

MINUTES OF THE ATTICA TOWNSHIP BOARD

Held on October 11th, 2012
Nancy Herpolsheimer, Clerk

At a meeting of the Attica Township Board held on October 11th, 2012, 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: None. ALSO PRESENT: Attorney Gildner and the public per the Sign-In Sheet attached.

PUBLIC HEARING: Lake Pleasant Special Assessment

Supervisor Ochadleus opened the Public Hearing concerning the Lake Pleasant Special Assessment at 7 p.m. Supervisor Ochadleus reviewed the procedures required to implement a Lake Pleasant Special Assessment district. There was lengthy discussion. Pete Filpansick of Lake Pro, Inc. was present to explain the process his company uses and to answer resident's questions.

Diane Gladden, of 711 Sunset, asked what would happen to any excess money collected after a 4 or 5 year period. Attorney Gildner stated that any overages would be distributed back to the residents in the special assessment district.

Tim Billow, of 909 Pantek, asked if the special assessment was based on property size. Supervisor Ochadleus stated that each parcel in the district would be assessed regardless of size.

Diane Gladden, of 711 Sunset, explained that Michigan Christian Youth Camp is tax exempt and questioned what liability the camp would have. Attorney Gildner stated that the camp is exempt from taxes but is not exempt from special assessments.

Chris Hart, of 853 Boshaw, stated that he objects to the Lake Pleasant Special Assessment because he feels it has been rushed through. Mr. Hart stated that he feels there was not adequate time for out of town property owners to respond to the Public Hearing. Mr. Hart asked if home owners would have to have their wells tested monthly once treatment began on the lake. Pete Filpansick of Lake Pro, Inc. stated that it will not be necessary for home owners to have their wells tested monthly. Lake Pro only uses products allowed in the permit issued by the DEQ (Department of Environmental Quality).

Pete Filpansick, of Lake Pro, Inc., explained how herbicides and mechanical harvesters are used to eradicate weeds in the lake.

Lynn Lockhart of 934 Martin Dr. asked if harvesting the weeds could make the weeds spread. Lynn Lockhart stated that she objects to the Special Assessment.

Gloria Billow, of 909 Pantek, asked if the owners of the leased land included in the special assessment district would also have to pay the assessment. Supervisor Ochadleus stated that they would be required to pay the assessment.

Kevin Putnam, of 973 Caster, asked if there was a non-chemical way to treat the lake.

Jim DeClark, of 681 Sunset, explained that using weevils to eat the weeds is a questionable method.

Pete Filpansick, of Lake Pro, Inc, stated that the use of weevils is a very expensive and questionable process. He further stated that herbicides are much quicker and more reliable.

Fred Orlando, of 4325 Pantek, asked if the proposed treatment would affect the fish in the lake and if they would still be edible. Mr. Filpansick stated that the DNR and DEQ set limits on the amount of herbicides that can be used as to not effect fish.

Diane Gladden, of 711 Sunset, stated that she researched weevils and questioned if the run off of pesticides from farms would affect weevils.

Tracy Kaake, of 985 Center, asked if there has been any research done on the long term affect of the herbicides. Mr. Filpansick stated that the EPA tests them and once they approve them they go to the DEQ and DNR for approval. Mr. Filpansick also stated that most of the chemicals used have been around for 30-40 years and discussed research conducted on the affects of herbicides. Tracy Kaake stated that he objects to the Lake Pleasant Special Assessment because of the use of chemicals and because of being taxed per parcel as opposed to being taxed per owner.

Chris Hart, of 853 Boshaw, asked if the herbicides would affect area farmer's irrigation. Mr. Filpansick explained that resident's would be notified when the herbicide is applied and there will be a 24 hour swim restriction.

Rick Lockhart, of 934 Martin, stated that everyone that lives on the lake lives within 75 feet of it and asked if the herbicides would affect drinking water and stated that he was concerned with the effect the herbicides could have on children.

Fred Orlando, of 4325 Pantek, asked how long before results could be seen in the lake. Mr. Filpansick stated that the first year of the program is research and testing and 2 weeks to 30-40 days of the contact herbicide being applied there will be results.

Adam Mutch, of 966 Caster, asked if the resident's well depth will be checked and if prices changed with different products. Mr. Filpansick stated that well depth is taken into consideration and that prices do change with different products.

Tracy Kaake, of 985 Center, asked who assumes responsibility if anything goes wrong. Mr. Filpansick stated that ultimately the DNR assumes responsibility because they issue the permit. Mr. Filpansick also stated that Lake Pro, Inc. is covered by liability insurance and that there is no liability to homeowners or their insurance companies.

Mike Szymanski, of 749 Sunset, stated that he is concerned that a child is going to drown in the weeds in the lake and that this problem needs to be tackled quickly.

Janet Hart, of 853 Boshaw, stated that there may also be arsenic in the lake.

Steve Machiela, of 4150 Bowers stated that he opposes the Lake Pleasant

Special Assessment.

Ken Sullivan, of Michigan Christian Youth Camp, asked what would happen to the lake in a few years if nothing is done to treat the weeds. Mr. Filpansick stated that eventually there would only be the milfoil plant and there would not be the diversity needed to maintain a healthy water supply.

Steve Machiela, of 4150 Bowers asked how often the treatment process would have to be repeated. Mr. Filpansick stated that it is a 4 year plan with a focus on 2014 being the year that the biggest dent will be made in the milfoil.

There being no further comments or questions:

MOTION by Madeline, seconded by Lacey to close the Public Hearing at 8 p.m. A vote was taken. Ayes: All; Nays: None. Absent: None. **MOTION CARRIED.**

The minutes of the September 13th, 2012 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 August 9th, 2012 Attica Township regular Board meeting as presented. A vote was taken. Ayes: All; Nays: None. Absent: (None). **MOTION CARRIED.**

CORRESPONDENCE: None.

TREASURER'S REPORT: Treasurer Mason gave the following Treasurer's Report: General Fund Beginning Balance of \$505,878.41, receipts of \$74,126.87; Interest of \$44.92; Distributions of \$31,121.00 for a New Balance of \$548,929.20. Public Safety has \$118,799.36; Fire Millage has \$89,364.02 Fire Department Escrow has \$77,333.62 and there is \$2,181.46 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: None. **MOTION CARRIED.**

POLICE REPORT: Deputy Nick Vandenberg gave the following police report: there were 160 calls in the month of September with 84 of the calls handled by the Township deputies.

PUBLIC TIME:

Resident Charles Archibald, of 4496 Payne Rd. questioned how items are put on and taken off of the Township Board meeting agendas and the Planning Commission meeting agendas. Supervisor Ochadleus stated that it is an informal process.

At this point Attorney Gildner informed the Board that he was given a 2 page petition concerning the Lake Pleasant Special Assessment. The person circulating the petition, Adam Mutch, of 966 Caster, asked that the petition be returned to him to be

resubmitted at a later date. Attorney Gildner turned the petition over to Mr. Mutch.

Mr. Archibald went on to ask Attorney Gildner if anything can be taken off of the agenda. Attorney Gildner stated that there is no protocol, items can go on or off the agenda, and there is not a motion to put items on the agenda.

Mr. Dave Daws, of 9380 Slattery Rd., asked which employees of the township are paid for going to court. Supervisor Ochadleus stated that only Attorney Gildner receives compensation for going to court.

OLD BUSINESS:

1. Special Assessment District Lake Pleasant:

MOTION by Madeline, seconded by Mason to adopt the attached Resolution creating a special assessment district for aquatic weed control of Lake Pleasant. A vote was taken. Ayes: All; Nays: None. Absent: None. **MOTION CARRIED.**

MOTION by Mason, seconded by Herpolsheimer to set the second Public Hearing to establish a Special Assessment District for Weed Control on Lake Pleasant, for Thursday, November 8th, 2012 at 7 p.m. A vote was taken. Ayes: All; Nays: None. Absent: None. **MOTION CARRIED.**

NEW BUSINESS:

1. Resolution to establish Receiving Boards:

Clerk Herpolsheimer informed the Board regarding a new law in the State of Michigan requiring townships to have election materials inspected by a local receiving board before being turned over to the county receiving board.

MOTION by Mason, seconded by Madeline to adopt the attached Resolution for the establishment of receiving boards for elections held in Attica Township. A vote was taken. Ayes: All; Nays: None. Absent: None. **MOTION CARRIED.**

COMMITTEE REPORTS:

1. FIRE: Chief Warford reported:

- a) The Attica Township Fire Department has responded to 8 runs since the September Board meeting, including a R.V. fire and a garbage truck fire.
- b) The 911 radios are on track to become digital in on December 18th, 2012.
- c) The cost of the 911 radio system is coming in at close to one million dollars under budget.

- d) Reminded residents to check the batteries in their smoke detectors and to check that their chimneys are clear.
2. PARK: Park Manager Madeline reported:
- a) Ordered 2 of the port-a-johns removed from the park. The remaining port-a-john will remain until there is snow on the track.
3. PLANNING COMMISSION: Planning Coordinator Fackler stated that there was not a Planning Commission meeting in the month of October.
4. ATTORNEY REPORT: Attorney Gildner reported that there is no sense in proceeding with the cost recovery case for the fire department since he is unable to locate the responsible party.
5. AMBULANCE: Supervisor Ochadleus stated that ambulance assessment is for the present fiscal cycle and it will, without question be paid before the end of the fiscal cycle.
6. CEMETERY: None.
7. COMMISSIONER REPORT: None.
8. Board: None.
9. Public: Resident Charles Archibald, of 4496 Payne Rd., stated that he supports the Lapeer County Emergency Medical Services (LCEMS) and feels Attica Township should make the participation payment. Mr. Archibald also questioned what the Cintas bill and the AI Parsch Oil bill were for. Supervisor Ochadleus informed Mr. Archibald that all bills are monitored and costs comparisons are performed before any contract is signed.

REVIEWING AND PAYING BILLS:

The bills were reviewed by the Board for the General Fund for the amount of \$37,809.90: Public Safety for the amount of \$17,960.11 and for the Fire Fund for the amount of \$9,608.84 for a total of \$65,378.85. There being no further questions:

MOTION by Lacey, seconded by Madeline to approve the bills as presented. A roll call vote was taken.
Mason: Aye; Ochadleus: Aye; Madeline: Aye;
Herpolsheimer: Aye and Lacey: 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 8:35 p.m. A vote was taken. Ayes: All. Nays: None. **MOTION CARRIED.**

Submitted by:

Respectfully Submitted By:

Valerie Schultz, Recording Secretary

Nancy Herpolsheimer, Clerk