

**BRIDGEWATER TOWNSHIP
BOARD OF TRUSTEES MEETING
MINUTES OF MEETING
THURSDAY, MARCH 3, 2011**

I. CALL TO ORDER

The regular monthly meeting of the Bridgewater Township Board of Trustees was called to order by Supervisor Mull at 7:05 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 and Trustees Dave Faust and Geoff Oliver.

Attendance: 8

II. CITIZEN PARTICIPATION

Jim Fish addressed the board regarding withdrawing from the MCJPC. Fish said he raised questions at the last meeting and heard a number of concerns that he believes are not insurmountable. Fish said the representation issue should be able to be worked out as it was worked out the first time when all entities agreed on how it should be. Fish said he heard a concern about trails but with a joint plan they can have trails and we don't have to. Fish said without a joint plan we are stuck with doing everything here and will have to answer to everything to here. Fish said all of our elected representatives including the governor have all said local revenue sharing is going to be reduced and will be reserved for those that help themselves and who do joint things. Fish indicated he was contacted by a representative from another jurisdiction who asked him if he would be willing to serve as the ninth member on the MCJPC. Fish said he was not sure he wanted to re-involve himself again but is willing to re-consider in order to help out. Fish said he will be disappointed if the Township decides to withdraw from joint planning.

Patti Swaney indicated she submitted a letter to the Board in opposition to the Township withdrawing from joint planning. Swaney said she reviewed the budget and noticed an increase of 83% over last year for planning and zoning. Swaney said this is one more reason why the Township should stay in joint planning with lower income. Swaney said she would like to have addressed the Board at the public hearing but wasn't aware of it. Swaney asked to be put on an email list to be notified of all public hearings in the Township.

III. APPROVAL OF MINUTES

Riley moved to approve the February 3, 2011 meeting minutes. Faust seconded the motion which was adopted unanimously. Mull moved to approve the February 18, 2011 special meeting minutes. Faust seconded the motion which was adopted unanimously.

IV. REVIEW AND APPROVE AGENDA

Faust moved to approve the agenda as amended with the addition of items under Priority Business, 1) Approve 2011-2012 Fiscal Year General Fund and Sewer Fund Budgets and Resolutions to Establish Board Salaries, 7) Approve 2011-2012 Meeting Dates, and 8) Metro-Authority Permit Application. Riley 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 February. Police Services Commander Dieter Heren updated the Board on the Police Services Steering Committee's work on establishing a price of a public safety unit.

2011-2012 FISCAL YEAR BUDGET PUBLIC HEARING

Mull opened the public hearing at 7:44 p.m.

Jim Fish, 11691 Hogan Road, said he has been concerned for a number of years about the Township's base property tax operation that barely pays for the Board's salaries. Fish said if revenue sharing goes away there will be nothing left over to pay for services. Fish said this is just another argument to be together on all kinds of things with our neighbors. Fish added we may only have one more year of revenue sharing so the Board will have to find another way to do things.

Patti Swaney, 11475 Hogan Road, asked what was the Board's reason for the increase in planning costs.

The Board reviewed the proposed general fund budget and made adjustments to line items for mineral extraction license fees, election reimbursement, conferences and training, designated representative, social security, attorney and consulting, newsletter, bank fees, election expense, maintenance and utilities, land division processing fees, road improvements, and drains at large. Mull reported with the noted adjustments the total net income for the 2011-2012 fiscal year will be \$58,786. The Board also reviewed the proposed sewer fund budget and made adjustments to line items for customer finance charge, bank interest income, operation maintenance income, special assessment revenue, billing clerk expense, equipment repairs, and the addition of a new line item for debt retirement reimbursement for the WWTP initial start-up. Mull reported with the noted adjustments the total net income for the 2011-2012 fiscal year will be \$50,754.

Mull closed the public hearing at 8:15 p.m.

V. PRIORITY BUSINESS

A. Approve 2011-2012 Fiscal Year General Fund and Sewer Fund Budgets and Resolutions to Establish Board of Trustees Salaries

Faust moved to approve Resolution 03-03-11 to Establish Supervisor's Salary for the 2011-2012 Fiscal Year at \$15,301. Oliver seconded the motion. Roll Call Vote: Fromhart yes, Faust yes, Oliver yes, Riley yes, Mull abstained. Motion passed. Oliver moved to approve Resolution 03-04-11 to Establish Clerk's Salary for the 2011-2012 Fiscal Year at \$15,896. Mull seconded the motion. Roll Call Vote: Faust yes, Mull yes, Oliver yes, Riley yes, Fromhart abstained. Motion passed. Oliver moved to approve Resolution 03-05-11 to Establish Treasurer's Salary for the 2011-2012 Fiscal Year at \$17,270. Faust seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley abstained. Motion passed. Mull moved to approve Resolution 03-06-11 to Establish Trustee's Salary for the 2011-2012 Fiscal Year at \$4800. Riley seconded the motion. Roll Call Vote: Mull yes, Fromhart yes, Riley yes, Faust and Oliver abstained. Motion passed. Oliver moved to approve the General Fund Budget for the 2011-2012 fiscal year as amended. Riley seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed. Fromhart moved to approve the Sewer Fund Budget for the 2011-2012 fiscal year as amended. Faust seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.

B. Approve Disbursements from February 3, 2011 – March 3, 2011

Faust moved to approve the General Fund Budget Amendment dated March 3, 2011. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed. Riley moved to approve the Sewer Fund Budget Amendment dated March 3, 2011. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed. Riley moved to pay the monthly bills from the General and Sewer funds in the total amount of \$37,691.29. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.

C. Auditor's Engagement Letter

Riley presented the auditor's engagement letter requiring the Supervisor's signature and Board approval for fiscal year ended March 31, 2011. The engagement letter outlined audit objectives, management responsibilities, general audit procedures; internal controls audit procedures, compliance audit procedures, nonattest services, and engagement administration and fees. **Faust moved to approve the contract with Robertson, Eaton & Owen for auditing services for fiscal year ended March 31, 2011. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

D. Stansley Mineral Resources Follow-Ups

Mull handed out a memo summarizing her conversation with Township Attorney Fred Lucas. Mull referenced the first sentence of section 7.21 of the Consent Judgment. Mull said Lucas explained to her that under the prior zoning ordinance mineral extraction used to be a special land use. Mull said according to Lucas our current zoning ordinance does not allow for mineral extraction as a special land use. Mull said Lucas agrees with DeGroot as it relates to the special land use language under the current ordinance as it is presently written, and that there is no process now for the planning commission to review it. Fromhart stated that is not true and she did not find anything in DeGroot's report where he mentions that. Fromhart reported an applicant first must get a special land use permit for extraction then apply for a mineral extraction license. Fromhart said the reason there is no process for the planning commission to review is because the import of outside materials is not a permitted activity under the zoning and mineral extraction ordinance. Mull indicated because concrete processing is not a permitted special land use Lucas has advised that SMR be completely refunded for this item. **Mull moved to refund SMR \$5500 in permit fees and escrow for the Concrete Special Land Use Permit Application. Riley seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

Mull reported Lucas has suggested the proposed amendment to the consent judgment as outlined in her memo. Mull said Lucas told her if the Township were to enforce the consent judgment Judge Morris is likely to craft something that is equitable, will likely not award damages, and require them to remove the concrete. Fromhart reported in 1995 the Township was awarded \$10,000 in damages by Judge Morris due to SMR violating the terms of the consent judgment. Mull said Lucas also suggested the Board can amend the consent judgment based on only this specific item: put a provision that the materials on the property as of today can be processed but cannot process any other materials without permission of the Board. Lucas also advised Mull this operation was never to be a concrete processing plant and all original operations were approved on the assumption that it would be an operation with an end.

Fromhart noted the consent judgment already represents a settlement of a dispute that arose in the mid 1990s when SMR started large scale mining. Fromhart said the consent judgment is designed to protect the township and has only been amended twice in 17 years. Fromhart added allowing the import of outside materials will weaken the Township's position and expose the area to contaminants. Fromhart said this is a violation of the consent judgment and should be treated just like any other violation. Fromhart noted if the Township is not consistent in enforcement it will open itself up to a lawsuit.

Fromhart reported she did a complete accounting of SMR records and they currently owe the Township \$10,996.00. Fromhart reported this amount reflects what is owing for the Elliot parcel of \$2114, Baker A escrow balance due of \$4275.14, MLB expense of \$3607.75 and the annual license fee of \$1000 for Crego Peltcs parcel. Fromhart noted an overage of \$1211.18 in the Crego Peltcs escrow account. Fromhart said invoice 202 will need to be revised to reflect the above change in the Baker A escrow because \$2000 was deposited in that account that should have been deposited for Township permits, to reflect charges for MLB expense, and to account for the overage in the Crego Peltcs escrow. Fromhart reported she just received a

payment from SMR for the annual license fee for Baker A but that SMR is disputing the rest of the invoice. Fromhart also reported she found no evidence of payment of annual license fees except for the first annual license fee for the Crego Peltcs parcel.

Mull provided the board with a summary of her research regarding discussion on SMR's escrow settlement history. Mull cited exact notes of the minutes from August 2007 to present. Mull said she found no relevant items reflected in the board minutes of the board authorizing any escrow settlement and that it was a "proposed settlement with SMR". Mull said based on Carver's previous minutes on other escrow matters those details would have been documented in the minutes. Mull indicated Carver may have given SMR the impression the Board approved a settlement amount of \$5,333.90. Riley noted there has to be board action approving such settlement. Mull also indicated it may have been premature of the Board to start negotiations to establish one escrow account for all three parcels since the amendment to the consent judgment was never finalized and the (Baker A) escrow was never re-established. Mull suggested having a special meeting to address the escrow issue. Riley indicated she did not want to have another special meeting. Oliver recommended having Lucas attend our April 7, 2011 meeting to resolve the SMR escrow issue. **Oliver moved to host Fred Lucas at the April 7, 2011 meeting to resolve the SMR escrow issue. Faust seconded the motion which was adopted unanimously.**

E. Proposed Ordinance and Resolution to Withdraw from MCJPC

Mull presented the Board with a resolution and ordinance to withdraw from the MCJPC as required by the MCJPC agreement. Fromhart said she appreciated all of the comments from the public and read the following excerpt from the Planning & Zoning News: *"...the number of ways a joint commission can be composed is almost infinite. The intent is to provide the group of municipalities the maximum amount of flexibility to work out a system that best suits each municipality and accommodates a greater chance of communities working together to form a joint commission."* Fromhart said we are not being afforded that kind of flexibility under the current agreement. Fromhart noted the Board has been split for some time and the MCJPC position has been for us to force Faust or Oliver to serve. Fromhart reported the Township is already collaborating on a number of services. Oliver noted the Township is collaborating on just about every service. **Mull moved to adopt resolution 03-01-11 to adopt ordinance #63 for Bridgewater Township to Withdraw from the Manchester Community Joint Planning Commission. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley No. Motion passed. Mull moved to adopt Ordinance #63 to withdraw from the Manchester Community Joint Planning Commission. Fromhart seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley no. Motion passed.**

F. Western Washtenaw Recycling Authority Updates

Riley provided the Board with a report from the WWRA on investigating alternative structures. The report addressed seeking privatizing or cooperative partners, considerations of privatizing, tentative conclusions, and comparison of recycling models. Riley reported this topic will be discussed at the next SWWCOG meeting and at the WWRA regular meeting in March.

G. Meeting Dates

Mull presented the Board with a resolution to adopt regular meeting dates for 2011-2012. **Riley moved to approve resolution 03-02-11 to adopt regular Board of Trustees meeting dates. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

H. Metro-Authority Fund Permit Application

Faust reported he contacted Frontier after receiving a letter in his box that the Township had not acted on the permit application as of December 2009. Faust said he was disappointed no one else from the Board mentioned to add this matter to the agenda. Faust indicated after contacting Frontier he received the permit application and

presented it to Mull for her signature. Faust noted Frontier is holding the Township's 2010 maintenance fee payment in escrow until the Township acts on the permit application. Faust also reported this is a 15 year permit. **Mull moved to approve the METRO Act Right-of-Way Telecommunications Permit per the February 7, 2011 notification letter. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

VI. REPORTS

A. Treasurer's Report

No report.

B. Clerk's Report

No report.

C. Written Reports

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

VII. CITIZEN PARTICIPATION

There was no public comments.

VIII. ADJOURNMENT

Riley moved to adjourn the meeting at 12:20 p.m. Oliver seconded the motion which was adopted unanimously.

Respectfully submitted,
Laurie Fromhart
Bridgewater Township Clerk