

Regular Meeting
Eagle Township Board
November 9, 2010

1. Call to Order - The regular meeting of the Eagle Township Board was called to order at 6:30 p.m. by Supervisor Schafer at the Eagle Township Hall, 14318 Michigan Street, Eagle, MI.

Members present were: Supervisor Patti Schafer, Clerk Wendy Simmons, Treasurer Joe Smith, as well as Trustees Steve Colby and Mark Therrian. Also present were: Clinton County Commissioner Dave Pohl; LGRFA Chair John Clark; Mr. George Wetzel, Trustee of Watertown Charter Township; Mr. Joe Pulver, Managing Director of the Clinton County Road Commission; as well as, Mr. Jerry McNeilly, Mr. Dick Schaible, Mrs. Mary Cooley, and Mr. Jim Harsant along with several other township residents.

2. Agenda Approval – Treasurer Smith made a motion to accept the agenda as amended. Trustee Therrian supported the motion. Motion Carried.

3. Commissioner's Report – Jail revenue is about \$100,000 per month compared to last year at about \$95,000 per month and is close to capacity. The County budget for 2011 has been adopted. Sixty five percent of the operating budget is property tax. The County is anticipating a 5% reduction in revenue. Over one half of the budget goes to law and courts, with the Sheriff's department being the largest department. No cuts are anticipated in the department. The number of County personnel has been reduced by 5% over the last 4 years – with only one lay off, otherwise through attrition. The health fund balance is prefunded at over 70% for retiree healthcare. A medical marijuana ordinance has been adopted, designated in the AG 2 districts, mostly because they are the most sparsely populated. The ordinance enacts limited business hours and a restricted user to provider relationship. The Commissioners did consider an ordinance stating that the County was in opposition to any activity in contradiction of Federal Law but they were concerned that that it wouldn't hold water later.

Supervisor Schafer let Commissioner Pohl know that the person attempting to purchase Capital Crossings had spoken with the Board and has requested her assistance with a few issues. She asked that Commissioner Pohl be available to attend the next Board meeting with Mr. Kumar and the residents of Capital Crossings.

4. Public Comment – George Wetzel offered complements to the Board on the new lighting system, stating that it is a major improvement.

Dennis Strahle asked who sets the speed limit within the township. He was specifically concerned with Clark Road while the M-100 bridge is closed. Mr. Pulver stated that it is a three way input system, with the State Police having the largest say, along with the County and the Township. A speed study would have to be conducted prior to changing a speed limit.

5. Approval of Minutes – Trustee Colby made a motion to accept the minutes of September 14, 2010 as presented and October 12, 2010 as amended. Trustee Therrian supported the motion. Motion Carried

6. Treasurer's Report – Clerk Simmons made a motion to accept the report dated October 31, 2010 and place it on file. Trustee Therrian supported the motion. Motion Carried.

7. LGRFA Report – Trustee Therrian reported that there was a power issue with a transformer near the station and that it caused a power failure and the backup generator didn't work as expected. The necessary repairs have been made. Also, the brakes on the rescue vehicle have failed and needed to be replaced.

John Clark reported that he understands that the Eagle Board has taken action to support the exploring of regionalization opportunities, and that the Authority Board will be approaching the Watertown Charter

Township Board to obtain buy in for the concept. If granted, the Authority Board will explore beneficial relationships that may result in favorable circumstances for service sharing.

8. Meetings Update Report – Supervisor Schafer attended the MTA District meeting. There was a lot of discussion about medical marijuana. There have been 13 patches of marijuana (not for medical use) which have been removed in Clinton County in recent weeks.

Treasurer Smith reported that he recently attended a treasurers meeting and noted that the .net software was not mentioned.

9. Correspondence – Clerk Simmons reviewed correspondence to the Board. Supervisor Schafer reported that she received an email from the Clinton County Officers Association requesting Townships to host the meeting in 2011; she stated that the only meeting that works for the hall is the one in January and would like to volunteer to host the meeting if no other township does.

10. Accounts Payable – Clerk Simmons made a motion to pay the bills as amended in the amount of \$25,425.38 and all regular bills that occur during the month. Trustee Therrian supported the motion. Motion Carried.

11. Whispering Winds Road Projects – Supervisor Schafer summarized the happenings of the September meeting regarding the road projects within the Whispering Winds subdivision. Joe Pulver summarized the funding capacity for the roads within the County, clarifying that the roads are public roads, and that the funding mechanisms in place apply to those roads within Eagle Township as well. He briefly spoke to the listing of road projects he has presented for the streets (eight projects were listed as viable options). Supervisor Schafer and Joe Pulver clarified that regardless of the type of maintenance a road receives, it will eventually need to be resurfaced.

Ernie Sakraska stated that at the September meeting there was some discussion regarding the past practice regarding payment of the projects. He stated that he is displeased with the way the item is being presented tonight. He, Treasurer Smith, and Trustee Colby met earlier in the month to walk the roads and discuss this issue. He was expecting that the Township Board would review the eight proposals and present two proposals to the residents. He also expected that Treasurer Smith and Trustee Colby were in favor of coming up with a payment plan to make it more palatable to the residents. He also felt that Mr. Pulver suggested that the Township should consider utilizing the township funds for the project. Joe Pulver clarified that the road have been maintained in the past, as a joint project of the Township and County, and that times change as do funding mechanisms. Supervisor Schafer responded to Ernie's concerns from the September meeting, that the Board had presented a proposal which was rejected by the residents. Also, that when the September meeting concluded it was clear that more research regarding who paid for the road projects in the past and options for other surface treatments were needed. After additional research, she believes that the Township did pay the full costs of resurfacing in 1994. Treasurer Smith said that he didn't come away from the meeting at the road with the same understanding. He felt he committed to bring the issues back to the Board and that no final decision was made, he also didn't know how to handle the payment over time. Ernie confirmed that it was just discussed in general.

Brian Logan said he left the last meeting with the understanding that the Township Board was researching who paid for the previous maintenance of the roads and that the resident concerns were 'if the roads have been paid for with public funds in the past, why wouldn't that continue?'. Supervisor Schafer confirmed that the Board had discovered that Eagle Township had paid for the project in the past.

Tom Johnson asked for clarification about the maintenance of the roads, and who pays for it and also asked if there is a cost share from the County available for this project. Mr. Pulver says that cost share would be up to the Township.

Pat Steffanick is concerned that whatever proposal gets adopted that the residents will have to keep paying to get the road maintained. Joe Pulver said that some of the basic maintenance will continue to be done by the County. He also said that he felt one no could guarantee what would happen in the future; the point is that something has to be done soon with the roads or that they will get worse.

Jim Harssant feels there are two or three things to discuss. One is communication – the Board didn't keep the residents informed, that they were expecting more information today. He feels that with no association this must be an individual agreement with homeowners. He feels 90% of damage to the roads is from the Road Commission plowing the roads and damaging the roads. He feels that the Board has done a disservice by not sending letters to each individual regarding the meeting and proceedings.

Ernie Sakraska wants to see roads improved and maintained. Feels a precedent has been set with the Township paying for it initially. Back in '93 – '94 the residents didn't choose, the township had chosen with which option to proceed. He at least will listen and share some of the burden but feels it is unfair for the residents to bear the entire cost.

Debbie Nicewitz says that it was a bad idea for just a few people to meet and review the road situation and would appreciate it if it wouldn't happen again.

Brian Logan feels similar to Ernie in that he has a hard time absorbing the full cost of the road project however, he is willing to listen. He would look forward to improving communications, either through letter or website.

Tom Johnson would like to choose a couple of options from the list and allocate costs for discussion sake. He also would like to 'get in line' for a portion of the cost sharing money from the County for this project. Trustee Colby reported that the Township only received \$14,000 for roads this year and that there just isn't the money to do the project.

Dennis Strahle reminded everyone that each person on Clark Road paid \$1,500 for the improvements. Those residents paid over three years. Supervisor Schafer confirmed that Jones Road was also \$1,500 over three years and Herbison was \$1,500 over two years.

Supervisor Schafer stated that it seemed prudent to discuss if the Township Board intends to stay firm on the position of not paying for any of the cost of the project. Each Board Member had an opportunity to share his/her position on the issue. Trustee Therrian stated that he feels the Board should not change their position as he is concerned about the other subdivisions within the Township. Clerk Simmons reported that with constant taxes and shrinking revenue base the Board must utilize funds to achieve what is best for the largest majority of residents and therefore couldn't support a position in which more than 10% of the cost of the project was covered by Township general funds.

Treasurer Smith made motion to amend the Resolution To Establish Township Policy Regarding The Repair, Maintenance, and Resurfacing of Township Roads Which are Located In Areas Of Subdivisions; Roads That Do Not Provide Through Access; and Roads That Are 'Non Public' In Nature dated September 1, 2010, resolving that the Board will now pay 25% of said road projects. Trustee Colby supported the motion. Aye: Colby, Smith, Schafer. Nay: Therrian, Simmons. Motion Carried.

The Board and residents discussed the various options for resurfacing the roads.

Clerk Simmons will prepare a letter and provide information to all residents within the proposed assessment district, inviting those residents to attend the December 14, 2010 board meeting to discuss the projects and to establish proceedings to move ahead with the project in 2011.

Clerk Simmons made a motion that the special assessment for the Whispering Winds Street Special Assessment District be assessed over a period of two years. Trustee Colby supported the motion. Aye: Simmons, Smith, Therrian, Colby, Schafer. Nay: None. Motion Carried.

12. Whispering Winds Street Lights – Supervisor Schafer reported that the street lights within the State are being replaced and that eventually the lights within Whispering Winds will be replaced at no cost to the residents. Otherwise the residents will have to bear that cost and that it will take 20 years to recoup those costs. Treasurer Smith reported that the Street Light Assessment fund is not sufficient to cover the cost of operating the lights, and that the fund will be depleted in January.

13. Cooley Variance Request – Trustee Therrian made a motion to approve the request variance, with the stipulation that the farm land continue with agricultural use. Trustee Colby supported the motion. Motion Carried.

14. Clark Road Payment – Supervisor Schafer offered a synopsis of the meeting she, Treasurer Smith, Trustee Colby and Mr. Dennis Strahle she had with Joe Pulver regarding the quality of work performed on Clark Road from Eden Trail to Grange Road. Joe Pulver did agree to do crack seal on that portion of road as part of their no-charge maintenance next year.

Clerk Simmons made a motion to pay invoice number 9115 in the amount of \$20,871.95 for Clark Road improvements. Trustee Colby supported the motion. Motion Carried.

15. MTA Annual Conference – Clerk Simmons made a motion that any Board member wishing to attend the MTA Annual Education Conference be allowed to do so at the Township's expense. Supervisor Schafer supported the motion. Motion Carried.

16. Hazard Mitigation Plan Letter of Intent – Clerk Simmons made a motion to authorize the signing of the Letter of Intent for the Hazard Mitigation Plan. Treasurer Smith supported the motion. Motion Carried.

17. Scott Hazen Fire Run Charges – Supervisor Schafer offered an update regarding the status of fire runs on Mr. Hazen's property at the end of Hinman Road, including the most recent fire on November 8, 2010. She reported that this fire was left unattended and that branches in trees 30' from the ground were ignited.

Clerk Simmons made a motion that all charges for fire runs on Mr. Hazen's property stand (both current and delinquent charges). Trustee Therrian supported the motion. Aye: Simmons, Smith, Therrian, Colby, Schafer. Nay: None. Motion Carried.

Clerk Simmons made a motion to allow Supervisor Schafer to proceed with an injunction against Scott Hazen, and if any red flags are encountered, to put the issue on hold pending further Board input. Trustee Therrian supported the motion. Aye: Simmons, Therrian, Colby, Smith, Schafer. Nay: None. Motion Carried.

18. Adjournment – Clerk Simmons made a motion to adjourn the meeting at 10:54 p.m. Treasurer Smith supported the motion. Motion Carried.

12/14/10
Approved

Wendy K. Simmons, Clerk