

ATTICA TOWNSHIP BOARD MEETING

June 11th, 2015

Nancy Herpolsheimer, Clerk

At a meeting of the Attica Township Board held June 11th, 2015, 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, Trustee Phil Madeline and Trustee Rich Lacey. ABSENT: Treasurer Pam Mason. ALSO PRESENT: Court reporter Dione Torkelson and the public per the sign-in sheet attached.

Pledge of allegiance led by Chief Warford.

Truth in Taxation Fiscal Year 2015-2016:

Supervisor Ochadleus opened the Public Hearing at 7:01 p.m. explaining and reviewing the figures for the Township Operating Millage, the Township Fire Millage and the Public Safety Millage.

MOTION by Lacey, seconded by Madeline, to approve the Truth in Taxation as presented. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

REVIEW MINUTES:

The minutes of the May 14th, 2015 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 May 14th, 2015 regular Board meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

CORRESPONDENCE: None.

TREASURER'S REPORT: Supervisor Ochadleus gave the following Treasurer's Report: General Fund Beginning Balance of \$570,853.79, receipts of \$59,931.80; Interest of \$49.63; Distributions of \$59,501.98 for a New Balance of \$571,333.24; General Fund CDARS savings account has \$201,508.67. Public Safety has \$134,251.91; Public Safety CDARS Savings account has \$50,377.16; Fire Millage has \$54,976.48; Fire Millage CDARS Savings account has \$50,377.16; Fire Escrow has \$79,809.09; Fire Escrow CDARS Savings account has \$50,377.16.

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

POLICE REPORT: Deputy Vandenberg gave the following police report: there were 132 calls in the month of May with 57 of the calls handled by the Township deputies.

PUBLIC TIME: None.

OLD BUSINESS: Supervisor Ochadleus and Clerk Herpolsheimer explained that the township must have a FOIA policy in place by July 1, 2015.

MOTION by Herpolshiemer, seconded by Lacey, to adopt the attached FOIA Procedures and Guidelines Policy, FOIA Policy #2015-1. A roll call vote was taken. Madeline: Aye, Ochadleus: Aye, Herpolsheimer: Aye and Lacey: Aye. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

NEW BUSINESS:

1. Carey Lacey, Pond Situation:

Carey Lacey of Dryden Township distributed an exhibit list prepared by his attorney, Tim Denney, to the board and then gave a lengthy presentation describing the progression of the pond, owned by himself and his neighbors, drying up. Mr. Lacey feels this is due to his neighbor, Larry Clark of Attica Township, digging a pond. Mr. Lacey presented photos showing progression of the water levels dropping dramatically since 2010. Mr. Lacey stated that Mr. Clark dug his pond without a permit to do so, furthermore Mr. Lacey stated that the pond does not meet the setback requirements and wetlands have been disturbed without permission. Mr. Lacey proposed that Mr. Clark fill in his pond or at least bring the water level up to what it once was.

Supervisor Ochadleus reviewed the recommendation by Attica Township Attorney Michael Gildner. Attorney Gildner recommended the Township Board authorize the issuance of a municipal civil infraction notice to the Clarks for constructing a pond without obtaining a pond permit or otherwise complying with the pond provisions of the Township Zoning Ordinance. That notice would seek payment of a fine only, and not injunctive relief.

There was discussion. Supervisor assured Mr. Lacey that he will continue to seek a solution to what he can do on his behalf.

2. Approve Budget:

MOTION by Lacey, seconded by Madeline, to approve the July 1st, 2015 to June 30th, 2016 Budget as presented at the May 14th, 2015 Attica Township Board meeting. A roll call vote was taken. Herpolsheimer: Aye, Ochadleus: Aye, Madeline: Aye and Lacey: Aye. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

3. Transfer of Funds for Current Fiscal Year:

Clerk Herpolsheimer requested fund transfers for the budget.

MOTION by Lacey, seconded by Madeline, to transfer \$8,000.00 to the Township Board account, \$2,641.00 to the Elections Account, \$9,300.00 to the Library account, \$2,665.00 to the Cemetery account and \$2,702.00 to the Tax Tribunal account for a total of \$25,308.00 from the contingency fund as requested by Clerk Herpolsheimer. A roll call vote was taken. Lacey: Aye, Herpolsheimer: Aye, Ochadleus: Aye and Madeline: Aye. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

4. Cemetery Question:

Supervisor Ochadleus stated that this issue regarding the location of a burial has been resolved.

5. Verizon Cellular Tower:

Verizon representative Leland Calloway of Jacobs Engineering stated that the Attica Township Planning Commission denied Verizon's request for a special use permit to place a new cellular antenna, tower and equipment enclosure on property zoned B-2 General Business and located at 4452 Imlay City Road, in Attica Township. Mr. Calloway stated that Verizon was wrongly denied their Special Land Use permit and Site Plan Review and requested the Township Board consider the request. There was discussion regarding the height of the proposed tower.

Attorney Robert LaBelle, representing Verizon, stated that Attica Township's ordinance allows a tower up to 200 feet. Attorney LaBelle explained how the Federal Communications Act applies to the proposed cellular tower and the need for coverage in this area. Attorney LaBelle went on to state that a Verizon monopole has never fallen and that it has a limited profile. Attorney LaBelle spoke with Attica Township Attorney Gildner by phone and stated that Attorney Gildner asked to have this decision tabled until the July 9th board meeting to give him time to review the information. There was lengthy discussion.

MOTION by Herpolsheimer, seconded by Madeline, to table the Verizon Cellular issue until the July 9th, 2015 board meeting as requested by Verizon Attorney Robert LaBelle. A roll call vote was taken. Lacey: Aye, Madeline: Aye, Ochadleus: Aye and Herpolsheimer: Aye. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

6. Deputy Treasurer Position/Rate:

Supervisor Ochadleus recommended that the newly hired Deputy Treasurer receive a starting wage of \$13.50 per hour to be reviewed in six months. Supervisor Ochadleus stated that the new Deputy Treasurer is unexperienced. There was discussion.

MOTION by Herpolsheimer, seconded by Lacey, to set the Deputy Treasurer rate at \$13.50 per hour with a Board review in 6 months. A roll call vote was taken. Lacey: Aye, Herpolshiemer: Aye, Ochadleus: Aye and Madleline: Aye. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

7. Joe Suma Lapeer County Drain Commissioner:

Drain Commissioner, Joe Suma, discussed the drainage issues and what needs to be done to resolve the problems with the Heenan Drain in the Newark Road and Winslow Road area. There was discussion.

MOTION by Herpolsheimer, seconded by Lacey, to approve the attached resolution #2015-2 authorizing the Lapeer County Drain Commission to expend the funds to repair the Heenan Drain. A roll call vote was taken. Lacey: Aye, Madeline: Aye, Herpolsheimer: Aye and Ochadleus: Aye. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

COMMITTEE REPORTS:

1. FIRE: Chief Warford reported:
 - a) The Fire Department had 6 runs since the last meeting.
 - b) Both fire pump wells failed and had to be repaired.
 - c) The Fire Department is busy gearing up for Attica Days.
2. PARK: Park Manager Phil Madeline reported:
 - a) The issue with the bridge in the park was resolved.
 - b) The problem with the cement showing on one of the units in the park has been resolved.
 - c) The park is getting a lot of usage.
 - d) Many residents and non-residents are enjoying the zip line on the new playground equipment.
 - e) A baby seat for the swings has been ordered.
 - f) The ball field problem has been resolved.
3. PLANNING COMMISSION:
 - a) Supervisor Ochadleus stated that the Planning Commission met in May and they denied Verizon their special land use permit request.

- b) Supervisor Ochadleus gave an update on Planning Coordinator Bud Fackler's health.

4. ATTORNEY REPORT: None.

5. AMBULANCE:

- a) The meeting date has been changed to the third Thursday of the month at 9 a.m.
- b) The new ambulance director passed away.

6. CEMETERY: None.

7. COMMISSIONER REPORT: None.

8. Board: None.

9. Public Time:

a) Resident James Whitney asked if there has been anymore problems with four wheelers in the park and asked about the right of a property owner to refuse the placement of a cell tower on their property.

b) Chief Warford stated that he drove on the new round about in Lapeer several times and it was very smooth. Chief Warford also asked about the status of the intersection of Lake Pleasant Road and Newark Road.

c) Chief Warford advised residents to call 911 before anything else if they smell natural gas or propane and advised residents not to touch the garage door opener.

REVIEWING AND PAYING BILLS:

The bills were reviewed by the Board for the General Fund for the amount of \$36,042.12 (check #16763 through check #16763) and the Fire Fund for the amount of \$43,157.35 (check #3798 through check #3821). For a total of \$102,657.01. There being no further questions:

MOTION by Lacey seconded by Madeline to approve the bills as presented. A roll call vote was taken. Madeline: Aye; Lacey: Aye; Ochadleus: Aye and Herpolshiemer: Aye. Ayes: All. Nays: None. Absent: One (Mason).

There being no further business before the Board, **MOTION** by Lacey seconded by Mason to adjourn the meeting at 8:23 p.m. A vote was taken. Ayes: All. Nays: None. Absent: One (Mason). **MOTION CARRIED.**

Submitted by:

Respectfully Submitted By

Valerie Schultz, Deputy Clerk

Nancy Herpolsheimer, Clerk5