

# **COLDSPRINGS TOWNSHIP**

## **REGULAR BOARD MEETING MINUTES**

### **COLDSPRINGS TOWNSHIP HALL-COUNTY ROAD 571**

**DECEMBER 12, 2005**

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, Treasurer Casto, Trustee Bondy and Trustee Paladino. Approx. 3 guests were also present.

Adoption of the Agenda - M/Paladino S/Bondy to adopt the agenda adding that we place counsel in at any time that he arrives. All in favor. Motion carried.

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

Approval of Minutes - Neubecker said that at the November meeting the board discussed having a non-performance termination clause and an insurance requirement as part of all future bids, however it was not reflected in the minutes. Neubecker asked that it be inserted in the minutes. M/Casto S/Paladino to approve the minutes from the November 14, 2005 regular board meeting with the one correction. All in favor. Motion carried.

Correspondence was reviewed.

Committee Reports - Planning & Maintenance - Trustee Bondy reported that the ice fishermen are using the easements. Fire Board - Minutes from the December 7, 2005 Fire Board meeting were presented. Copy on file. Road Commissioners report - Paladino reported that the road commission has a new commissioner and that the lights have been put up at the railroad track on Twin Lake Rd. Neubecker said that we received the itemized bill from County Road Commission for Sunset Trail. All board members had a copy. After reviewing the bill and there were no objections and it was for the same amount that had been approved at the November meeting, the clerk was given the approval to mail the check to the road commission. Liquor Enforcement - Reports on Kiootee's and Manistee Lake Stop & Shop for the month of November was received. Both reports were favorable. Also received was the crime report for the month of November. All reports are on file.

Treasurers Report - Treasurer Casto presented the monthly reconciliation report for the

month of November. The report showed that there was \$376,198.13 in the various bank accounts, \$14,174.44 in the tax account and \$100.00 in the petty cash fund. M/Neubecker S/Hodges to accept the treasurers report as presented. All in favor. Motion carried. Copy of the report is on file.

Old Business - (A) Snow Plow Contract - Neubecker said that we had a problem with our new snow plow contractor, Eric Cobb. He said that he plowed once then stopped. The snow was so deep that the treasurer could not get into the hall for two days. Neubecker said that he fired him. Neubecker said that he talked briefly with Attorney Michael Edwards about it and Edwards said that it is assumed (although it is preferable that it is written in the contract), but it is assumed, that they are to perform the work that they were contracted for. Neubecker said that he called the next highest contractor that had bid, which was McCullens, and had them come out and clean up the ramps and clear out the road endings after he (Neubecker) plowed the parking lot. Paladino said that he went to the contractor's house on Friday night and told him that the parking lot, porch, etc. had to be cleared out by 9:00 a.m. Saturday and to do whatever he had to do. The contractor gave Paladino all kinds of excuses as to why it had not been done. It still was not plowed out Saturday. Neubecker said that he terminated Cobb's contract. Cobb asked if he would get paid for the one snow plowing. Neubecker said that that was fair. Discussion followed. Based on his bid of \$1,800.00 total, for the township hall and the road endings, divided by possibly 20 plows for the season, which was the number for 2004-2005 season, it came to \$90.00 for the one plow. M/Neubecker S/Paladino to pay Eric Cobb \$90.00 for his performance of the one time snow removal. All in favor. Motion carried. M/Neubecker S/Casto to enter into an agreement to be dated November 26, 2005 with McCullen Excavating to provide snow removal service for the 2005-2006 snow season per their bid. Hodges asked if we would pay McCullen the full \$560.00 which his bid called for rather than deduct for the one snow we already had. It was decided to make the full payment with no deductions. All in favor. Motion carried. In addition to the two new requirements for bids Neubecker asked that the words immediate termination to the non-performance clause and the word minimum of \$500,000.00 to the liability insurance clause be added. Hodges will make the changes. Attorney Michael Edwards arrived at 7:20 p.m. (B) Zoning Board of Appeals decision - Neubecker said that the board received a package via e-mail from Attorney Edwards regarding the issue of the ZBA decision on Gerald and Lee Gancer and the decision reached by the Judge. Attorney Edwards asked if the board would like to go into closed session. Neubecker said that he would leave the decision up to him and especially since we have someone present who is involved in the litigation. Edwards felt that it would be best, and then he would be able to use his attorney/client information to explain the various options the board has regarding this matter and it would give the board a chance to discuss the options. M/Neubecker S/Casto to go into closed session to discuss the ZBA decision. All in favor. Motion carried. The board went into closed session at 7:25 p.m.

The Board reconvened at 7:59 p.m. with all board members present.

M/Neubecker S/Paladino that Township Legal Counsel proceed with the appeals process in the ZBA Case to the appropriate State Appeals Court. Roll call vote. Bondy yes, Casto yes, Hodges yes, Paladino yes and Neubecker yes. All in favor. Motion carried.

(C) Tower - Hodges asked Neubecker if he had any more information on a tower that would give better reception for cell phones. He said he did not.

New Business - (A) Rapid River Fire Agreement - Neubecker said that the administrators at the fire department have been asked to run a cost overview of what Rapid River Township has paid to the fire department over the past few years and the number of runs they've had. M/Neubecker S/Casto to approve the Fire Agreement with Rapid River Township under the understanding that they will probably pay more next year. All in favor. Motion carried. (B) Pay the BOR members prior to the January meeting - M/Neubecker S/Casto to pay the BOR members prior to the January board meeting. All in favor. Motion carried. (C) Approve the resolution for summer tax collection for Kalkaska Public Schools - M/Hodges S/Neubecker to approve the resolution for 2006 summer tax collection with Kalkaska Public Schools at a rate of \$3.74 per parcel with the understanding that if the postage increases the schools will reimburse the township for the increase. All in favor. Motion carried.

Approval of Bills - Add \$560.00 for McCullen snow plowing contract which became effective November 26, 2005 and \$90.00 to Eric Cobb for a one time snow removal whose contract was terminated for non-performance effective November 26, 2005. M/Paladino S/Bondy to issue checks #9928 through #9957 in the amount of \$14,502.44 including the two additions. Roll call vote. Casto yes, Hodges yes, Neubecker yes, Bondy yes and Paladino yes. All in favor. Motion carried.

Citizens Comments

M/Paladino S/Bondy to adjourn.

Meeting adjourned at 8:15 p.m.

Mary Hodges  
Coldsprings Township Clerk

