

**BREITUNG TOWNSHIP BOARD
REGULAR BOARD MEETING
FEBRUARY 11, 2008**

The meeting was called to order by Supervisor Olson at 7:00 p.m.

Roll Call: Present: Trustees: Gaudette, Dixon, Erickson & Wales, & Supervisor Olson.
Absent: Clerk Coron, excused and Treasurer Cahee, excused.

Also Present: Superintendent, Perry Franzoi and Attorney, Mike Hahner

Those in attendance gave pledge to the flag.

Citizen's Time: Start: 7:03 p.m.
Finish: 7:06 p.m.

Topics: Tom Sullivan-Thank you to board. SAY Soccer request to open a new & renovate existing field. He is willing to donate time and equipment.

Motion by Trustee Wales, second by Trustee Dixon to approve the January 28, 2008 minutes with the correction of noting Trustee Gaudette was excused. **Vote: Unanimous, motion carried.**

Motion by Trustee Wales, second by Trustee Erickson to approve the February 11, 2008 agenda. **Vote: Unanimous, motion carried.**

Public Hearing for Ordinance No. 00108 for Operation of a Waste Management Project:

Motion by Trustee Wales, second by Trustee Erickson to enter into the public hearing for the waste management ordinance. **Vote: Unanimous, motion carried.**

Start time: 7:10 p.m.

A brief overview was given by Superintendent Franzoi.

Public Comment:

Ida Scott of Scott Drive – her concern is about infectious medical waste, what does that all include? Her concern would be for adult diapers, catheter, bloody wound debris. Ms. Scott works for a home health care agency and takes care of an elderly woman who lives in the township, and this is where her questions arise. Ms. Scott also suggested the garbage pick-up to be on the same side of the street to possibly save time & cost. Superintendent Franzoi will have to look into the administrative rules to research Section 5 of the draft ordinance for ACCEPTABLE MATERIALS FOR COLLECTION in regard to the disposal of debris and hazardous wastes and animal or human excretion. Perry to contact Ms. Scott as soon as he has an answer.

Chuck Jennings of Beverly Street – curious if we have a budget shortfall and how much? When does the township plan to generate more revenue? Is there a time table the township is looking at to implement the fee, bag, or tag system? Mr. Jennings feels that people's ignorance or unwillingness to accept change, a fee schedule could possibly cause a problem in resident's mind, in the aspect that there is no control or input when fees are being established. Although if it were a millage the residents would obviously be able to vote. People might understand millage better. Supervisor Olson stated that we would like to possibly implement something by this summer. We currently are not sure as to whether we will continue to fund ½ of the fee through our general fund. What we have seen happening over the years, with the township funding the entire cost of

garbage collection from the general fund it is taking away from other projects. One very good example is our roads. We can't keep going in this direction. We do not want to have to raise the millage. We are currently leaning toward funding a portion through our current millage and getting help with the remaining through possible user fees. It was noted by Supervisor Olson that the current millage is 4.2 and the township can legally raise that millage up to 5.0 mills without it going to a vote. It would not be until that cap was reached that we would conduct an election for additional millage.

Tom Sullivan of Oakridge Road – a couple of typos were brought to the board's attention. Mr. Sullivan then went on to say that his family generates one bag of garbage per week because they recycle. He feels if it is worked into his taxes that he will be paying for his neighbor down the street that is too lazy (his opinion) to recycle. Prefers a bag and tag system. People can then control their costs. If everyone pays a like amount through a fee or millage, the tonnage is likely never to go down.

Ida Scott readdressed the board regarding the recycling option and the elderly. Many of them suffer with dementia and are not able to recycle.

Eugene Cudnohufsky of Cliff Street - Down in Manitowoc, WI renters will leave garbage in their garage until they move because they do not want to buy the bags or the tags. A lot of people do not want to be bothered with running here or there to buy the bags or tags. From what he sees in his own neighborhood, this behavior is a very likely possibility, unless it is policed very carefully. We could also start to see people going out to the remote areas of the township and just dumping their garbage. Can see where a fee structure might work, but some study would have to go into that. He feels we should really push recycling.

Dave Moline of Hwy M-95 – He thanked the board for trying to solve a very difficult problem. Even though there has been talk on other ways to fund the garbage pick-up, Section 10 of the draft ordinance does state RATES, CHARGES AND COST RECOVERY FEES. Superintendent Franzoi pointed out that in the second line of Section 10.a it states that “service shall be established periodically by resolution of the Township Board”. That resolution could be for millage, a fee, bag or tag. The language does look like it is a pre gone conclusion, but that is not the intention. Mr. Moline's other question is, what an approved garbage container would be?

Supervisor Olson did state the importance of keeping GAD involved because they know all the ins and outs of what works and what doesn't as far as pick-up is concerned. When they have a contract and are paid a certain amount of dollars to pick up garbage, they are going to try to get it done as efficiently as possible and as cheap as possible. There are so many avenues that we have to take into consideration with the decision we have to make. We need to try to come up with the best way to do this, for the least amount of dollars and keep our township clean.

Motion by Trustee Wales, second by Trustee Erickson to adjourn the public hearing for the waste management ordinance. **Vote: Unanimous, motion carried.**

Finish Time: 7:50 p.m.

Motion by Trustee Wales, second by Trustee Dixon to postpone the adoption of the OPERATION OF A WASTE MANAGEMENT PROJECT Ordinance and to refer back to the refuse collection committee. Will then be brought to the board at a later date. **Vote: Unanimous, motion carried.**

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Public Hearing for the BREITUNG TOWNSHIP LAND DIVISION ORDINANCE:

Motion by Trustee Wales, second by Trustee Erickson to open the public hearing on the land division ordinance. **Vote: Unanimous, motion carried.**

Start Time: 7:52 p.m.

As overviewed by Superintendent Franzoi, the main reason for the ordinance is to bring the Township into coordination with the land division or subdivision Control Act. Essentially what the ordinance does, is coordinate with our current zoning ordinance to identify minimum lots sizes, procedures for platting and doing site condominiums, etc. We have faced violations of land splits in the past and the prosecutor has refused to prosecute for lack of an ordinance.

Attorney Hahner has reviewed the ordinance and it appears to comply with what is allowed under the land division act and mirrors the State Statute. This ordinance will give the township the authority to enforce, but in essence it is the law on the subject. The one thing Attorney Hahner would like to see placed within the ordinance is that if we are successful at prosecuting the violation, the township gets to recoup the cost of Attorney's fees.

No Public Comment on the Land Division Ordinance.

Motion by Trustee Wales, second by Trustee Gaudette to close the public hearing on the BREITUNG TOWNSHIP LAND DIVISION ORDINANCE. **Vote: Unanimous, motion carried.**

Finish Time: 7:55 p.m.

Motion by Trustee Wales, second by Trustee Dixon to postpone the BREITUNG TOWNSHIP LAND DIVISION ORDINANCE until there is a full board present. **Vote: Unanimous, motion carried.**

Discussion took place regarding the North Breitung Fire Hall addition. We had U.P. Engineering go back and do additional evaluation of the proposal. Our addition is going to be a little more expensive than what we had budgeted. The fee for doing the design work to come up with plans and specifications is \$17,850.00. Although we have enough money to cover the design, we do not have the money for the actual construction of the building. Superintendent Franzoi recommends to go ahead with the design phase of the building at this point and address the construction at a later date.

Trustee Gaudette raised concern as to what prices would remain the same and what would have to be re-bid if this is done in phases.

Motion by Trustee Dixon, second by Trustee Wales to postpone action on the U.P. Engineering proposal for the architectural services and construction management for the addition to the North Breitung Fire Hall until we are able to get a better break down of services vs. cost. **Vote: Unanimous, motion carried.**

Motion by Trustee Erickson, second by Trustee Gaudette to approve the MTA sponsored Community Design Services in the amount of \$2,250.00 and the \$400 annual maintenance fee for the Township website.

Vote: Ayes: Trustees: Erickson, Dixon and Gaudette and Supervisor Olson. **Nay:** Trustee Wales.

Motion carried.

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Motion by Trustee Gaudette, second by Trustee Wales to pay the 3 Board of Review members their daily per diem of \$75 for attending the Board of Review Procedures and New Laws on Thursday, February 7th.

Vote: Unanimous, motion carried.

Motion by Trustee Gaudette, second by Trustee Wales to allow Robin Hamm to join the John Hancock pension plan, at the one year contribution level, on March 1, 2008. **Vote: Unanimous, motion carried.**

Motion by Trustee Wales, second by Supervisor Olson to offer the board's support and encouragement to all Breitung Township Board Members as they participate in the MTA Township Governance Academy.
Vote: Unanimous, motion carried.

Motion by Trustee Erickson, second by Trustee Wales to appoint Trustee Dixon to represent Breitung Township on the County Wide Bike Path Committee and to attend meetings held.
Vote: Unanimous, motion carried.

Motion by Trustee Gaudette, second by Trustee Wales to approve Supervisor Olson to attend the MTA Capitol Conference on March 11, 2008 in Lansing, MI with the cost of registration, mileage and lodging.
Vote: Unanimous, motion carried.

Dickinson County Sheriff Dept.: Officer Derrick Dixon present. Officer Dixon & Rochon have been back serving Breitung Township for 5 months now. Our two officers have been busy with solving some breaking and entering cases, theft rings, etc. They have solved crimes and recovered property in an excess of one hundred thousand dollars in the last 5 months. This kind of activity does not show up on the monthly Sheriff's report. It is also above and beyond the accidents, emergency calls and the traffic patrol.

Fire Report: Make sure to sign up with Treasurer Cahee for the Annual Firemen's Training Banquet if you plan to attend.

Superintendent Report:

-Mortl Property Purchase: The parcel on Merriman West Road abuts the railroad right-of-way and road right-of-way. Once Mr. Mortl has secured his financing we should be able to move forward with the sale of land.

-GAD Contract: Also in this evening's board packet is a draft of the GAD contract that Attorney Hahner has prepared, which includes the fuel surcharge information and modification language for new homes. Thus far, everything with the language seems acceptable.

-Chairs: Guy Forstrom has suggested purchasing additional chairs in the same style as we have in our board room.

-Sewer Ordinance: The sewer ordinance which was presented at the last meeting is something that we should start discussing in the next few weeks. Plans for the Moyle line are progressing and ideally, the ordinance should be in effect prior to establishing the service. Please review and note any questions you may have.

-Code Enforcement: On Wednesday, February 6, Superintendent Franzoi met with Under Sheriff, Scott Ceello concerning code enforcement for the upcoming spring and summer season. Under Sheriff Ceello was provided with copies of the dilapidated buildings ordinance and Junk Ordinance to pass out to the officers. He discussed the use of a camera for taking pictures of all possible violation and he is checking if they have one. The procedure will be to provide two notices to the violator then issue a citation. If the violation is corrected within 10 days of the citation, the issue is closed. If it is not corrected after 10 days, it will be turned over to the attorney for prosecution.

-John Marquart Letter: A letter was drafted regarding concerns on the implementation of the Centers for Regional Excellence Grant.

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Board Discretionary Time

-Compliments to Superintendent Franzoi for his excellent communication letters included in our FYI's.

-Appreciative of all the "Draft" stamps put on working documents.

-Trustee Gaudette inquired about the GAD contract; are we going to be approving that today? Attorney Hahner did bring an original in case the board decided to do so.

Motion by Trustee Gaudette, second by Trustee Dixon to approve the draft agreement between the Charter Township of Breitung and the Great American Disposal Company as submitted.

Vote: Unanimous, motion carried.

-Attorney Hahner informed the board that tomorrow is the hearing in front of Judge Celello on the Schinderle mess.

-We are currently trying out our second copy machine. The last demo should arrive later this week or first part of next.

Motion by Trustee Wales, second by Trustee Erickson to pay the bills totaling \$55,753.50.

Vote: Unanimous, motion carried.

Motion by Trustee Erickson, second by Trustee Wales to adjourn the meeting.

Vote: Unanimous, motion carried.

The meeting was declared adjourned by Supervisor Olson at 8:45 p.m.

Respectfully Submitted by,

Reviewed and Approved by,

Samantha Coron
Breitung Township Clerk

Denny Olson
Breitung Township Supervisor