

COLDSPRINGS TOWNSHIP

REGULAR BOARD MEETING MINUTES

COLDSPRINGS TOWNSHIP HALL-COUNTY ROAD 571

AUGUST 13, 2007

7:00 P.M.

Supervisor Neubecker called the meeting to order at 7:00 p.m. Pledge of Allegiance was said by all. Board members present at roll call were Supervisor Neubecker, Clerk Hodges, Trustee Bondy and Trustee Paladino. Treasurer Lambert was absent. Approx. 9 guests were also present.

Adoption of the agenda - Item C under Old Business (trash complaints) was deleted and under New Business Brenda Shinn asked to have Cunningham Rd. added as item E. M/Paladino S/Bondy to adopt the agenda as amended. All in favor. Motion carried.

Establish any conflict of interest of items that are on the agenda. None were presented.

Approval of Minutes - M/Bondy S/Paladino to approve the minutes from the July 9, 2007 regular board meeting as presented. All in favor. Motion carried.

Correspondence was reviewed.

Committee Reports - (A) Planning & Maintenance - Trustee Bondy said that she had ordered the signs for the cemetery and that they have been placed at each entrance of the cemetery. Some of the rails at the park are just falling apart and two of the rails can't even be found. Some of the blocks in the bathhouse are broken. She said that it looks like someone took a sledgehammer to them. Neubecker said to contact Tony at Dream Lakes Services and see if he can fix them and if not, contact a contractor. Bondy also said that the pillars on both the front and side porches need painting and the posts on the new sign in front of the hall also need painting. She said that she still has not heard anything about the permits for the buoys. She said that she has left four messages at the Cadillac DNR office but no one has called her back. She did say that the Deputies that put the buoys in the lake have never heard of needing a permit to put buoys in the water for a public entity. Bondy asked that since the signs with the rules & regulations have been put up in the cemetery, should we remove the excess items from the plots or should we just leave them on for this year until the fall cleanup October 1st. Short discussion. The board decided to just leave the items on the plots for this year. There was a short discussion about asking the work crew at the jail to possibly do the painting that has to be done. Bondy will find out if they have anyone available to do it. Bondy said that they had to buy a new mower for the township. She also asked about the tree that is down on the property in back of the cemetery, if it would be all right if the maintenance man cut it

up for the wood. Short discussion. The board agreed to let him have the wood. No motion was necessary. Hodges said that the cable Internet has been connected. She said that her computer is connected to the cable but that the assessor and treasurer's computers still need to be connected. She said that she called Blue Skies in Kalkaska and Syscom in Traverse City and that they both charge \$85.00 per hour to connect the cable to the other two computers. Gancer mentioned calling the Geek Squad at Best Buy. Hodges said that she would call them also. She asked if the board had any preference as to whom she should get. Neubecker said that it has to be done and there was no preference. Hodges said that a Mr. John Schiller had contacted her regarding two posts that were on the public access at Ford Road & E Shore Drive. Mr. Schilling, whose property is adjacent to the public access, felt that they should be removed because they were dangerous. Neubecker said that he had spoke with Mr. Schilling about the posts last year and Neubecker told Schilling then that they were survey stakes and that they were going to stay there. (B) Fire Board - Minutes from the August 1st Fireboard meeting were presented. Copy of the minutes is on file. (C) Road Commission meeting - Trustee Paladino reported that they approved the minutes and the payroll and that they are doing better on their budget and that they are making forward progress but that they did have to make a lot of adjustments. With contract negotiations coming up some retirees had some questions and concerns that the road commission might cut out some of the retirees benefits. The county wants to get bids and prices to have someone come in to clean the computers in the office once a week because there is a lot of dust and diesel smoke. Paladino said that he asked the road commission if they had any plans to micro service the detour route now being that they are on the second phase of the 131 road project, so that they can best utilize the funds, meaning the \$570,000 plus. Paladino said that no one said anything about the micro service for the detour route but Jim Green did make a comment that it should be addressed and talked about but Paladino said that it was not brought up again while he was there. He mentioned the newspaper article where Orange Township challenged the road commission because they had submitted a bid for a road project two years ago and they're just now doing the bid and it's some \$20,000 over what they had committed to. Paladino said that road projects that have been approved by the road commission were Blue Lake Rd, Squaw Lake Rd in Blue Lake Twp., Valley Rd in Rapid River Twp., Coster Rd. in Springfield Twp and Grass Lake Rd in Excelsior Twp. He said that he feels that they should try to do something with the money they have for the detour route rather than put it off for a year because they did agree to a bottom dollar price with the State of Michigan. Paladino said, that per Scott Ellis, (nobody on the road commission board officially made a comment) but Ellis talked about doing something with the culvert at Ford Rd & E Shore Drive. Paladino said that he feels that the new road commission board, with the two more members, is making some headway with what they had to deal with. He said that they had to come out of the hole and had to be more accountable. Neubecker said as long as they use that \$570,000 for what it was earmarked for. Paladino said that he feels that the State should have done the roadwork on the detour route rather than give the money to the county. Neubecker agreed but said unfortunately we did not have that choice. Paladino said that you could see that Antrim County's portion is already done. Hodges said that Coldsprings, Excelsior and Rapid River townships should just keep after the road commission to fix the detour route. More discussion followed. (D) Liquor Enforcement - Liquor

inspection reports for the months of June and July were received for Kiootee's and Manistee Lake Stop & Shop. All reports were good. Crime reports for the months of May and July were also received. The reports showed that there were 27 incidents for the month of May and 42 incidents for the month of July. (E) County Commissioner Lou Nemeth was not present. Earlier in the day he did stop by with some handouts to pass out to anyone that was interested.

Treasurers Report - Treasurer Lambert was not present, but she did leave the reconciliation report for the month of July. The report showed that there was \$368,716.19 in the various bank accounts, \$202,161.67 in the tax account and \$100.00 in the petty cash account. M/Neubecker S/Paladino to accept the treasurer's report as presented. All in favor. Motion carried.

Old Business - (A) Cell Tower - Hodges reported that she contacted Mr. Meredith and he said that he would set up an appointment with her to meet sometime next week to come out to look at the property and take pictures. (B) Roof - Paladino said that he had talked to Brian Anderson and Anderson said that he is going to come out and pull the cap off of the roof, plug the vent, and take a look at the gables to see if they are usable gables. If they're not usable gables he'll have to put up gables that let's the air through. He said that he would do whatever he has to do to get the roof fixed before the inclement weather arrives. He will also replace the ceiling panels. (C) Trash Complaints was deleted from the agenda. (D) Concerns regarding Cunningham Rd & Wood Rd - Neubecker said that he would talk about the concerns of Merit Energy. He said that when Merit Energy bought the properties from Shell Oil Company one of the purchase things was to keep the site contamination investigation. He said that he does not have a reading on Wood Rd. at this time but on Cunningham Rd. or the property off Cunningham or the easement off Cunningham Rd., they are hauling out huge amounts of contaminated dirt from what was going on at Shell. He said that they have also pulled out ten or twelve tanks out of the production facility site and he doesn't know whether or not all of them were leaking or just some of them. He said that the DEQ was involved in this. Neubecker said that the DEQ ran ground contamination tests right up to within five foot of the adjoining neighbors property lines. Neubecker said that the concerns that he had was that there is swamp area back in there and also a pond back there and that there's an area that drains down back into Manistee Lake from the north side. The DEQ reports show that there is no further contamination and that they have put some test wells down and that Gosling Czubak Engineering out of Traverse City has been hired to do all of the well installation and monitoring. He said that this is something that is going to be ongoing and that they, Gosling Czubak, are going to have both sites, both the Cunningham access site and the Wood Road site. Neubecker said that Gosling Czubak assured him on the phone that the contamination is contained and that they are removing it. He also said that the DEQ is monitoring what is going on and will continue to monitor what is going on for a period of years to be sure that there is no seepage. Neubecker said that he is not pleased because of the fact that we have two sites within our township that have contamination from Shell Oil Company and when Merit Energy took over the township was never notified that there was any kind of potential contamination with the ground water or the aquifer. He said that he was assured that it is

not in the drinking water and that it has not gone into the lake. Discussion followed. Brenda Shinn also made some comments in relationship as to the amount of traffic. Hodges asked Neubecker what he has heard regarding the other issue on Cunningham Rd where people are camping on property and yet there is no electricity. Neubecker said that besides no electricity, they dug an outhouse seven years ago, which was against zoning regulations, and they have a hand pump. He said that it is one extended family and that Child Protective Services have been contacted and that they are actively working on it. Neubecker also said that he filed a complaint with Jack Kelly, Zoning Administrator, and also sent a complaint to the Health Department but that he has not heard anything back as yet. Neubecker also said that a junk complaint has been filed against the property at County Road 571 and 612 and also the property next to Jerry Long's primary residence and Jerry Long. Hodges asked how long we have to keep fooling around with these people. Neubecker said that the problem is, is that we send them a letter, then send them a certified letter and then they have so many days to respond to that letter then the Sheriff contacts him and wants to know whether or not a citation should be issued. Then if a citation is issued then they have so many days to respond to the citation before it is turned over to the Prosecutor. Short discussion. (E) New Property - Hodges just wanted to let the board know that the papers for the property behind the cemetery have been signed, sealed and delivered and that it is now township property.

New Business - (A) Kiootee's Bar - Bruce Cawley and Patrick Forrester are attempting to buy Kiootee's Bar from the current owner and part of the application is an approval by the township for them to conduct business. Included in the papers Neubecker received were some issues that Neubecker had some concerns about. There also was information on Bruce Cawley but there was nothing on Patrick Forrester. Neubecker asked the clerk to make copies of the application for all of the board members and to table it until a later time. He said that he would contact Bruce Cawley in the mean time. (B) Bids for Trash - Hodges said that she gave copies of the Trash Contract to all of the board members and asked that they look them over before the September meeting to see if we should make any changes, additions or deletions to the contract and then we can advertise for bids to be opened at the October meeting. (C) Tree outside of the clerk's window - Hodges said that she is concerned that the tree that is growing where the stakes are located may be where the septic tank is and possibly should be cut down. Short discussion. Bondy will ask Anderson to cut the tree down. (D) Township Insurance - Time to renew the insurance with Municipal Underwriters of Michigan. Short discussion. M/Neubecker, S/Paladino to renew the township insurance with Municipal Underwriters of Michigan in the amount of \$3,730.00, an increase of \$6.00 over last year. All in favor. Motion carried. (E) Concern regarding Cunningham Road easement - Brenda and Gregory Shinn were present and had some issues and concerns that they wanted to share with the township board and have as public record in regards to Merit Oil Company and the Benzene contamination cleanup that is taking place on the Cunningham Road easement. Brenda said that the Cunningham Seasonal easement goes directly through their ten-acre parcel and that it is not an open public way but is a dead end easement for private property owners. Shinn said that their objective is to establish proper identification of Cunningham Seasonal easement and post proper signs for the

purpose of safety. Due to the condition and the width of the easement a reasonable speed zone needs to be enforced. Shinn also said that their home is only two years old and it is being directly impact. The direct impact from commercial traffic. Shinn also said that she wanted on record and in the minutes that they sent, in a certified letter, to Mike Neubecker a copy of the letter that they sent to Merit oil Company in regards to the disruption and destruction of their personal property. Copy of the certified letter is on file. She said that they are looking forward to a response from Merit Oil-Merit Energy/Oil Company regarding their recent letter and they are hoping to establish an agreement with them that will provide communication for all accountability from the use of the easement. Lengthy discussion followed. The Shinn's are also going to attend the County Road Commissioners meeting on the 27th. A Mr. Redman who lives at 6064 Covert Road was present and said that he has been trying to get a sign taken down that is on his property that reads Maple Valley Rd. Neubecker told Mr. Redman that if the sign is definitely on his property and he knows by survey that it is on his property he has every right to take an ax or saw or whatever and take it down. Neubecker said that we have already addressed this situation with the previous property owners. Neubecker said that it is not an access, it does not belong to the association, it is private property and to take the sign down. Short discussion followed.

Approval of Bills - One bill to Sign World in the amount of \$97.81 for signs for the cemetery was added to the list. M/Paladino S/Bondy to approve the bills as presented with the one addition. Roll call vote. Hodges yes, Neubecker yes, Bondy yes, Paladino yes and Lambert absent. Motion carried. Checks #10586 through #10621 in the amount of \$40,003.37 were issued for payment.

Citizens Comments - More discussion regarding the Cunningham/Merit Oil Company issue.

Upon proper motion the meeting adjourned at 9:22 p.m.

Mary Hodges
Coldsprings Township Clerk