

ATTICA TOWNSHIP BOARD MEETING
October 12, 2023
Valerie Schultz, Clerk

At a meeting of the Attica Township Board held October 12, 2023, at the Attica Township Hall, 4350 Peppermill Road, Attica, Michigan. The meeting was called to order at 7:25 p.m. by Supervisor Al Ochadleus. PRESENT: Supervisor Al Ochadleus, Clerk Valerie Schultz, Treasurer Pam Mason, Trustee Nancy Herpolsheimer and Trustee William Winslow. Absent: None. ALSO PRESENT: Attorney Gildner and the public per the sign-in sheet attached.

Pledge of Allegiance

ACCEPT AGENDA:

Supervisor Ochadleus added #5 Mandated Election Equipment under new business.

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

REVIEW MINUTES:

The minutes of September 14, regular Board meeting was reviewed by the Board; and there being no additions, corrections or deletions;

MOTION by Winslow, seconded by Herpolsheimer, to approve the September 14, 2023 regular Board meeting minutes as presented. A vote was taken. Ayes: All. Nays: None. Absent: None. **MOTION CARRIED.**

CORRESPONDENCE: Supervisor Ochadleus shared a letter received from Bazco Oil Holdings attorney, Andrew Concannon.

TREASURER'S REPORT: Treasurer Mason gave the following Treasurer's Report: General Fund Beginning Balance of \$561,497.76 receipts of \$103,495.21; interest of \$479.15; Distributions of \$199,469.69 for a New Balance of \$466,002.43 General Fund; CDARS savings account has \$209,922.72; General Fund ICS has \$281,872.26; Public Safety has \$43,317.40; Public Safety ICS has \$5,085.91; Fire Millage has \$121,492.65 Fire Millage CDARS savings account has \$52,480.88; Fire Millage ICS has \$1,058.50; Fire Equipment Millage has \$182,532.93; Fire Escrow has \$2,691.56; Deposited Escrow has \$25,194.21; Covid Funds has \$39,182.29.

MOTION by Schultz, seconded by Winslow, 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 70 calls received in the month of August, with 34 of the calls handled by Township deputies.

PUBLIC TIME: Supervisor Ochadleus asked to move the second Public Time to New Business before item #3.

MOTION by Herpolsheimer seconded by Mason, to move public time to New Business before item #3. A vote was taken. Ayes: All; Nays: None. Absent: None. **MOTION CARRIED.**

OLD BUSINESS: None.

NEW BUSINESS:

1. Accept Audit:

MOTION by Mason seconded by a Herpolsheimer, to accept the Township of Attica audited financial report by King & King CPAs. LLC. as presented. A vote was taken. Ayes: All; Nays: None. Absent: None. **MOTION CARRIED.**

2. Audit Contract:

MOTION by Winslow, seconded by Herpolsheimer, to accept the attached five-year audit contract with King and King, CPAs, LLC, at a cost of \$7,750.00 per year. A roll call vote was taken. Mason: Aye; Ochadleus: Aye; Herpolsheimer: Aye; Winslow: Aye; Schultz: Aye. Ayes: All; Nays: None. Absent: None. **MOTION CARRIED.**

PUBLIC TIME:

Attorney Concannon stated he meant no offense in his letter written on October 10, 2023. He went on to state that Attica Township currently does not have a gas station, and that it needs one. He reiterated that it is not a truck stop being proposed but a gas station without showers and reduced truck parking. He asked the Township Board to approve the special land use.

Supervisor Ochadleus stated that the letter threatened to file suit in Circuit Court if the Township Board or Zoning Board of Appeals denies

Bazco Oil Holdings special land use and site plan. Furthermore, it will file claims of discrimination and denial of equal protection.

Attorney Flory requested more than the allotted two minutes to speak during Public Time, to which Supervisor Ochadleus disagreed. Attorney Flory reiterated that there was no intent to appear threatening in the letter sent to the Township. He went on to state that the Township planner in her review of March 14, 2023 noted all the standards had been met and that Attica Township cannot exclude a gas station when there are none in the Township because this is controlled by the zoning ordinance and would constitute a violation of the Zoning Enabling Act.

Supervisor Ochadleus stated that Bazco Oil Holdings had an initial pre-planning conference in July of 2021. In the past twenty-seven months there were two administrative reviews, three public hearings, a plan downsizing, and two denials from the Planning Commission. Twice the project went silent for eight months or more and the Township wasn't sure if Bazco Oil Holdings had abandoned the project.

Attorney Gildner stated Bazco Oil Holdings did not present anything new and that the Township hasn't had a commercial development of this scope and size before or anything similar for Bazco Oil Holdings to state that they were being treated differently.

Six residents voiced their concerns to the Township Board (see attached).

3. July 27, 2023 Special Land Use and Site Plan for Bazco Oil Holdings, LLC.:

MOTION by Schultz, seconded by Mason, to deny the requested special land use for a truck stop and drive through restaurant establishment located at the intersection of Newark and Lake Pleasant Roads (parcel #44-003-021-034-00), because the applicant does not meet the standard 6.2.1.C: The proposed use shall be designed as to the location, size, intensity, site payout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights. A roll call vote was taken. Herpolshiemer: Aye; Ochadleus: Aye; Mason: Aye; Winslow: Nay and Schultz: Aye. Ayes: Four; Nays: One.
MOTION CARRIED.

4. September 28, 2023 Special Land Use and Site Plan for Bazco Oil Holdings, LLC.:

MOTION by Mason, seconded by Schultz, to deny the requested special land use for a gas station and drive through restaurant establishment located at the intersection of Newark and Lake Pleasant Roads (parcel #44-003-021-034-00), because the applicant does not meet the standard 6.2.1.C: The proposed use shall be designed as to the location, size, intensity, site payout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights. A roll call vote was taken. Mason: Aye; Herpolsheimer: Aye; Schultz: Aye; Ochadleus and Winslow: Nay. Ayes: Four; Nays: One.
MOTION CARRIED

5. Mandated Election Equipment:

Clerk Schultz submitted a quote from Election Source in the amount of \$13,205.50 for required election equipment needed for early voting as required by Proposal 2022-02. There was discussion.

MOTION by Mason, seconded by Schultz, to authorize the Clerk to purchase mandated election equipment not to exceed the amount of \$17,500.00. A roll call vote was taken. Herpolsheimer: Aye; Mason: Aye; Ochadleus: Aye; Winslow: Aye and Schultz: Aye. Ayes: All; Nays: None. **MOTION CARRIED.**

COMMITTEE REPORTS:

1. FIRE: None.
2. PARK: None.
3. PLANNING and ZONING:

The Planning Commission meeting will be held October 26, 2023.

4. ATTORNEY REPORT:

Attorney Flory requested he be allowed to make a statement at this time and it was granted.

Attorney Flory stated that his due process was denied by only having two minutes to speak. Attorney Gildner stated that at the previous three Public Hearings, Attorney /Mashni was present but never spoke. He also stated that Mr. Flory spoke for five and a half minutes and no due process was involved. He also noted the letter written on October 10, 2023 was received by the Township prior to the Township Board meeting.

5. AMBULANCE: None.
6. COMMISSIONER'S REPORT: Commissioner Hamilton reported he introduced and passed a resolution to retain local control for mining, solar and wind energy. The County Commissioners accepted a grant for the fire department; the final budget hearing is November 9, 2023; authorized Dave Eady to oversee animal control until they hire someone and still working on broadband for County. Commissioner Mast wanted to add that there is a candle light concert at the old court house on October 26, 2023 and that the prosecutors' office is fully staffed.
7. BOARD: None.

REVIEWING AND PAYING BILLS:

The bills were reviewed by the Board for the General Fund for the amount of \$231,461.38 (check #24351 through check #24436); the Fire Fund for the amount of \$6,726.01 (check #6766 through check #6795) Public Safety for the amount of \$13,091.54 (check #1310) for a total of \$251,278.93.

MOTION by Herpolsheimer, seconded by Mason to approve the bills as presented in the amount of \$251,278.93. A roll call vote was taken: Schultz: Aye; Ochadleus: Aye; Mason: Aye; Herpolsheimer: Aye and Winslow: Aye. Ayes: All; Nays: None. Absent: None. **MOTION CARRIED.**

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

Respectfully Submitted by:

Valerie Schultz, Clerk

Maureen Lemons, Deputy Clerk