

MINUTES OF THE ATTICA TOWNSHIP BOARD

Held on March 10th, 2011
Nancy Herpolsheimer, Clerk

At a meeting of the Attica Township Board held on March 10th, 2011, at the Attica Township Hall, 4350 Peppermill Road, Attica, Michigan. The meeting was called to order at 7 p.m. by Supervisor Ochadleus. PRESENT: Supervisor Al Ochadleus, Clerk Nancy Herpolsheimer, Treasurer Pam Mason, Trustee Phil Madeline and Trustee Richard Lacey. ABSENT: Herpolsheimer and Mason. ALSO PRESENT: Attorney Gildner and the public per the Sign-In Sheet attached.

The minutes of the February 10th, 2011 regular Board meeting were reviewed by the Board; and there being no additions, corrections or deletions;

MOTION by Lacey, seconded by Madeline to approve the February 10th, 2011 Attica Township Board minutes as presented. A vote was taken. Ayes: All; Nays: None. Absent: Two (Herpolsheimer and Mason). **MOTION CARRIED.**

CORRESPONDENCE: Supervisor Ochadleus reviewed a letter from Charter Communications, stating their decision to drop the Township Hall's complimentary service and will now charge the Township for service. The Township will drop the service.

TREASURER'S REPORT: Supervisor Ochadleus gave the following Treasurer's Report: General Fund Beginning Balance of \$432,842.16 receipts of \$70,423.64; Interest of \$69.57; Distributions of \$32,278.21 for a New Balance of \$476,436.00. Public Safety has \$161,521.85; Fire Millage has \$119,802.39; Fire Department Escrow has \$54,802.39 and there is \$30,243.47 in the Lake George Road Special Assessment account.

MOTION by Lacey, seconded by Madeline to approve the Treasurer's Report as presented. A vote was taken. Ayes: All; Nays: None. Absent: Two (Herpolsheimer and Mason) **MOTION CARRIED.**

POLICE REPORT: Supervisor Ochadleus gave the following police report: there were 160 calls in the month of February with 80 of the calls handled by the Township deputies.

OLD BUSINESS:

1. Attica Little League

Park Manager, Phil Madeline, stated that he had been contacted by the Little League President, Stewart Shaffer, and the baseball field schedule has been worked out. The Little League will begin working on the fields as soon as the ground is dry. Park Manager Madeline is going to request that Mr. Stewart attend the April Township Board meeting.

2. Resolution for written Board of Review appeal

MOTION by Madeline, seconded by Lacey to allow residents of Attica Township to appeal the Board of Review in writing. A roll call vote was taken. Madeline: Aye; Lacey: Aye and Ochadleus: Aye. Ayes: All; Nays: None. Absent: Two (Herpolsheimer and Mason) **MOTION CARRIED.**

3. Poverty Exemption Guideline (Asset Test)

Attorney Gildner state that he had drafted a Poverty Exemption Guideline in 2008 and sees no need to change it. Supervisor Ochadleus and Attorney Gildner explained the asset test for Poverty Exemption.

NEW BUSINESS:

1. Budget Discussion

Supervisor Ochadleus discussed the road budget and the need to take a conservative approach with the budget process in order to build the Township's fund balance.

2. Reappoint Bill Winslow to the Zoning Board of Appeals

MOTION by Madeline, seconded by Lacey to reappoint Bill Winslow to the Attica Township Zoning Board of Appeals (ZBA) for a three year term. A vote was taken. Ayes: All; Nays: None. Absent: Two (Herpolsheimer and Mason)
MOTION CARRIED.

3. Reappoint Nancy Szerlag and Dave Penzien to the Planning Commission

MOTION by Madeline, seconded by Lacey to reappoint Nancy Szerlag and David Penzien to the Planning Commission for three year terms. A vote was taken. Ayes: All; Nays: None. Absent: Two (Herpolsheimer and Mason)
MOTION CARRIED.

4. Formalize Agreement with Bob Nichols

Supervisor Ochadleus explained that Bob Nichols is farming the land behind the developed park which is owned by the Township but there is not a formalized agreement. Attorney Gildner will draft an agreement between the Township and Mr. Nichols.

5. Kristen Valy-Hax, of Ruth Hughes Memorial Library, Annual Report

The director of the Ruth Hughes Memorial Library, Kristen Valy-Hax, presented the library's annual report. There was discussion. Supervisor Ochadleus thanked Ms. Valy-Hax for the service the library is providing Attica residents.

COMMITTEE REPORTS

1. FIRE: Fire Chief Warford reported:

- a) The new paging system has been installed and is activated.
- b) The DNR amendment to ban the burning of trash in Michigan effective April 1st, 2011 has been put on hold by Governor Snyder.
- c) An accident that occurred on Lake Pleasant Rd and Imlay City Road in Attica Township is the first case in Michigan to be prosecuted for texting while driving.
- d) Burnham and Flower is putting together a proposal for Life Insurance for fire

fighters.

- e) Beginning with the 2nd of April the tornado siren will be tested every Saturday at 1 p.m.
- 2. PARK: Park Manager Phil Madeline reported that he will contact the president of the Attica Little League and request that he come to the next Township Board Meeting.
- 3. PLANNING COMMISSION: Planning Commission Secretary Bud Fackler reported:
 - a) A Public Hearing for Mag Motors, Inc. has been set for May 4th, 2011.
 - b) A Public Hearing for Victory Auto Enterprise has been set for May 4th, 2011.
 - c) Planner Birchler is drafting a Development Approval Manual.
 - d) Secretary Fackler attended the St. Clair County Planning Conference and attended a seminar with Professor Jerry Fisher regarding medical marijuana.
 - e) The Planning Commission formally recommends to the Township Board the rezoning of parcels located at Imlay City Road and Lake Pleasant Road from B-1 Local Business to B-2 General Business.

MOTION by Lacey, seconded by Madeline to rezone from B-1 Local Business to B-2 General Business the following described properties:

4485 Imlay City Road, Parcel ID #44-003-004-034-00
4475 Imlay City Road, Parcel ID #44-003-004-035-00
4474 Imlay City Road, Parcel ID #44-003-009-001-60
4452 Imlay City Road, Parcel ID #44-003-009-001-70
4516 Imlay City Road, Parcel ID #44-003-010-011-00
4516 Imlay City Road, Parcel ID #44-003-010-010-00
589 N Lake Pleasant Road, Parcel ID #44-003-004-033-00

A roll call vote was taken. Lacey: Aye; Ochadleus: Aye and Madeline: Aye. Ayes: All; Nays: None. Absent: Two (Herpolsheimer and Mason) **MOTION CARRIED.**

- f) The Planning Commission formally recommends to the Township Board the adoption of amendments of the Attica Township Zoning Ordinance:

MOTION by Lacey, seconded by Madeline adoption of the following amendments to the following sections of the Attica Township Zoning Ordinance:

Section 2.2 new definition of "Columbarium"
Section 4.14 Cemeteries
Section 4.17 Orphanages
Section 4.18 Nursing and Convalescent Homes
Section 4.24 Private Kennels
Section 4.25 Veterinary Offices

Section 4.30 Agricultural Limited Business Uses
Section 4.31 Residential Limited Business Uses
Section 4.32 Accessory Apartments
Section 4.33 Places of Worship
Section 4.37 Bed and Breakfast Inns
Section 4.40 Junk Yards
Section 4.43 Automotive Repair Garages, Auto Engine and Body
Repair, and Undercoating Shops
Section 4.49 Lumbar and Planing Mills
Section 4.50 Metal Plating, Buffing and Polishing
Section 6.2.8 Annual Inspection and Registration

A roll call vote was taken. Madeline: Aye; Ochadleus:
Aye and Lacey: Aye. Ayes: All; Nays: None. Absent: Two
(Herpolsheimer and Mason) **MOTION CARRIED.**

4. ATTORNEY REPORT: Attorney Gildner reported:

- a) Attorney Gildner will draft a Policy and Procedures manual for the Township.
- b) Attorney Gildner has had contacted GMAC's lawyer daily for a week regarding cost recovery from the Pacquin accident. There is reason to hope that it will be resolved. Supervisor Ochadleus instructed Attorney Gildner to pursue legal action if the matter is not resolved.
- c) Attorney Gildner will request Representative Kevin Daley seek an Attorney General Opinion regarding the required 30 day wait for townships after submitting amendments and zoning maps to the Lapeer County Collaborative Planning Commission since it is no longer operational.
- d) Due to lack of funding there will not be a Lapeer County Collaborative Planning Commission seminar therefore Attorney Gildner is willing to offer an in house seminar at no cost.

5. AMBULANCE: None.

6. CEMETERY: None.

7. COMMISSIONER REPORT: Commissioner Jarvis discussed process for federal grant and repercussions if the Lapeer County Planning Commission is disbanded. There was lengthy discussion.

Supervisor Ochadleus commended Commissioner Jarvis for her help in implementing the Fenningsdorf project.

8. BOARD:

- a) Supervisor Ochadleus requested Attorney Gildner draft a Policy and Procedures manual for the Township.
- b) Supervisor Ochadleus distributed an update written by the Attica Museum director, Janet O'Donnell.
- c) There was discussion regarding selling the folding machine and upgrading

the copy machine to a copier/scanner/photo copier system.

9. PUBLIC: Resident, Bill Winslow of 94 N. Lk. Pleasant Road presented the attached petition requesting the Fire Siren be activated 24 hours per day. There was discussion and the Township Board will take it under advisement.

REVIEWING AND PAYING BILLS:

The bills were reviewed by the Board for the General Fund for the amount of \$36,974.88; Public Safety for the amount of \$8,513.50 and for the Fire Fund for the amount of \$6,527.26 and there being no questions:

MOTION by Lacey, seconded by Madeline to approve the bills as presented. A roll call vote was taken. O Chadleus: Aye; Madeline: and Lacey: Aye. Ayes: All. Nays: None. Absent: Two (Herpolsheimer and Mason). **MOTION CARRIED.**

There being no further business before the Board, **MOTION** by Lacey seconded by Madeline to adjourn the meeting at 8:20 p.m. A vote was taken. Ayes: All. Nays: None. **MOTION CARRIED.**

Submitted by:

Respectfully Submitted By:

Valerie Schultz, Recording Secretary

Nancy Herpolsheimer, Clerk