

ATTICA TOWNSHIP BOARD MEETING

August 10, 2017

Nancy Herpolsheimer, Clerk

At a meeting of the Attica Township Board held August 10, 2017, at the Attica Township Hall, 4350 Peppermill Road, Attica, Michigan. The meeting was called to order at 7:05 p.m. by Supervisor Ochadleus. PRESENT: Supervisor Al Ochadleus, Treasurer Pam Mason, Clerk Nancy Herpolsheimer, Trustee Phil Madeline and Trustee Rich Lacey. Absent: None. ALSO PRESENT: Attorney Chris Stritmatter of Simen, Figura & Parker, LLC and the public per the sign-in sheet attached.

Pledge of allegiance led by Chief Warford.

ACCEPT AGENDA:

MOTION by Madeline, seconded by Mason, to accept the agenda. A vote was taken. Ayes: All. Nays: None. Absent: None.

MOTION CARRIED.

REVIEW MINUTES:

The minutes of the July 13, 2017 regular Board meeting and the minutes of the July 27, 2017 Special Board meeting were reviewed by the Board; and there being no additions, corrections or deletions;

MOTION by Lacey, seconded by Mason to approve the July 13, 2017 regular Board meeting minutes and the July 27, 2017 Special Board meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

CORRESPONDENCE:

1. Supervisor Ochadleus stated that he received a letter from Clifford Adamaszek regarding an encumbrance on his lot.
2. Supervisor Ochadleus stated that he received a request from resident, Bill Gavette, for the Attica Township F.O.I.A. contact.

TREASURER'S REPORT: Treasurer Mason gave the following Treasurer's Report: General Fund Beginning Balance of \$317,203.80 receipts of \$72,306.23; Interest of \$142.96; Distributions of \$70,883.94 for a New Balance of \$318,769.05; General Fund CDARS savings account has \$202,686.87; General Fund ICS has \$300,025.14; Public Safety has \$24,470.92; Public Safety CDARS Savings account has \$50,671.71; Public Safety ICS has \$50,004.18; Fire Millage has \$33,932.40; Fire Millage CDARS Savings account has \$50,671.71; Fire Millage ICS has \$50,004.18; Fire Escrow has \$1,500.42; Fire Escrow CDARS Savings account has \$50,671.71; Fire Millage ICS has \$80,008.94.

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

POLICE REPORT: Deputy Barrett gave the following police report: there were 172 calls in the month of July with 79 of the calls handled by the Township deputies.

PUBLIC TIME:

1. Resident Bill Gavette, of 4241 Payne Road, stated that he felt he was misinformed relative to the Payne Road issue.
2. Resident Chris Russell, of 4359 Payne Road, discussed the Payne Road issue.

OLD BUSINESS:

1. **Fire Truck Loan:** Supervisor Ochadleus distributed a bank loan rates chart for the new fire truck and recommended securing a loan from Lakestone Bank. Fire Chief Warford recommended the 7 year loan with the option to pay off early. Attorney Stricter advised the board to make sure there is a clause in the contract to allow early payoff.

MOTION by Herpolsheimer seconded by Mason to authorize Treasurer Mason to enter into a loan with Lakestone Bank to borrow \$170,000.00 at 2.5% interest for the purchase of a new fire truck. A roll call vote was taken. Herpolsheimer: Aye; Madeline: Aye; Lacey: Aye; Ochadleus: Aye and Mason: Aye. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

NEW BUSINESS:

1. **Approve the Special Land Use and Mining Permit for Israel Ferrett, 1200 Lake George Road, LLC:**

Supervisor Ochadleus explained that Mr. Ferrett and his attorney met with himself and Planning and Zoning Coordinators Lemons and Schultz to discuss issues Mr. Ferrett had with the conditions in the motion the Planning Commission passed recommending the township board approve Mr. Ferrett's Special Land Use and mining permit. There was lengthy discussion among the board and the public present with resident Gail Luscomb requesting "absolutely no driving on Payne Road" be added to the motion and resident Sally Hogan requesting signs at the ends of Payne Road stating "No Through Trucks". Israel Ferrett requested allowing the use of gas and diesel pumps during operating hours. After discussion among the public Attorney Stritmatter informed the public that the time for discussion was at the Planning Commission meeting. Trustee Lacey suggested returning \$25,000.00 of the \$50,000.00 bond to Mr. Ferrett after one year if he has complied with all rules and conditions.

MOTION by Lacey, seconded by Madeline to approve the Special Land Use and Mining permit for Israel Ferrett, 1200 Lake George Road, LLC, 44-003-016-039-00 and 44-003-016-043-00,

as recommended by the Attica Township Planning Commission with the amendment of item number 4 to return \$25,000.00 of the \$50,000.00 bond after one year if all rules and conditions have been followed, and subject to the following conditions:

1. The permit shall be granted for five years with a potential for an additional five years subject to a review by the Planning Commission and the Township Board.
2. Mining and processing hours shall be limited to Monday through Friday 7 a.m. to 5 p.m. and Saturday 7 a.m. to noon. No mining or processing on Sundays or holidays prescribed by the Township Board. Crusher hours of operation shall be limited to Monday through Friday 9 a.m. to 3 p.m.
3. All pumping of water between water basins shall be done with electric pump only (i.e. no gas, no diesel, and no utilization of auxiliary equipment to operate pumps). There shall be zero off site pumping.
4. The applicant shall deposit with the Township Treasurer a \$50,000.00 cash bond to be deposited into an interest bearing escrow account to be returned upon restoration of the site when mining is completed. If the applicant has complied with all rules and conditions for one year \$25,000.00 of the \$50,000.00 bond will be returned to the applicant.
5. The haul route for both loaded and unloaded shall be pits south to Newark Road, Newark Road to Lake Pleasant Road and absolutely no driving on Belle River Road and bonding by the Lapeer County Road Commission, and supply a copy of same to the township.
6. Each year an annual permit fee in the amount of \$2,000.00 is due on January 1st to cover the annual inspection by the Township Engineer. (Any unused part of the permit fee will be returned to the permit holder).
7. Reclamation shall be reviewed during the annual inspection process and shall be ongoing not as noted in the submitted plans which stated reclamation would be complete within one year of final mining.
8. Dust control will be provided on all internal roads by chemical or similar treatment.
9. The applicant shall allow the township engineer or any township official access to the property at any time during regular business hours.
10. There shall be no other activity on the site other than the mining process and selling of sand and gravel material unless a revised site plan is submitted and approval given.
11. The applicant shall comply with any/all Federal, State and local regulations, including, but not limited to:
 - Sections 6.1, 6.2 and 6.5 of the Township Zoning Ordinance (includes Site Planning, Special Land Use and Community Impact Statement)

- Section 4.20 of the Attica Township Zoning Ordinance
- Section 300 through 309 of the Attica Township Soil Removal Ordinance.

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

2. E-Deposit with Lakestone Bank: Supervisor Ochadleus made the board aware that he, Treasurer Mason and Clerk Herpolsheimer met with Lakestone Bank representatives regarding putting the E-Deposit system in place. The ordering of the E-Deposit equipment is in process.

COMMITTEE REPORTS:

1. FIRE: Chief Warford reported:
 - a) The spaghetti dinner during Attica Days went well.
 - b) Last month was slow.
 - c) In process of interviewing and testing 5 candidates for the fire department.
2. PARK: Park Manager Madeline reported that the park is getting a lot of usage.
3. PLANNING COMMISSION: Planning Administrator Maureen Lemons reported:
 - a) The ZBA will meet August 24th at 6:30 p.m.
 - b) Planning and Coordinators Lemons and Schultz went to Frankenmuth on August 9th for Michigan Township Association's Hot Topics in Planning and Zoning Workshop. Planning Administrator Lemons gave a synopsis of the issues covered at the workshop: the impact of the new Medical Marijuana Licensing Act and short term rental regulations and balancing property rights with preservation of neighborhood's residential character.
 - c) Supervisor Ochadleus discussed the July ZBA meeting and stated that the township attorney and planner are working on amending the ordinance as it relates to nonconforming structures.
4. ATTORNEY REPORT: Attorney Strittmatter reported that he is filing injunctive relief from the court on five blight complaints.
5. AMBULANCE: None.
6. COMMISSIONER'S REPORT: None.
7. Board: None.

8. Public Time: None.

REVIEWING AND PAYING BILLS:

The bills were reviewed by the Board for the General Fund for the amount of \$78,303.39 (check #18841 through check #18967); Public Safety for the amount of \$10,192.78 (check #1229 through check #1230) and the Fire Fund for the amount of \$9,977.56 (check #4600 through check #4627). For a total of \$98,473.73. There being no further questions:

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

There being no further business before the Board, **MOTION** by Lacey seconded by Madeline to adjourn the meeting at 7:58 p.m. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

Submitted by:

Respectfully Submitted by:

Valerie Schultz, Deputy Clerk

Nancy Herpolsheimer, Clerk