

# **COLDSPRINGS TOWNSHIP**

## **REGULAR BOARD MEETING MINUTES**

**COLDSPRINGS TOWNSHIP HALL-COUNTY ROAD 571-7:00 P.M.**

**DECEMBER 8, 2008**

Supervisor Neubecker called the meeting to order at 7:02 p.m. Pledge of Allegiance was said by all. Board members present at roll call were Supervisor Neubecker, Clerk Hodges, Treasurer Lambert, Trustee Bondy and Trustee Corrado. County Commissioner Nemeth was present and also 6 members of the public.

Adoption of the Agenda - Neubecker asked that the Resolution for the proposed septage receiving and treatment facility be added to item B under old business and also add the Starvation Lake Rd project as item C under old business. M/Lambert S/Corrado 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/Lambert to approve the minutes from the November 10, 2008 regular board meeting as written. All in favor. Motion carried.

Correspondence - A letter was received from Judy Zutten in regards to a shared egress of Hurricane Drive. Neubecker will send a response to the letter. Also a letter from the DNR in regards to the local watercraft control ordinance on Manistee Lake. The Clerk will check it out. Other correspondence was also reviewed.

Committee Reports - (A) Planning and Maintenance - Trustee Bondy said that Christmas wreaths were placed on the doors at the township hall and also the entrance to the cemetery. (B) Fire Board - Minutes of the December 3, 2008 Fireboard meeting were presented. Copy is on file. (C) Road Commissioners meeting - Trustee Corrado talked about the letter that Neubecker had sent to Jamie Woodhams at the road commission regarding the \$46,000.00 that they charged us for equipment rental for the Starvation Lake Rd project. He said that he had brought it up at the road commission meeting that morning as to what legalities were involved in them making that decision to charge the township for the equipment rental. He said that as of right now there is no law that they can present to us that shows that they have the authority to charge that fee. Corrado said that he asked Woodhams if the road commission rented the equipment back to the road commission and he said that Woodhams said yes that the road commission did rent the equipment back to itself. Corrado said that the road commission said that there are no legal guidelines right now for them to charge us the \$46,000.00 and they said that

when their auditor comes in and after they speak to her about it then they will send us a response as to what the law was that shows that they were allowed to charge us for equipment rental. Corrado said that as it stands right now they couldn't justify the charge legally. Then Corrado said that the road commission submitted a bill to the township for \$108,973.04 for the balance due for the Starvation Lake Road project. Corrado said that on the itemized statement it shows equipment rental as \$40,421.67. Corrado said that he would like to make a recommendation that the township put on hold any further claimants to the road commission in regards to this until we can determine whether in fact they were right or wrong in charging us equipment rental. Then Corrado said that at the meeting they addressed the future plans for the road commission and the projects that they could do. The road commission advised everyone that for the year 2009 there were no funds available to do any projects at all. Corrado said that they did submit a map showing what they had planned from 2010 to 2014. He said that prior to that he brought up the deterioration of County Road 612 east of 571 and on their map 612 is listed as a rural major road, which is available for federal funding, and that federal funding can go from 80, 90 or 100%. Short discussion followed. Neubecker said that we would discuss the Starvation Lake Road project later on in the meeting, as it is an agenda item under old business. (D) Liquor Enforcement - Nothing to report. (E) County Commissioner Lou Nemeth - Nemeth reported on the Board of Commissioners special meeting that was held on December 5<sup>th</sup>. The special meeting was held to take public comment regarding the possibility of Kalkaska County adopting an ORV ordinance, which would allow ORV's the right to travel on the improved portions of county roads. He also gave a very interesting report on the Michigan Transportation - MAC Transportation committee meeting, which was held in Lansing. Copies of the reports are on file with the township clerk.

Treasurers Report - Treasurer Lambert presented the reconciliation report for the month of November. The report showed that there is \$226,372.16 in the various bank accounts, \$19,658.94 in the Twp. Imp. MM account, \$19,273.00 and \$149.08 in the Tax accounts and \$100.00 in the petty cash account. M/Neubecker S/Hodges to accept the treasurers report as presented. All in favor. Motion carried.

Old Business - (A) Savage Septic Solid Waste/Resolution - Neubecker said that we have recently been asked by the supervisor of Boardman Township, who wants to form an organization of the townships within the county to support adding onto the Kalkaska Village Waste Treatment facility to incorporate the handling of septage haulers and we were provided last month with a proposed resolution that as a township we were looking to agree with a few things and one of them is to split some \$35,000.00 in costs with other participating townships in the feasibility stage of this proposal. Neubecker said that he is concerned as to what is going to happen under this new law regarding septage hauling and the fact that we are going to find ourselves to the point that the haulers are going to be required to go to Traverse City with their septage. Neubecker said that he had a very interesting conversation with Todd, one of the owners of Savage Septic Service, who was

present at the meeting and Neubecker said that he (Todd) had some pertinent information on septage hauling and requirements and asked Todd to share the information with the board and those present. Todd said that basically what they have done is invested in a storage tank, which is used for winter application when the ground is frozen. He said that according to state law if they build a storage tank before 2010 when land application is banned, they will be protected and also that there is no stipulation that after 2025, land application will be banned then. He said that basically what we (the township) are being told is that after 2010 all of the septage haulers will be hauling their septage to Traverse City or Charlevoix, which is not the case for them and he said that they are not the only company. He said that there are companies in Gaylord, Roscommon, Petoskey and Scottsville who have all invested in their companies with storage tanks. Todd said that something we should know is that all land application is not going to be banned after 2010 and that not everyone is going to have to haul their septage up to Grand Traverse County. Lengthy discussion followed. Neubecker then moved onto to the letter he had received from Mark Nettleton who is with Mika Meyers Beckett & Jones and it was a Resolution of Intent for a Proposed Kalkaska Area Utility Authority and as he mentioned last month when we got the notification wanting us to adopt the resolution and if we were to adopt the resolution we would in effect provide them with the intent that we want to proceed with further study, that we want to engage with three consultants to take a preliminary feasibility analysis and prepare articles of incorporation, by laws and resolutions for an actual Act 233 utility authority. The costs of the preliminary feasibility analysis was estimated at \$35,000.00 and we (the township) would be paying a minimum of \$3,000.00, and to authorize an increase in the Township's Cost Share to a maximum amount to be specified by the board (if less than all 12 of the Kalkaska County townships participate), authorize the payment of the Township's Cost Share to the Village of Kalkaska and designate the Township's intent to be reimbursed for the Township's Cost Share from the proceeds of bonds if and when bonds are issued by the authority for the project. The preliminary costs that Mika Meyers Beckett & Jones have provided is in an excess of 30 million dollars to add on to the existing Kalkaska Village Refuse Authority. Neubecker said that if you take 30 million dollars and divide that up between the townships that elect to operate within this authority, you are talking about a tremendous Bond weight upon the back of taxpayers. The other alternative was to pay these Bonds back through user fees however the latest word from Mika Meyers Beckett & Jones is that they are looking at township issued Bonds rather than user fees. Neubecker said that after listening to what Todd had to say and thinking it over he feels that there are other alternatives out there that would not necessarily include the establishment of a new district in adding an addition onto the Kalkaska Village Facility. Discussion. M/Neubecker S/Corrado not to adopt the Resolution as provided. Roll call vote. Lambert yes, Hodges yes, Bondy yes, Corrado yes and Neubecker yes. The motion was unanimously approved, that we would not adopt the Resolution to become part of the facility at this time.

The meeting ~~convened~~ recessed at 8:30 p.m.

The meeting ~~reconvened~~ convened at 8:35 with all board members present.

Old Business (cont'd) - (B) Open Trash Bids - Both American Waste and Area Waste submitted letters declining to submit three-year bids. Discussion. M/Lambert S/Hodges to accept the bid from American Waste 2<sup>nd</sup> year option from the current contract and re-advertise for bids next August. Roll call vote. Bondy yes, Corrado no, Lambert yes, Hodges yes and Neubecker yes. Motion carried. (C) Starvation Lake Road project - Neubecker said that as Corrado noted from his meeting with the road commission and a previous meeting that he had held with legal counsel, the road commission really has no validity to charging us \$46,000.00 for equipment rental on equipment that is already owned by the road commission which was paid for with our tax dollars. They have not provided us with adequate justification in accordance with the letter that was forwarded to them. (Copy of the letter is on file) The letter requested an answer to the letter in writing, which we did not receive. Neubecker said that based on that, we received a bill from the Kalkaska County Road Commission in the amount of \$108,973.04, which is the last of the project to be paid for. They did notate on the bill that they were dropping the rental charges cost from \$46,000.00 to \$40,421.67. Neubecker said that what he would ask the board is to entertain that we pay the road commission \$68,551.37 which is the rest of the Reith-Reilly obligation and that we withhold \$40,421.67 while we are seeking legal counsel regarding the validity of the debt. Discussion. Corrado said that he has contacted MTA who goes through their legal department in regards to this and asks that we wait for a response back from their legal staff as well as what we are supposed to get from the road commission's Auditor, which he doesn't see where that will show any validity at all but hopefully by our next meeting he will have something concrete legally one way or the other. Discussion. Lambert said that the shoulders on Starvation Lake Road were not done. She said that they put gravel down but the gravel was not compacted and now that we have snow and wet weather the gravel is settling and she said that by spring it's going to be a mess. Motion by Neubecker to pay the total of \$68,551.37 on invoice #190 to the Kalkaska County Road Commission and hold in reserve \$40,421.67 until we can get a firm legal determination on the legality of those charges. Supported by Corrado. Roll call vote. Bondy yes, Lambert yes, Hodges yes, Corrado yes and Neubecker yes. All in favor. Motion carried.

New Business - (A) Pay BOR members prior to the January board meeting - M/Neubecker S/Lambert to pay the BOR members for the December 9, 2008 meeting prior to the January board meeting. All in favor. Motion carried.

Approval of Bills - Add \$68,551.37 payable to the Kalkaska County Road Commission. M/Neubecker S/Lambert to pay the bills as presented with the one addition. Roll call vote. Bondy yes, Corrado yes, Hodges yes, Lambert yes and Neubecker yes. All in favor. Motion carried. Checks #11082 through #11104 in the amount of \$83,718.43 were issued for payment. An additional motion was made by Neubecker supported by

Lambert for the clerk to pay the Federal and State withholdings, Great Lakes Energy, BOR members and Amerigas prior to the January board meeting. All in favor. Motion carried.

Citizens Comments

M/Lambert S/Bondy to adjourn

Meeting adjourned at 9:23 p.m.

Mary Hodges  
Coldsprings Township Clerk