

Special Meeting
Eagle Township Board
September 27, 2010

1. Call to Order - The special 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: Mr. Joe Pulver of the Clinton County Road Commission,

2. Hearing of Necessity, Whispering Winds – Supervisor Schafer greeted the public and opened the public hearing at 6:33 p.m. She provided the residents with an overview of how the Board arrived at the decision to hold this public hearing and the process that would be followed for the meeting.

Clinton County Managing Director Joe Pulver explained to the residents the funding methods for road projects within the County and the rating system employed for paved roads. He did explain that the funding mechanisms for the County are meager and really only sufficient for the maintenance of primary roads.

Clerk Simmons submitted the Clerk's Affidavit of Mailing for the hearing and asked that it be placed on file with the official record of meeting.

The following comments were received:

Robert Tvorik – 13932 Hardenburg – Has questions regarding the County paying for the road, believes that the roads have been maintained at County expense in the past. Ask about maintenance on Niles to the cemetery. Joe Pulver explained that there are two types of maintenance; and that routine maintenance is typically done at County expense. Heavy maintenance is done at the Township's expense, by law then the County can only pay for 50% of the project.

Teresa & Brian Logan – 11183 Harpham – Recollects that the roads were paved in 1992 or 1993, didn't get assessed for the project then. Also wondered how the costs would be allocated, as they are trying to keep an open mind. Mr. Logan also asked if the project would come in at a higher price next year when the work is scheduled to be completed. Supervisor Schafer responded to the questions. Joe Pulver responded that the price would be firm.

Jim Harsant – 11220 Harpham – Stated that it all boils down to two questions: Do the roads need to be resurfaced and to what extent? Who should pay (how many and who)? He stated that he believes that it is the County's obligation to pay for the roads as they were dedicated to the County when they were initially paved. Supervisor Schafer responded to his concerns, explaining how the proposed district was formed. She reiterated the foundation for calling the area a 'subdivision'.

Joe Pulver addressed the issues regarding rather it is a dedicated road or not. He stated that no one is denying that the road is a public road. He reiterated that when it comes to heavy maintenance *PA 51 of 1981* states that the County can't pay for more than 50% of the project. He stated that the \$40,000 option is probably the cheapest effective treatment at this time. He said that chip seal may be an option but usually it isn't desirable in subdivisions due to its rough finish. The County receives about \$1800/mile per road.

Eileen & Jeff Phifer - 11235 Harpham – Mrs. Phifer states that her research shows the County receives \$2500 per mile rather than \$1800 per mile. Also wonders about the 5.1 mill Road Commission budget and where these roads fit in. Supervisor Schafer reiterated the Board's policy regarding paving of roads. Joe Pulver stated that there are two types of local roads with the County and either way, the amount is insufficient for maintenance.

Tom Johnson - 11196 Hardenburg – Stated that there is one pot hole on the road that needs to be filled before proceeding with the project. He also asked about the cost of only doing chip seal -- \$16K rather than the \$40K project. Joe said chip seal would glue better than it is now; would have to reseal in 5 – 7 years. Stated that the three houses on Clark Road do have street lights, but maybe they shouldn't be included with the lights.

Pat Schiable – 11162 Harpham – Ask how the quality of roads was evaluated after completion. Chip seal between Eden Trail – Clark to Grange dents in road every so many feet, very poor for bike riding. Commented that the chip seal would only last for 7 years, would the 'better' finish last longer? Joe Pulver said that the better surfacing should get at least 10 years out of the project.

Pat Stefanick – 11188 Harpham – What would happen at the turn around for the subdivision? Would roads be repaired before the chip seal would be applied? Asked about some of the other roads within the Township and how maintenance costs would be allocated. Asked how the assessment would be paid. Mr. Stefanick was concerned that the price would be higher next year. Joe Pulver stated that the price will be good through next year. He isn't opposed to paying for the improvements but wonders if there is another product or process that should be explored. He additionally wondered if the residents would have a voice in the quality of the finished process.

Tom Johnson – Stated that what Pat says about the turn around is true, he still has garbage trucks, etc. turning around in his drive way as there is no turn around at the end of the road. He would like a formal quote for a project to do a similar process to the smooth section of Clark Road.

Brett Eberhard – 11190 Harpham – Wanted to clarify that those who own two parcels will be required to pay for two assessments. Also questioning the inflation of costs from one year to next, and is concerned that in 7-10 years the process may be in 6 figures. Joe Pulver confirmed that the proposed process is a more thorough process and will be more expensive as the road deteriorates. His question is that will the residents be back again to pay for the resurfacing of the roads? Supervisor Schafer stated that she believes that is correct.

Susan O'Sullivan – 13798 Hardenburg – Questioned if there some place to review the definition of heavy v. light maintenance as well as local v. urban roads. Joe Pulver will provide that information. Maintenance v. improvement – If improvement, will it affect property value assessment? Supervisor Schafer will follow up with that question.

Richard Schiable – 11162 Harpham – Thinks a lot more questions need to be answered so he opposes the project as it is right now.

Robert Tvorik – He is looking for comment from Joe Pulver regarding Wright Road. In his mind he could have fixed the problems on Wright Road with a wheel barrow and feels it was a tragedy to remove the trees. Joe Pulver reported that the project was a Federal Aid project, and that there are a

limited number of roads that are federal aid eligible. There are clear Federal standards that must be met for these projects which supersede the County projects. That is why the trees were removed.

Pat Stefanick – 11188 Harpham – Wondered when the roads will be eligible to overband. Joe Pulver stated that the road is beyond overband.

Brian Logan – 1183 Harpham – Asked about the process of 50% of the parcel owners requesting the project to proceed (after 20% in writing object to the proposal) in writing being required. He also stated that he feels the Board has divorced themselves from responsibility of payment for the project. Clerk Simmons reported that the process of petition was one established by statute, rather than Board policy.

Supervisor Schafer shared information received from the Township Attorney regarding the procedure for paying for subdivision type roads.

Elieen Phifer – 11235 Harpham – Wondered if another proposal could be brought another time. Also, wondered if the Board would reconsider its resolution regarding general fund dollars being used for this project.

Teresa Logan – 11183 Harpham Drive – What if the Board finds documentation that the Board paid for the project originally? Will the Township reconsider its decision? Feels that the Township paid for it in the past, should pay for it now, precedence has been set.

Tom Johnson – 11196 Hardenburg – Believes that Mr. Granger originally paved the streets and they were paved again in 1992.

Debbie Nicewicz – 11116 Harpham – Would like estimates for other treatments for road surfacing. Supervisor Schafer stated that she had hoped to discuss other options when the public hearing is closed.

Jim Watling – 11208 Clark Road – Provided written objection to the project. He thinks that perhaps it would be better pricing to wait.

Elieen Phifer – 11235 Harpham Road – Provided written objections.

Pat Stefanick – 11188 Hardenburg – Asked about the street lighting assessment. Supervisor Schafer commented that the Board would be happy to discuss that at the close of the public hearing.

In addition to the oral comments, the Board received numerous written objections to the project as presented.

Supervisor Schafer closed the public hearing at 8:46 p.m.

3. Establishment of the Special Assessment District - Clerk Simmons made a motion to waive the reading of the resolution. Trustee Therrian supported the motion. Motion Carried.

Clerk Simmons made a motion to adopt the resolution not to establish the special assessment district based on the written objections of land owners and public comments heard at the meeting. Treasurer Smith supported the motion. Aye: Simmons, Smith, Therrian, Colby, Schafer. Nay: None. Motion Carried.

4. Public Comment –

Tom Johnson would like the board to explore cheaper options for resurfacing the roads in the subdivision. He further commented that the pot hole needs to be fixed before winter. Supervisor Schafer asked Mr. Pulver about other options. He said that the road would be okay with seal coat but that subdivisions don't usually want that option.

Treasurer Smith answered questions regarding the Whispering Winds Street Light Assessment.

Pat Stefanick asked about the maintenance/repair/replacement of the street light polls, whose responsibility would that be? Clerk Simmons will check to see if the township is insured for 'act of God' occurrences with the lights.

5. Adjournment – Trustee Therrian made a motion to adjourn the meeting at 9:21 p.m. Clerk Simmons supported the motion. Motion Carried.

10-12-10
Approved

Wendy K. Simmons, Clerk