricted for this purpose and how it was calculated. She also covered estimates received several years ago for necessary equipment. Broadcasting through the Land Information Access Association/UpNorth TV 2 is one option, but so is direct web streaming. Zollinger suggested that we obtain current bids for the equipment necessary to provide better sound for those attending meetings as well as for the capacity to broadcast meetings on television and/or the Internet. Scott recalled that the township was asked to participate with IAA some years ago when the Cherry Capital Cable Council ended, but the Board was not satisfied with how they presented their budget. A recent proposal from LIAA for service was reviewed by the previous administration. Their proposed cost was 20% of annual franchise fee receipts, not including additional costs for filming at about \$20/hour. It was also noted that only cable TV subscribers can view UpNorth 2 on their televisions, as this channel is not available to the growing number of satellite service users. Their programming can be web-streamed by anyone. Mrs. Salathiel feels televising is more important than web access. There was consensus that the township should explore a broad range of service options, seek bids, and bring the information back to the board at a future date.

J. PUBLIC HEARINGS: None

K. NEW BUSINESS:

1. [Purchasing Policy Update including emergency replacement of equipment:](#) In 2005 a policy was adopted that purchases over \$300 would require two-signature approval from the

Clerk, Treasurer or their deputies. The Supervisor proposed increasing the limit to \$500 and adding the Supervisor or designee to the signature approval list. He also proposed adding a clause that emergency expenses of up to \$5,000 could be made with two signatures from the designated individuals. Scott suggested that signatures from two different offices should be required rather than from one officer and their deputy. He also recommended a limit of no more than a set number of emergency expenditures between meetings, or that there be an aggregate limit of \$5,000 across any and all emergency events between meetings.

Motion by Scott, support by Jenema to approve the proposed updated purchasing policy as amended to increase the preliminary spending limit from \$300 to \$500, adding the Supervisor or his designee to the list of signature authorizations, and adding that emergency purchasing not exceed \$5,000 between monthly board meetings. Motion carried unanimously.

2. **Budget Amendment Resolution R-2013-05: Motion by Collett, support by Jenema to approve Budget Amendment Resolution R-2013-05 as presented. Motion carried by unanimous roll call vote.**
3. **Liability Insurance for lawsuits against the personal assets of Board Members**: At the special board meeting in January a question was asked about township insurance coverage for elected and appointed township officials and employees in the performance of their duties. Jocks provided and summarized his legal opinion. In general the township has voluntarily purchased liability insurance that indemnifies officials from claims and losses in their activities on behalf of the township. There may be situations when coverage would be limited or not extended; for instance felonies would not be covered according to the township's liability insurance agent.
4. **Accounts Payable/Post-Auditing Township Bills**: The Treasurer expressed concern about whether a policy is in place to support the payment of certain bills and expenses between board meetings and bring them to the board at the next meeting for post-audit and approval. The Supervisor searched past records for an appropriate resolution but did not find it, although the practice has been in place for many years and an older resolution may exist. The Treasurer is suggesting that payroll for existing/customary, utilities and any bill with penalties that would apply or discounts that would be lost be approved for payment between meetings with post-auditing. Bills not recommended for payment with post-approval would include a computer purchase or anything else that might not be time-sensitive.

Motion by Scott, support by Jenema that the Clerk and Treasurer prepare a recommended updated accounts payable policy for the next board meeting. Motion carried unanimously.

L. OLD BUSINESS:

1. **Questions about township financial reports: None**
2. **Entry Audit Firm Recommendation**: At the last regular board meeting an expenditure of up to \$5,000 was approved for an entry audit of the transaction trail between multiple funds relating to shoreline property purchase transactions. The Treasurer sought bids from four firms. Two declined to bid and one was difficult to reach. Plante Moran was the only firm that provided a proposed engagement letter, and the Treasurer is pleased with their proposal. The amount spent from the general fund for the project would be verified, along with the question of whether the Farmland Fund has received full repayment of any loans it made to the Shoreline Fund. A letter with their findings would be provided at the conclusion of the process, and the new administration would feel more comfortable in its understanding of the situation. Their proposed engagement letter contains the per-hour costs for various staff members and an estimate of the number of hours required. When costs reach \$5,000 they would cease activity, report to the township and receive further instruction. The more

information the township can assemble for the audit firm in advance, the better costs can be managed. Jocks also noted that the terms of the professional agreement as provided indicate that the resulting report would only be distributed to and used only by township management except for legal reasons. Due to the nature of the Freedom of Information Act, Jocks suggested that the township would have a duty to distribute the information if requested. This would be a legal reason for distribution, so the language doesn't need to be amended, but he found it notable. Collett noted that the contract also mentions that the firm may destroy their working documents, but the township would retain its documents.

Motion by Jenema, support by White to approve the Plante Moran letter of engagement for the entry audit at a cost up to \$5,000. Motion carried by unanimous roll call vote.

3. **Sale of 2004 Pickup Truck:** The township solicited bids for the used pickup truck. Jocks provided a legal opinion indicating that the township cannot give assets away for other than fair consideration, with direct value coming back to the township. The high bid was \$7,638, which was a fair market value bid according to research. The bid appears to be fair market value. The prior administration approved sale of the asset, and the high bidder is prepared to accept ownership.
4. **Appointments to Board of Review, Planning Commission, and Zoning Board of Appeals:** Several individuals did not take the required oath of office within 10 days after their appointments to various positions. Their appointments have therefore expired and they must be reappointed and take their oaths of office to continue in their posts. Supervisor Zollinger recommend appointing Toni Morrison and Jim Heffner to the Board of review, Bob Hopkins to the Zoning Board of Appeals and Steve Feringa to the Planning Commission.

Motion by White, support by Jenema to appoint Toni Morrison and Jim Heffner to the Board of Review, Bob Hopkins to the Zoning Board of Appeals, and Steve Feringa to the Planning Commission Motion carried unanimously.

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

Mr. Veliquette wondered about community traffic concerns over the past 10 years. His family travels across town in heavy traffic to shop. His fruit processing plant in the township employs 140 individuals, and he feels confident they would like to shop close to where they work. He feels this makes a good case for the need for development in this area. How many people have driven extra miles to shop over the past 10 years? Mr. Veliquette is concerned that the entry audit will not cover as much as it should. He is also concerned that while this was a fairly short meeting it was still too long and that the township attorney spoke too often. Mr. Veliquette is concerned that the township attorney's law firm sued the township inappropriately in the past, and that they do not provide the best quality legal service to the township. He would like to see as study of how the township has fared economically compared to other areas that have experienced more development. Mr. Veliquette does not believe it is appropriate to view traffic as a "curse."

Roy Challender, 8788 Bates Road, is concerned about hiring the engineer to recommend how to deconstruct Mt. Jacks, and who will be paying the cost. Does the township have access to the blueprints for the building? The township should review and approve the work plan thoroughly in advance to avoid additional complications and expenses. Mr. Challender recommended that the work plan be illustrated to aid understanding.

A special board meeting to continue a review of workflow in the township was previously established for Monday, February 11 at 9:00 a.m. White will be unable to attend. Scott's work schedule is changing soon and he might not be able to attend. The Clerk's, Treasurer's, and Manager's functions will be discussed.

Meeting adjourned at 10:02 p.m. on a motion by Jenema with support from White.