

**BRIDGEWATER TOWNSHIP
BOARD OF TRUSTEES MEETING
MINUTES OF MEETING
THURSDAY, NOVEMBER 4, 2010**

I. CALL TO ORDER

The regular monthly meeting of the Bridgewater Township Board of Trustees was called to order by Supervisor Mull at 7:00 p.m. with a moment of silence/silent prayer followed by the pledge of allegiance to the flag at Bridgewater Township Hall, 10990 Clinton Road, Manchester, MI.

Present: Supervisor Jolea Mull, Clerk Laurie Fromhart, Treasurer Amy Riley, Trustees Dave Faust and Geoff Oliver.

Attendance: 4

II. CITIZEN PARTICIPATION

There were no public comments.

III. APPROVAL OF MINUTES

Mull moved to approve the October 7, 2010 meeting minutes as amended. Oliver seconded the motion which was adopted unanimously.

IV. REVIEW AND APPROVE AGENDA

Riley moved to approve the agenda as amended with the addition of items #13 Resolution 11-01-10 Delinquent Sewer Fees, #14 WCRC Updates. Fromhart seconded the motion which was adopted unanimously.

Public Safety Report

Sergeant Radzik submitted a written report to the Board and reported on the law enforcement activities for the month of October 2010.

V. PRIORITY BUSINESS

A. Amendment to Mineral Extraction Ordinance

The Board reviewed and discussed the latest revision of the Mineral Extraction Ordinance prepared by Township attorney Fred Lucas, removing the authority of the MLB to revoke a license and placing that authority with the Township Board. Sections 8, 14, 17 and 20 of Ordinance 59 were amended in their entirety to give final decision authority to the Township Board. Fromhart reported she spoke with Doug Parr who indicated he is no longer interested in serving as Chair of the Mineral License Board (MLB). Fromhart expressed concerned that the MLB has not met this year to review SMR's annual report. Mull reported former Clerk Cindy Carver recorded the MLB meetings minutes because no member of the MLB was willing or able to do it after the resignation of Pam Herzog. The Board discussed dissolving the MLB and placing the responsibility with the Planning Commission as originally drafted under the ordinance. Mull indicated she would speak with the current members of the MLB for their input. The Board agreed to table the Mineral Extraction Ordinance Amendment to their December meeting pending further review.

B. SMR's Annual Inspection & Revised Consent Judgment

Mull reported she attended the annual inspection of SMR's facility on October 29, 2010 with

Marcus McNamara, Township Engineer, Dave Faust, Township Trustee, and Ross Melgren, SMR's Geological and Mining Administrator. Mull distributed to Board members the annual inspection report prepared by McNamara of OHM. Ross Melgren and Chip Tokar were present representing SMR. McNamara reported concrete was brought to the site for processing on SMR's 82 acre parcel in violation of section 7.21 of the Consent Judgment which states no material shall be brought to the site from non-contiguous unpermitted parcels. McNamara also reported a setback encroachment of approximately 10 feet occurred along the southern setback boundary, east of the western setback boundary on the Baker A, 40 acre parcel. McNamara recommended that SMR apply for a Special Land Use Permit for recycling concrete and that no further processing of the import material shall be conducted until the matter is resolved to the satisfaction of the Township. McNamara also recommended that SMR submit a detailed plan to address the 10 foot setback encroachment including methods of remediation and timelines for implementation. Melgren submitted a written report to the Board with 3 alternatives for filling in the setback encroachment. Melgren also reported the concrete brought in from the Clinton Road reconstruction project is a onetime only operation and they do not plan on recycling in the future. Tokar requested more time to provide a response to OHM's inspection report.

Oliver suggested negotiating for gravel for the Township's roads instead of having SMR apply for a special land use permit due to the recent failure of the road millage. Faust stated that SMR will be reclaiming the land to the property line on the Baker A parcel in the spring and he didn't think it made much sense to make SMR fill in the 10 foot setback encroachment. Fromhart commented this is not the time to be negotiating with SMR considering this is their second violation of a setback encroachment, they are currently in violation of the consent judgment, personal property taxes are delinquent in excess of \$13,000, gravel is due to the Township, operation outside of permitted hours has been an ongoing issue, and the annual license fee has not been paid. Riley commented that the penalties for the reported violations should probably be a fine. The Board tabled further discussion of the Baker A violation to allow SMR more time to respond to OHM's inspection report. **Mull moved to authorize her and Dave Faust to negotiate with SMR on the concrete processing issue on SMR's 82 acre parcel. Riley seconded the motion. Roll Call Vote: Faust yes, Fromhart no, Mull yes, Oliver yes, Riley yes. Motion passed.**

The Board reviewed and discussed the latest revision to the Consent Judgment. Fromhart requested the Township attorney draft date each revision. Fromhart noted references to the MLB will need to be changed to the Planning Commission if the MLB is dissolved. Fromhart also noted the MLB had no authority to grant approval of phased berming as indicated in item 2(h). Fromhart indicated if SMR cannot meet the requirements of Ordinance 59 then they have to apply for a variance. Faust reported the phased berming was a condition of the mineral extraction license. Fromhart requested the Township engineer review the proposed revisions to the Consent Judgment and noted that the addition of item 4(a)(viii) is contrary to the terms of the current Consent Judgment and Ordinance 59. The Board agreed to table the Consent Judgment until December 2nd meeting for further revisions based on tonight's discussions.

C. Revisit Fire Ordinance & Fire-Run Fees

Mull reported the fire millage passed and that she learned from the Washtenaw County Equalization Department that the Township is not required to levy the entire maximum allowed millage and should only levy what is needed. Mull indicated she miscalculated the millage amount needed to cover expenditures that exceeded the general fund budget for emergency services. The Board discussed amending Ordinance 28. **Faust moved to amend Ordinance 28**

to charge non-residents and to charge for unpermitted and illegal burns only, effective upon the 2011 tax collection. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.

D. Police Contract

The Board reviewed and discussed the proposed 2011 Police Services Contract Amendment. **Riley moved to approve the 2nd amendment to the Washtenaw County Police Services Contract with Bridgewater Township with a police service price increase of 4%. Faust seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

E. Sewer Updates

Mull updated the Board on the status of her meeting with Special Counsel Paul Burns. Mull reported that Burns wants an engineer that evaluates the existing WWTP to also be an expert witness for any litigation. Mull reported that OHM does not have staff with the technical expertise to serve the Township as an expert witness. OHM therefore recommended the services of John Fiero with Boss Engineering. Fiero is a registered engineer in the State of Michigan, and has extensive experience in the design and operation of small waste water treatment plants, working with the State of Michigan Health Department. Mull provided the Board with Fiero's resume for review and consideration. Mull asked the Board to authorize the services of Boss Engineering on an hourly basis. Mull also reported an inspection of the plant is scheduled for November 12th. **Fromhart moved to authorize the services of Boss Engineering to evaluate the Township's WWTP and to serve as a potential expert witness. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

The Board agreed to have Supervisor Mull send a registered letter on Township attorney letterhead to XelaPack to advise them they are required by the Sewer Use and Rate Ordinance to perform their own sampling and analysis and to provide the data to the Township. The Board also agreed to send a letter to the Bridgewater Tavern to advise them that they are responsible to pay for the replacement of 2 grinder pumps that were damaged due to their failure to clean their grease traps.

F. Shared-Driveway Issue

The Board reviewed and discussed Mull's memorandum regarding a shared driveway issue in the Township and agreed that the issues did not involve the Township.

G. Snow Removal Bids

The Board reviewed and discussed the snow removal bids submitted by Green Meadows and Glen Mann. **Riley moved to approve Green Meadows snow removal bid for the Township Hall. Faust seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Riley yes. Oliver abstained. Motion passed. Mull moved to approve Glen Mann's snow removal bid for the sewer plant and Bridgewater Depot. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

H. Washtenaw County Parks Connecting Communities Initiative

Oliver moved to send resolution 11-02-10 to affirm the Township's prior resolution to plea for Washtenaw County funding for the purchase of land to be used as trails, parks, or

preserves be redirected from Bridgewater Township to other communities. Faust seconded the motion which was adopted unanimously.

I. Synagro Contract

The Board reviewed and discussed Synagro's contract for land application of wastewater treated biosolids. Mull reported there is no increase in the price and the current rate will remain in effect through October 14, 2011. **Fromhart moved to approve the Synagro Contract. Riley seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

J. Township Hall updates

The Board agreed to accept the donation of 7 chairs from Oliver and 10 chairs from Mull for town hall. Riley reported that Frank Cousino requested to rent the hall on December 5th for a Christmas Party. Riley recommended hiring a cleaning lady once a month for town hall. The Board tabled the issue of hiring a cleaning lady to their December meeting.

K. Appoint Gary Baetens to the Planning Commission

Mull requested the Board approve her nomination of Gary Baetens to the Planning Commission. **Faust moved to appoint Gary Baetens to the Planning Commission. Riley seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

L. Approve Disbursements from October 7, 2010 – November 42010

Riley moved to approve the General Fund and Sewer Fund Budget Amendments dated November 4, 2010. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed. Mull moved to pay the monthly bills from October 7, 2010 through November 4, 2010 from the General and Sewer funds in the amount of \$83,605.07. Fromhart seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.

M. Delinquent Sewer Fees

Mull moved to approve resolution 11-01-10 affirming the intent of Bridgewater Township to collect delinquent sewer fees by certifying them to the next Township tax roll as authorized in its Sewer Use and Rate Ordinance as amended July 12, 2006. Faust seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.

N. WCRC Update

Mull updated the Board on the status of the work done at the corner of Wilbur and Hogan roads. Oliver also reported the County did less work than what they said they were going to do on Willow Road. Mull said she will follow-up with the WCRC and communicate the Township's concerns regarding the work on Willow Road and at the intersection of Wilbur and Hogan Roads.

VI. REPORTS

A. Treasurer's Report

Riley reported on the October 19, 2010 MCJPC meeting and provided the Board with a copy of the Western Washtenaw County Recycling Authority By-Laws, Articles of Incorporation and the 2011 proposed budget.

B. Clerk's Report

Fromhart reported on the November 2, 2010 general election results.

C. Written Reports

The Board packets included reports from the Zoning Administrator, Planning Commission minutes, and SWWCOG minutes.

VII. CITIZEN PARTICIPATION

There were no public comments.

VIII. ADJOURNMENT

Mull moved to adjourn the meeting at 11:50 p.m. Oliver seconded the motion which was adopted unanimously.

APPROVED