

**BRIDGEWATER TOWNSHIP  
BOARD OF TRUSTEES MEETING  
MINUTES OF MEETING  
THURSDAY, APRIL 7, 2011**

**I. CALL TO ORDER**

The regular monthly meeting of the Bridgewater Township Board of Trustees was called to order by Supervisor Mull at 7:02 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.

Also present: Township attorney Frederick Lucas.

Attendance: 11

**II. CITIZEN PARTICIPATION**

Judy Thompson-**Terosian** representative with the Michigan Municipal League & Property Pool insurance presented the Board with a check for \$959 as part of a return/dividend of \$3 million in member equity.

Lionel Aris of Bemis Road asked why residents were not notified of Planning Commission meetings after the public hearing on St. Aidan's special land use request for a place of worship.

Ron Raab of Bemis Road spoke against WWRA bond proposal to borrow \$3 million to upgrade their facility to a single stream system. Raab reported the facility is owned by the City of Chelsea and if the WWRA goes under those participating municipalities will still be obligated to pay off the bond. Raab said he would like to see Bridgewater do the same as the Village of Manchester and withdraw from the WWRA.

Grant Howard of Wallace Road said he attended the public hearing on the WCPARC's request to rezone two parcels on Allen and Hogan roads from AG to CP. Howard indicated there were a number of concerns raised about security and there are already problems with trespassing. Howard noted the County was asked to remove the preserve from their website but they only changed the information and didn't remove it. Howard expressed concerned that the County is acting in the same manner as they did with the Ervin-Stucki preserve and asked the Board to use due diligence and be vigilant with the County.

**III. APPROVAL OF MINUTES**

**Riley moved to approve the March 3, 2011 meeting minutes as presented. Faust seconded the motion which was adopted unanimously.**

**IV. REVIEW AND APPROVE AGENDA**

**Fromhart moved to approve the agenda as amended with the addition of items 1.A. Bearabean Inc. MLCC Resolution, # 6 Ordinance 64, #7 Letter to County Parks, #8 Village of Clinton Fire Contract, #9 Appointments, and remove item WWRA status. Faust 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 March 2011.

**V. PRIORITY BUSINESS**

### **A. Approve Disbursements from March 3, 2011 – April 7, 2011**

Fromhart advised the Board that TIA Corp submitted a letter requesting a refund of their SLU and site plan application. Fromhart reported she was not aware at the time of submission that it was not a permitted or special land use. Fromhart also reported new accountant Colleen Coogan recommended the Board hold SMR's refund check until the Township receives payment on all outstanding invoices. **Mull moved to approve disbursements from the General and Sewer funds in the amount of \$78,133.92. Faust seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

### **B. Bearabean, Inc. MLCC Resolution**

Mull reported the Township received a local approval notice from the Michigan Liquor Control Commission for an application to transfer an on-premises license by Bearabean, Inc. Mull indicated a resolution form including a description of the licensing application was included with the notice requiring Board action. **Mull moved to approve resolution 04-01-11 that the request to transfer ownership 2010 Class C licensed business, located at 8452 Boettner, Bridgewater, MI 48115, Bridgewater Township, Washtenaw County, from Bridgewater Tavern Associates, LLC to Bearabean, Inc be considered for approval. Riley seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

### **C. Stansley Mineral Resources Follow Ups**

#### **1) Discuss and Decide on Consent Judgment Violation**

Mull stated the Board previously dealt with a consent judgment violation involving ACE Pyro and the Board didn't sit and negotiate with the party but instead went ahead with enforcement. Mull said it's important that the Board be consistent when dealing with violations. Mull presented a memo dated March 28, 2011 outlining four possible options for the Board to consider. Option A: Board takes no action on this issue at this time. Option B: Board votes to enforce the consent judgment by having the court rule on the violation. Option C: Board votes to enforce the consent judgment by having the court rule on the violation IF SMR does not remove the concrete within 30 days. Option D: Board votes to allow SMR to process the concrete that is currently on site. Fromhart said she didn't think option A was an option and that she would not support option D if it meant amending the consent judgment. Fromhart indicated the previously proposed consent judgment amendment would open the door to a permanent operation. Oliver asked Township Attorney Fred Lucas if the Board could enter into a separate agreement with SMR without amending the consent judgment. Lucas recommended that the Board not amend the consent judgment. Lucas said if the Board chooses to elect the option of entering an agreement relative to this particular situation he would include an express statement that would not be a waiver of the Township's rights under consent judgment, it would not be precedential, and SMR would have to agree to the terms. Oliver asked Lucas if the Board could place a provision in the agreement to ask for gravel in exchange for allowing them to process the concrete this one time. Lucas advised the Board it has every right to ask for that. **Oliver moved to approve Option D to allow SMR to process the concrete that is currently on site subject to Township Attorney Fred Lucas drafting an agreement indicating that SMR can never do this again and the Township is to receive 50% of the crushed concrete material. Faust seconded the motion.** The Board discussed the motion. Mull said it doesn't look good to our residents that the Township take gravel and could be perceived as a bribe. Fromhart said she had previously asked Lucas about entering into a separate agreement and was advised it would require amending the consent judgment. Lucas said it is technically an amendment to the consent judgment but he is recommending it be done in a separate document so not to change the provision of prohibiting the processing off site materials. The Board continued to debate over enforcing the consent judgment versus proposing an agreement to allow SMR to process the concrete one time. **Oliver moved to amend his motion to add if SMR does not accept the agreement within 14 days the Board will enforce the consent judgment. Faust seconded the amended motion. Roll Call Vote: Faust yes, Fromhart no, Mull no, Oliver yes, Riley yes. Motion passed.**

#### **2) Accounting of Escrow-Accounts and Past-Due Annual Mineral Extraction License Fees**

Fromhart reported invoice 202 needed to be revised and she was advised by the accountant to void the invoice and bill SMR separately for each item due and owing. Fromhart noted she had to revise the spreadsheet because of a new invoice from OHM and to accurately reflect the transfer of money from Baker A to the Elliot escrow in a previous attempt to combine the escrows. Lucas advised there was an attempt to amend the consent judgment to bring all the parcels in but it was never acted on by the Board so the escrows remain separate. Mull referenced her memo dated March 28, 2011. Mull said the Clerk's work shows the books are clear and all of the money has been accounted for. Mull asked the Board to affirm the Clerk's accounting of SMR's escrow accounts and past due annual mineral extraction license fees as presented in the detailed packet. Riley commended Fromhart for her work and commented this could have been avoided if the previous clerk had taken the time to do the same. Oliver said everything in here is black and white and SMR will be hard pressed to contest any of this. Oliver asked if a copy of the detailed packet was provided to SMR. Lucas offered to send a scanned copy and hard copy of SMR accounting records to Chip Tokar. **Mull moved to affirm the Clerk's accounting of SMR's escrow accounts. Riley seconded the motion which was adopted unanimously. Mull moved to affirm the Clerk's accounting of SMR's past-due annual mineral extraction license fees according to the ordinances in effect. Riley seconded the motion which was adopted unanimously.**

Fromhart also reported she reviewed all invoices charged against SMR's account. Fromhart reported Glen Raisin Associates charges should have been billed against their application fee not the escrow and recommended a refund of \$893.38. Fromhart also reported the Crego Peltcs escrow currently has an overage of \$1211.18 and recommended a refund for that amount. Fromhart advised the Board the accountant recommended releasing SMR's refund once all outstanding invoices have been paid. **Mull moved to refund SMR \$893.38 for Glen Raisin services that were improperly billed to the escrow account subject to all outstanding invoices being paid. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed. Mull moved to return the unused Crego Peltcs escrow amount of \$1211.18 to SMR subject to all outstanding invoices being paid. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.** Lucas commented that Fromhart did a phenomenal job going through all the numbers and until now the Board didn't have this information available. Fromhart reported the total due and owing is \$21,382.89 and will leave \$5000 each in the Baker A and Crego Peltcs escrow accounts.

#### **D. Discuss and Decide on 2011 Town Hall and Sewer Plant Mowing Bids**

Mull reported the Township received a 2011 mowing bid from Jon Way for the town hall and the sewer plant in the same amount as last year. Mull also reported the Township received a new bid this year for the sewer plant from Ron Wild. Riley contacted Wild to inquire if he had insurance naming the Township as an additional insurer. Wild advised Riley that he did not have insurance and was no longer interested in bidding on the project. **Mull moved to approve the 2011 Mowing Bid from Jon Way for the mowing contract for town hall and sewer plant. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

#### **E. Tour of Washtenaw Application**

The Board briefly discussed the application and decided to table the matter to their May meeting for more information.

#### **F. Ordinance establishing the Planning Commission**

Lucas advised the Board the Planning Enabling Act was updated in 2008 and requires the Township to pass a resolution or ordinance confirming the establishment of the Planning Commission so that it is in compliance with the Act. Lucas advised this does not change the make-up of the Planning Commission and must be in effect by July 1, 2011. **Fromhart moved to adopt Ordinance 64 to establish a Planning Commission in accordance with the Planning and Zoning Enabling Acts. Oliver seconded the motion. Roll Call Vote:**

**Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

### **G. Letter to County Parks**

Fromhart reported the Planning Commission passed a resolution at its March 14, 2011 meeting recommending the Board write a letter to the WCPARC to remove the Riverbend Preserve from the county's website. Fromhart reported the County removed the description(text) of the preserve but it still remains listed as a preserve and the location of the property is shown on the map. **Oliver moved to authorize Supervisor Mull to write a letter to the WCPARC to demand that the Riverbend Preserve be completely removed from the county's website. Faust seconded the motion which was adopted unanimously.**

### **H. Village of Clinton Fire Services Contract**

Mull reported the Village of Clinton has submitted the same contract as last year with no increase in the cost of services. **Oliver moved to approve the contract with the Village of Clinton for fire services for 2011 through 2013. Mull seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

### **I. Appointments**

Mull announced that Jeff Simkiss and Chris Brown have resigned from the Planning Commission effective immediately. Fromhart reported their attendance has been very inconsistent and the Planning Commission did not have a quorum for their special meeting on March 28, 2011. Fromhart said the Township needs members that can attend on a regular basis and who fully participate during discussions. **Mull moved to accept Chris Brown and Jeff Simkiss resignations from the Planning Commission. Faust seconded the motion which was adopted unanimously.** Mull nominated Wes Cowden and Ron Smith as candidates for Planning Commission members. Mull reported Cowden and Smith have been actively involved in Township business and attend board meetings regularly. The Board briefly discussed reducing the Planning Commission membership to five and decided they may want to do that a later time. **Mull moved to appoint Wes Cowden to the Planning Commission to fulfill the remainder of term ending December 2011 effective immediately. Oliver seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed. Mull moved to appoint Ron Smith to the Planning Commission to fulfill the remainder of term ending December 2012 effective immediately. Faust seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

### **J. Building Committee & Town Hall Updates**

Oliver recommended getting a quote from Dick Faust for electrical improvements. Oliver said he will schedule a time when he can meet with Faust and will notify Fromhart so she can be present. Riley reported she would follow-up with Cory Schmidt regarding the rotted fascia board and Fromhart and Mull reported they would seek quotes for siding and painting.

## **VI. REPORTS**

### **A. Treasurer's Report**

Riley reported she settled with the County two weeks ago and provided the Board with a hand-out of the Governor's economic vitality incentive program. Riley reported the new accountant has been extremely helpful and asked the Board to keep her on staff as needed. **Mull moved to authorize the Clerk and Treasurer to utilize the accounting services of Colleen Coogan at a rate of \$65 per hour as needed. Faust seconded the motion. Roll Call Vote: Faust yes, Fromhart yes, Mull yes, Oliver yes, Riley yes. Motion passed.**

### **B. Clerk's Report**

Fromhart reported she needs chairs that are light weight and easy to stack during election time. Fromhart asked the Board's permission to dispose of the chairs recently donated. **Mull moved to put the cushioned chairs out for clean-up day. Oliver seconded the motion which was adopted unanimously.**

**C. Board of Review Report**

Ron Smith reported on the March Board of Review meetings and explained the 14 point review process. Smith reported residents don't understand the appeal process and are not prepared when they appear before the Board. Smith said residents need to be educated and offered to prepare an educational summary to include in assessment notices. Smith also suggested that the Board prepare a job description for the assessor. Lucas recommended that the Township prepare a contract with the assessor outlining her duties and responsibilities.

**C. Written Reports**

Board packets included reports from the Zoning Administrator, Planning Commission, and SWWCOG. The Board also received correspondence from Township attorney Frederick Lucas.

**VII. CITIZEN PARTICIPATION**

There was no public comment.

**VIII. ADJOURNMENT**

**Fromhart moved to adjourn the meeting at 10:00 p.m. Faust seconded the motion which was adopted unanimously.**

Respectfully submitted,  
Laurie Fromhart  
Bridgewater Township Clerk