

Holly Township
Board of Trustees – Regular Meeting
Minutes of April 21, 2010

Call to Order: Supervisor Jesse Lambert called the April 21, 2010 Regular Meeting of the Holly Township Board of Trustees to order at or about 6:30 p.m. at the Holly Township Hall, 102 Civic Drive, Holly, Michigan, 48442.

Roll Call:

Board Members Present:

Jesse Lambert, Supervisor
Karin Winchester, Clerk
Mark Freeman, Treasurer
Janet Leslie, Trustee
Steve Ruth, Trustee

Others Present:

Harvey Sorenson, Park Commissioner

Consent Agenda:

1. Agenda Approval
 2. Approval of Special Meeting Minutes – March 17, 2010
 3. Approval of Regular Meeting Minutes – March 17, 2010
 4. Acceptance of Financial Statements – March 2010
 5. Approval of Bills for Payment – April 2010
 6. Routine Reports:
 - A. N.O.C.F.A. Draft Minutes – March 18, 2010
 - B. Planning Commission Draft Minutes – March 8, 2010
 - C. Building Permits – March 2010
 - D. Treasurer’s Quarterly Report – NA
 7. Communications
 - A. Letter dated March 15, 2010 from Oakland County Executive re American Recovery and Reinvestment Act of 2009
 - B. Notice from Oakland County Sheriff re: Marine Unit Patrol
 8. Set Public Hearing May 19, 2010 at 6:15 p.m. or as soon as possible thereafter for a Budget Hearing on 2010-2011 Holly Township Proposed Budget and for the Annual Redetermination Confirming Special Assessment District for the Purpose of Fire and Emergency Service and Supporting Millages.
- **Clerk Karin Winchester moved to approve the April 21, 2010 Consent Agenda, as amended. Supervisor Jesse Lambert supported the motion. A roll call vote was taken. Ruth: Yes; Freeman: Yes; Lambert: Yes; Leslie: Yes; Winchester: Yes. The motion carried by a 5/0 vote.**

Reports:

Supervisor Lambert – No report.

Treasurer Freeman reported he is working on two projects. One is a cost analysis per summer tax bill and invoicing Holly Schools. It has been a fixed figure in the past. The other project he is working on is the investment policy for Holly Township.

Clerk Winchester – No report.

Trustee Leslie – No report.

Trustee Ruth – No report.

Public Comment:

Mr. Harvey Sorenson gave a presentation regarding Holly's Heritage Farmstead 3rd Annual Plow Day.

Mr. Larry Lilly, 110 Clarence Street, commented 2010 will be a positive year for everyone. There are five Village Councilpersons up for re-election. The Village should come to the Township and see how the Township does it. The Township has always done a fantastic job, including the Economic Development Task Force's work on a survey and other things, and the new fire hall. You serve and work for the 10,000 residents of the community and get more people involved at the meetings. There was an opportunity for Lalaine Kilbourn to speak on her behalf at a public hearing. Amy Mayhew is not here tonight but the Holly Express is excellent. Ann is here and that's great. All the information is getting out there. There is no excuse for there not to be cooperation by everyone. We all need to work together. The survey will determine what the 10,000 residents want for the future and that will be positive. He has fought to dissolve the Holly Village Charter. That is not for the whole community. Holly Township is right across the street from the Village offices and the Village can see what you're doing right. He's not going to be around forever and 2010 is an opportunity to make the right changes. He's been working on it for 11 years.

Trustee Janet Leslie questioned whether the bonds mentioned in the letter from L. Brooks Patterson, Consent Agenda item 7-A, could be of use for the Township. The letter says the bonds could be used for the construction or improvement of public infrastructure that supports private business. We will be discussing the Grange Hall sewer project and that fits that definition.

Supervisor Lambert indicated he would look at it again to see if the bonds could be put to use for the sewer project.

Old Business:

1. Building Maintenance Brick Proposals

Clerk Karin Winchester disclosed to the Board that her husband is a master mason and he has worked for a couple of the bidders. It would be likely he may work on the project, depending on which bid the Township accepts and she will abstain from discussion and voting on the item.

Treasurer Mark Freeman stated he would lean toward a local contractor, as they are taxpayers.

Trustee Leslie noted one contractor lives in her neighborhood, though she hasn't met him. Stillwell, a contractor from Fenton, has made many contributions to the community. Those would be the two most local.

Supervisor Lambert commented that Stillwell was the only one who provided his licensing in the bid package, which he believes was part of the specifications.

- **Supervisor Jesse Lambert moved to approve Stillwell Construction as the winning bidder on the Township's brick proposal. Trustee Steve Ruth supported the motion. A roll call vote was taken. Freeman: Yes; Leslie: Yes; Winchester: Abstained; Ruth: Yes; Lambert: Yes. The motion carried by a 4/0 vote, 1 abstained.**

2. Noxious Weed Services Proposals

- **Clerk Karin Winchester moved to reissue bid requests based on costs per square foot. Trustee Janet Leslie supported the motion. A voice vote was taken; all those present voted yes; the motion carried by a 5/0 vote.**

3. Town Hall Meeting – Approval of Date

- **Supervisor Jesse Lambert moved to approve scheduling the Town Hall Meeting on July 22, 2010 at 6:30 p.m. Clerk Karin Winchester supported the motion. A voice vote was taken; all those present voted yes; the motion carried by a 5/0 vote.**

New Business:

1. Shiawassee Bridge – Structure Improvements

- **Clerk Karin Winchester moved to approve the security proposal project. Treasurer Mark Freeman supported the motion. A roll call vote was taken. Leslie: Yes; Lambert: Yes; Ruth: Yes; Freeman: Yes; Winchester: Yes. The motion carried by a 5/0 vote.**

2. Request Donation of Planning Commission Compensation – Proposed Resolution 2010-05

Supervisor Lambert noted Planning Commissioner Mark Diaz wishes to forego compensation for his services as a Planning Commission member and asks the Board to approve a resolution adopting his request via budget amendment.

- **Clerk Karin Winchester moved to approve proposed Resolution 2010-05. Supervisor Lambert supported the motion. A roll call vote was taken. Ruth: Yes; Winchester: Yes; Lambert: Yes; Leslie: Yes; Freeman: Yes. The motion carried by a 5/0 vote.**



3. Market Research Survey

- **Clerk Karin Winchester moved to award \$1300.00 to Great Lakes Creative Marketing and Communication to pay for postage for the market research survey. Trustee Steve Ruth supported the motion. A roll call vote was taken. Freeman: Yes; Leslie: Yes; Ruth: Yes; Lambert: Yes; Winchester: Yes. The motion carried by a 5/0 vote.**

4. Small Winemakers License – Seven Lakes Vineyard

Clerk Karin Winchester indicated Robert Diez purchased the old Seven Lakes Vineyard with the intention of reclaiming the vineyard. He would like to start the process of making wine and getting a wine tasting room back up and running.

- **Trustee Janet Leslie moved to approve a small winemaker's license for the Seven Lakes Vineyard, located at 1111 Tinsman. Supervisor Lambert supported the motion. A roll call vote was taken. Winchester: Yes; Leslie: Yes; Freeman: Yes; Ruth: Yes; Lambert: Yes. The motion carried by a 5/0 vote.**

5. 2010 Dust Control Program

- **Treasurer Mark Freeman moved to approve the 2010 Dust Control Program. Clerk Karin Winchester supported the motion. A roll call vote was taken. Freeman: Yes; Leslie: Yes; Ruth: Yes; Winchester: Yes; Lambert: Yes. The motion carried by a 5/0 vote.**

6. 2010-2011 Mining Permit Application for Parcel #01-13-401-003, 01-13-426-001 & 01-24-227-001, Holly Disposal

Supervisor Lambert noted the mining director for Holly Disposal is present if the Board has any questions.

Clerk Karin Winchester moved to approve the 2010-2011 Mining Permit Application by Holly Disposal for Marty Guettler to operate at Holly Disposal, parcel number #01-13-401-003, 01-13-426-001 & 01-24-227-001 with the following conditions, in addition to the Consent Judgment and the Holly Township Code of Ordinances, Chapter 10, Mining, Section 10-103(f)(2) a-g:

- **Approval based on the Engineers 2010-2011 Permit Application Letter and Composite Reports;**
- **The surety reclamation bond in the amount of \$210,000.00 to be effective for the time of this permit and until restoration is completed to the satisfaction of the Township;**
- **The amount of the current \$210,000.00 bond shall be reviewed by the Township Engineer for an estimate of true cost for site reclamation. If the engineer recommends an increase, the Township will request the operator to increase reclamation bond. If the operator does not agree to the request, the Township shall have the township attorney make the request to the court to increase the bond requirements per the Consent Judgment;**
- **The applicant shall continue coordination with RCOC regarding maintenance and chloriding to control dust for Holdridge Road as the haul route.**

Trustee Janet Leslie supported the motion. A voice vote was taken; all those present voted yes; the motion carried.

7. 2010 – 2011 Mining Permit Application for Parcel #01-12-126-001, 01-01-376-002 through 005, Tri-City Aggregates
 - **Clerk Karin Winchester moved to approve the 2010-2011 mining and reclamation permit by Tri-City Aggregates for parcel number 01-12-126-001, 01-01-376-002 through 005 with the following conditions, in addition to the Consent Judgment and the Holly Township Code of Ordinances, Chapter 10, Mining, Section 10-103(f)(2) a-g:**
 - **Approval based on the Engineers 2010-2011 Permit Application Letter and Composite Reports;**
 - **That reclamation plans continue to coordinate a uniform grade along the west side common line of South Flint to a 950/ final elevation;**
 - **That reclamation efforts continue to coordinate the lake level elevation with South Flint and Middleton sites;**

- **That perimeter fencing on the north side of the site is inspected and repaired per the Consent Judgment provisions and additional “No Trespassing” signs, gates and fencing per engineers application letter;**
- **A surety reclamation performance bond in the amount of \$165,000.00 to be effective for the time of this permit and until restoration is completed to the satisfaction of the Township;**
- **The amount of the current \$165,000.00 bond shall be reviewed by the Township Engineer for an estimate of true cost for site reclamation. If the engineer recommends an increase, the Township will require the operator to increase reclamation bond.**

Supervisor Jesse Lambert supported the motion. A voice vote was taken; all those present voted yes; the motion carried by a 5/0 vote.

8. 2010 – 2011 Mining Permit Application for Parcel #01-12-101-004 and 01-12-326-001, S. Flint Gravel

Trustee Steve Ruth questioned whether South Flint Gravel’s infringement on other properties could be looked at. He has the Oakland County aerial maps and it appears obvious they are infringing on other’s properties.

- **Clerk Karin Winchester moved to postpone the South Flint Gravel mining application. Supervisor Lambert supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

9. 2010 – 2011 Mining Permit Application for Parcel #01-12-201-001, Green Thumb

- **Clerk Karin Winchester moved to approve the 2010-2011 mining permit application by Dan Zito for Green Thumb, parcel number 01-12-201-001, with the following conditions, in addition to the Holly Township Code of Ordinances, Chapter 10, Mining, Section 10-103(f)(2) a-g:**

- **Approval based on the Engineers 2009-2010 Permit Application Letter and Composite Reports;**
- **The surety reclamation performance bond in the amount of \$21,000.00 to be effective for the time of this permit and until restoration is completed to the satisfaction of the Township;**
- **The surety reclamation performance bond amount shall be reviewed in 2010 to determine if an adjustment of the \$3000.00/acre reclamation bond is warranted;**
- **The applicant cease operation of contractor’s yard or take immediate action to comply with the Zoning Ordinance standards to continue operations on site as a special use and site plan application and payment of the associated fees per Section 10-104(k).**

Supervisor Jesse Lambert supported the motion. A voice vote was taken; all those present voted yes; the motion carried by a 5/0 vote.

10. Request to Create Special Assessment District for Sanitary Sewer – No action taken.

Supervisor Lambert stated this project has been worked on for the last six to eight months. The Township received a petition recently from the property owners along Grange Hall Road who are willing to specially assess themselves for the installation of the sewer.

Clerk Winchester noted there were general SAD questions in the Board packet. One of the questions asked was, “How does the property owner initiate a special assessment project?” The last couple sentences in the answer says, “The petition should reflect the desires of not less than 60% of the real property owners in the district based on the total land area.” Also, “The petition should be signed by not less than 50% of the property owners within the SAD.” The petition provides a breakdown showing they are 59.14% of the land owners.

Supervisor Lambert stated the SAD questions do not reflect the actual law. It reflects the guidelines that HRC uses. They say 60% because if one or two people drop out, you’re still in line with the public act and can proceed with the project. Normally you would do one public hearing to set up the SAD and lock anyone in the SAD into paying the cost through the finish date. This will be set up as two steps. There will be a public hearing provided to the SAD to cover the engineering portion and setting up the SAD. When the engineer comes up with an estimate, there will be another public hearing and the SAD will be informed of the costs. If the SAD decides not to proceed at that point, we have a plan, SAD and engineering that when times get better can be picked right back up.

Clerk Winchester noted the SAD could be specially assessed for the engineering, legal fees and any other costs involved in creating the SAD. There would be two separate wordings for the SAD being created; one for the engineering and other costs and one for the project, itself. The Board would have to, by resolution, consider establishing that district. The Township should get a legal opinion to see if this can be separated into two steps and it can be brought back to the Board. The first step should be creating a water and sewer agreement with the Village.

Public Comment:

Mr. Ryan Bladzick thanked the Board for supporting the Market Research Survey.

Mr. Larry Lilly indicated the survey is a good idea and will keep the Township in the 20th Century. The mindset with the young people is great. He appreciates public comment at both the beginning and the end of the meeting. You’re serving and working for the 10,000 residents of the Township. Everything should change at the Village this year. If it doesn’t change, we may never get another opportunity. The Township shows by good example. Keep up the good work. Keep serving the 10,000 residents.

Adjournment: Supervisor Jesse Lambert, hearing no other business, adjourned the meeting at 8:29 p.m.

Zo Turner, Recording Secretary
Holly Township

Karin Winchester, CMC
Clerk, Holly Township