

ATTICA TOWNSHIP BOARD MEETING

April 12, 2018

Nancy Herpolsheimer, Clerk

At a meeting of the Attica Township Board held April 12, 2018, 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, Treasurer Pam Mason, Clerk Nancy Herpolsheimer, Trustee Phil Madeline and Trustee Rich Lacey. Absent: None. ALSO PRESENT: Attorney Michael Gildner and the public per the sign-in sheet attached.

Pledge of Allegiance

**ACCEPT AGENDA:**

**MOTION** by Herpolsheimer, seconded by Mason, to accept the agenda as presented. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

**REVIEW MINUTES:**

The minutes of the March 8, 2018 regular Board meeting were reviewed by the Board; and there being no additions, corrections or deletions;

**MOTION** by Mason, seconded by Herpolsheimer, to approve the March 8, 2018 regular Board meeting minutes 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 \$409,484.00 receipts of \$85,461.09; Interest of \$447.24; Distributions of \$54,994.74 for a New Balance of \$440,397.59; General Fund CDARS savings account has \$203,064.54; General Fund ICS has \$300,144.90; Public Safety has \$104,549.46; Public Safety CDARS Savings account has \$50,766.13; Public Safety ICS has \$25,019.78; Fire Millage has \$60,650.29; Fire Millage CDARS Savings account has \$50,766.13; Fire Millage ICS has \$40,022.75; Fire Escrow has \$1,529.12; Fire Escrow ICS has \$41.52.

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

**POLICE REPORT:** Supervisor Ochadleus gave the following police report: there were 179 calls in the month of March with 95 of the calls handled by the Township deputies.

**PUBLIC TIME:**

- 1) Resident, Mary Tullio, of 4142 Belle River Road distributed names and phone numbers of DNR, Department of Agriculture and DEQ directors and asked the board members to contact them for their opinion on whether the mulching operation of Owen Tree Service is considered agricultural. Ms. Tullio went on to express her concern that she is not being given information regarding the mulching operation when she calls the township office.
- 2) Attorney Tim Denny, representing Owen Tree Service, stated that Randy Owen is willing to move forward with a site plan and application for Special Land Use approval with the Attica Township Planning Commission but does not want to go forward without determination that Owen Tree Service is an agriculture use and an agribusiness use of the property.
- 3) Resident, Angela Haley, of 1561 Lake George Road stated that she lives 40 feet from the proposed site of the Owen Tree Service mulching operation. Ms. Haley stated that she spoke with the Department of Agriculture and was told that everything points to this being an industrial business.
- 4) Mr. Kennedy, of 322 Elk Lake Road asked if there are any plans to asphalt Elk Lake Road as the asphalt is falling apart and asked about survey sticks on the road.

**OLD BUSINESS:**

1. **Millage:** Supervisor Ochadleus explained the renewal of the current Fire and Public Safety millages and the process to get them on the ballot.

**MOTION** by Mason seconded by Herpolsheimer to adopt the attached resolution #2018-04 submitting the questions of a millage renewal for fire and public safety service to the township electors on the August 2018 ballot. A roll call vote was taken. Herpolsheimer: Aye; Lacey: Aye; Ochadleus: Aye; Madeline: Aye and Mason: Aye. Ayes: All. Nays: None. Absent: None. **MOTION**

2. **Budget:** Supervisor Ochadleus distributed the road budget that he will present at the budget workshop on April 18<sup>th</sup> and explained it and asked Department heads be prepare for the meeting.
3. **Museum Bid:** Supervisor Ochadleus discussed the proposed addition to the museum and the two bids that were received. Supervisor Ochadleus asked the board not to accept either bid but to authorize him to spend up to \$90,000.00 for the addition onto the Attica Township Museum. Trustee Lacey discussed having a perk test. Supervisor Ochadleus stated that he sent the prints to Mortimer for a materials estimate. There was discussion.

**MOTION** by Herpolsheimer, seconded by Mason to authorize Supervisor Ochadleus to spend no more than \$90,000.00 on the museum project contingent on a perk test of the septic system. A roll call vote was taken. Ochadleus: Aye;

Herpolsheimer: Aye; Lacey: Aye; Madeline: Aye and Mason: Aye.  
Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

**NEW BUSINESS:**

**1. Claim of Appeal from Owen Tree Service:**

**MOTION** by Herpolsheimer seconded by Mason to go into closed session at 7:22 p.m. to discuss a claim of appeal from Owen Tree Service. A roll call vote was taken. Lacey: Aye; Madeline: Aye; Mason: Aye; Ochadleus: Aye and Herpolsheimer: Aye. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

The board reconvened the regular board meeting at 7:40 p.m.

**MOTION** by Lacey seconded by Mason to direct Attorney Gildner to continue with any legal action regarding the Claim of Appeal from Owen Tree Service in court. A roll call vote was taken. Madeline: Aye; Herpolsheimer: Aye; Ochadleus: Aye; Mason: Aye and Lacey: Aye. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

**2. Total Marine Technologies Site Plan Approval:**

**MOTION** by Mason, seconded by Herpolsheimer to approve the revised Site Plan of Total Marine Technologies, as recommended by the Attica Township Planning Commission. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

**COMMITTEE REPORTS:**

1. FIRE: None.
2. PARK: Park Manager Madeline stated that one porta john has been ordered and the parking lots are going to be opened.
3. PLANNING COMMISSION: Planning Administrator Maureen Lemons reported:
  - a) The Planning Commission is reviewing a draft of the wind ordinance.
  - b) Increasing the maximum size of accessory buildings is being proposed.
  - c) Creating a vacation rental ordinance will be discussed at the Planning Commission meeting.

d) Supervisor Ochadleus discussed medical marijuana care givers. Attorney Gilder recommended doing nothing since Attica Township has already opted out of allowing medical marijuana operations in the township.

4. ATTORNEY REPORT: None.

5. AMBULANCE: Supervisor Ochadleus discussed the number of stations and the possibility of selling back Station 1 to the city of Lapeer because it is in total disrepair.

6. COMMISSIONER'S REPORT: Supervisor Ochadleus stated that Commissioner Jarvis gave him literature to display in the office.

7. Board: None.

8. Public Time:

a) Mr. Kennedy, of 322 Elk Lake Road asked about vacation rentals on the lake.

b) Resident, Sue Lacey, of 4784 Attica Road state that the number of vehicles speeding on Attica road is horrendous. The 35 mile per hour sign disappeared.

**REVIEWING AND PAYING BILLS:**

The bills were reviewed by the Board for the General Fund for the amount of \$54,533.78 (check #19497 through check #19594); Public Safety for the amount of \$10,989.15 (check #1240) and the Fire Fund for the amount of \$47,977.75 (check #4857 through check #4899). For a total of \$113,500.68. There being no further questions:

**MOTION** by Lacey seconded by Mason to approve the bills as presented.in the amount of \$113,500.68. A roll call vote was taken. Ochadleus: Aye; Mason: Aye; Herpolsheimer: Aye; Madeline: 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 7:48 p.m. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

Submitted by:

Respectfully Submitted by:

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Valerie Schultz, Deputy Clerk

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Nancy Herpolsheimer, Clerk