

## **Regular Meeting December 16, 2008**

The regular meeting of the Clearwater Township Board was called to order at 7:03 p.m. by Supervisor Haider Kazim. The board members that were present were Haider Kazim, Barbara Crambell, Sheryl Grimm, Bruce Belanger, and Chris Tracey. Also present were 37 guests.

Supervisor Kazim opened the meeting with the Pledge of Allegiance.

Moved by Belanger and seconded by Tracey to change the clerk's report to the beginning of the new business portion of the agenda. All in favor. Motion carried.

**Clerk's Report:** Moved by Grimm, seconded by Belanger to accept the minutes of November 11, 2008. All in favor. Motion carried.

### **Public Speaks:**

Public speaks on the behalf of Charlie Cummins. The speaker states that signatures have been collected on behalf of Charlie for items that were taken from Charlie's property that were up for sale. A recommendation was made by the speaker to reimburse Charlie for items that were unlawfully taken.

Public speaks about the proposed septic system in Kalkaska. The speaker feels that the public should consider the local septic providers. The speaker feels that it would be cheaper to stay with local providers, rather than sending the septage to Traverse City or building a sewage treatment plant in Kalkaska. The speaker states that the public has been misinformed about land applications that will be enforced in 2010.

Public speaks against the idea of the township board reimbursing Charlie Cummins for items taken. The speaker felt that everything was done lawfully and that this sets a bad precedence for the township board.

**Treasurer's Report:** General Fund (all accounts) \$268,785.47. Public Improvement Fund \$69,538.63. Fire Fund (all accounts) \$79,624.95. Tax Fund \$76,688.18.

Moved by Belanger, seconded by Grimm to approve the Clearwater Township Investment and Depository Resolution. Roll call vote: Grimm-yes; Belanger-yes; Tracey-yes; Kazim-yes; Crambell-yes. Motion carried.

Moved by Kazim, seconded by Belanger to adopt the Resolution to Impose 3% Late Penalty Charge on Property Tax Collection. Roll call vote: Tracey-yes; Kazim-yes; Grimm-yes; Belanger-yes; Crambell-yes. Motion carried.

Moved by Kazim, seconded by Belanger to adopt Clearwater Township Resolution to Impose Property Tax Administration Fee. Roll call vote: Crambell-yes; Kazim-yes; Belanger-yes; Tracey-yes; Grimm-yes.

**Winter Tax Collection 2008:** The tax collection date was set for Friday, December 26, 2008 from 9:00 a.m. to 5:00 p.m., Saturday, February 14 from 8:00 a.m. to 12:00 p.m. Saturday, February 28, 9:00 a.m.- 5:00 p.m. and Monday, March 2 from 9:00 a.m. to 5:00 p.m.

Accountability Statement: Treasurer balanced with the bank. The clerk balanced with the treasurer.

**Sherriff's Report:** The township deputy was not present to give a verbal report; but a written report was provided.

**Fire Report:** Clarification was made by Chief West regarding the amount of points Marvin Shelley had on his driver's license. According to Chief West, Marvin has full capability to drive for the fire department.

Chief West brought up for discussion the need for snow plowing over the weekends at the fire department. The fire department does not have the ability to plow snow and on occasions the parking lot needs to be plowed over the weekend. The fire department requests that the Clearwater Township maintenance employee, John Hoeksema, plow on the weekends if there is 3-4 inches of snow. This would put John over his 40 hours a week. The board discussed authorizing only John to use the township plow truck to plow the fire department parking lot.

Motion by Grimm, seconded by Belanger, for the approval of John to plow the fire department parking lot on the weekends if it snows three inches or more. John may have to work over 40 hours to accomplish the job. All in favor. Motion carried.

Chief West made a request that the Freedom Park dry hydrant to be snow-plowed by John. Grimm-yes; Belanger-yes; Kazim; Crambell; Tracey-yes. Motion carried.

Chief West requests that the township plow and maintain the dry hydrant water point at the bottom of the subdivision located on Art's Road. Concern expressed by the Supervisor Kazim regarding the issue of the township starting a precedent of maintaining private property. Grimm recommended that the Chief contact the developer of the subdivision and request that he maintain the dry hydrant. West agreed to contact the developer requesting the plowing of the hydrant.

Chief West explained the need for four new Scott Air Packs. Supervisor Kazim suggested that West prepare a report, outlining his requests for the board to look over. Chief West agreed to put the requests in writing and to also explain when the previous packs were purchased and why there are defective, including an explanation of why the purchase occurred without the authorization by the Chief. Grimm wanted some investigation into the previous purchase of four Scott Air Packs three years ago. Grimm questioned why West did not authorize the first purchase.

Chief West also discussed old fire department property that requires the approval of the board to dispose of or sell. Supervisor Kazim suggested that West bring in an itemized list of retired items to get proper authorization of disposal.

Supervisor Kazim requested that Chief West bring his proposals and requests in writing one to two weeks prior to the township board meetings allowing the board members time to review.

**Hospital Report:** Marianne Ewald reported on Hospital Open House, January 7, 2009. She encouraged the public to come to the open house, and praised the new hospital stating that it something for the Clearwater residents to be proud of.

**Parks and Recreation:** No Report.

**Planning Commission:** No Report.

Moved by Crambell, seconded by Belanger to allow Supervisor Kazim to meet with the township attorney regarding the Charlie Cummins case. Kazim stated that he would have a report at the next board meeting. All in favor. Motion carried.

Supervisor Kazim wanted clarification from the Planning Commission about the rezoning of the Rapid City Road corridor. The Rapid City Road corridor is at the planning commission level. Tina Fields stated that this request will move forward separately from the Master Plan that will be completed in 2010.

Moved by Kazim, seconded by Grimm to accept the Atlas Oil and Gas Lease agreement with Clearwater Township. Rollcall vote: Kazim yes, Belanger-yes, Grimm-yes, Tracey-yes, Crambell-yes. Motion carried.

**Clerk's Report:** Moved by Crambell, seconded by Belanger to approve paying the bills from the General Fund, voucher number 17,310 through 17,348 as presented. Roll call vote: Grimm-yes; Crambell-yes; Kazim-yes; Tracey-yes; Belanger-yes. Motion carried.

Grimm had questions on check number 5681 for radio and pagers that were lost and currently have an insurance claim pending for a bill of \$1333.00. A check has not been received for the insurance claim as of the date of the meeting. Grimm confirmed that when the township receives the insurance claim check they will notify the fire department. Chief West stated that both pagers were lost and an incident report had been filed. Chief West also stated that there was no policy in place requiring an employee to reimburse the department for loss of equipment. Grimm would like a report filed with the township board. Chief West stated that a report could be made available. Grimm confirmed that the township board would like to see a report on the lost pagers at the next meeting. Chief West agreed to provide a report.

Moved by Crambell, seconded by Kazim to approve paying the Fire Department bills from the General Fund, voucher number 5681 through 5694 as presented. Roll call vote: Kazim-yes, Grimm-yes, Belanger-yes, Tracey-yes, Crambell-yes. Motion carried.

A calendar has been put in place by Crambell so the fire department and the clerk can transition through the monthly pay periods without confusion. The fire department agreed to make sure that the bills were given to the clerk one week before the township board meeting.

Supervisor Kazim expressed his concern regarding receiving bills from the Fire Department the night of the township board meeting. The bills need to be reviewed by the clerk and the township board prior to the meeting.

Supervisor Kazim moved that bills from the fire department be submitted to the township clerk in accordance to the calendar that is established by the township clerk, and any bills submitted the day of the township board meeting will not be approved until the following board meeting. Motion seconded by Belanger. All in favor. Motion carried.

Clerk Crambell has spoken to the Fire Department about bills that were received before the meeting and agreed to pay Art's Place, Check # 5695 for \$ 235.00 Moved by Crambell and seconded Roll call vote: Crambell, yes, Grimm, yes, Kazim, yes, Tracey, yes, Belanger, yes. Motion carried.

**New Business:** Soniclear Recording Device was introduced to the public for review. Clerk Crambell is currently using it as a free preview to electronically record the December township board meeting and the January township board meeting. In February it will be determined if it would be a benefit to electronically record the minutes of the township board meeting and will be put to the township board for approval. The use of the device would assist in the accuracy of the minutes. The cost of the recorder is approximately \$473.00.

Motion by Grimm, seconded by Tracey for the payment of funds for the attendance to the MTA meeting on January 27 and 28, 2009 by Supervisor, Haider Kazim, Clerk, Barbara Crambell and Deputy Clerk, Teresa Sington. The cost to the township is \$822.00 for the MTA meeting, room and board for Teresa and Barb, and also mileage for Teresa and Barb. Roll call vote: Tracey-yes; Crambell-yes; Kazim-yes Belanger-yes; Grimm-yes. Motion carried.

Clerk Crambell introduced new deputy clerk Teresa Sington to the public.

Supervisor Kazim requested that the department heads submit their budget requests to the township board by January 14, 2009, for the new fiscal budget year beginning April 1, 2009.

Moved by Kazim, seconded by Tracey to get budget requests to the clerk no later than Jan 14, 2009 by 5:00 p.m. The township board will hold a budget workshop on

Saturday, January 17, 2009 from 10:00a.m. – 12:00 p.m. The township board will meet again on January 20, 2009 from 6:30-7:00. All in favor. Motion carried.

Moved by Kazim, seconded by Belanger to appoint Chris Tracey to the Clearwater Township Planning Commission. Roll Call vote. Belanger-yes; Tracey – abstained, Kazim-yes; Crambell-yes; Grimm-yes.

Supervisor Kazim brought for discussion the feasibility study for the proposed septage treatment plant. Kazim attended a meeting for the proposed septage treatment plant that was called by the Village of Kalkaska for all of the township supervisors of Kalkaska County. At that meeting was the Village of Kalkaska Manager, Penny Hill. Representatives from Big Fish Environmental, LLC, the firm interested in building the proposed septage treatment plant, were in attendance. The proposed location of the septage treatment plant is the Industrial Park in Mancelona. Other attendees included representatives from Wilcox out of Escanaba, who would prepare and write the grant application for the septage treatment plant. Kazim was told that beginning 2010 the land application for septic waste would no longer be permitted, and the radius that would require septage haulers to transport septage waste would be increased from the present 15 mile radius to 25 mile radius. That would put Kalkaska in the range of the Grand Traverse County Septage Treatment Plant. This proposal is being spearheaded by the Boardman township supervisor, Jerry Gaultiere, who Kazim believes is a septage hauler himself. Part of the initial proposal would involve the creation of an authority comprising of all townships that would get in at the ground level and fund the initial start up costs. If your township funds the start-up costs, your will have a say in what goes on such as setting rates for septage haulers to transport their waste to this facility. According to the presentation, the feasibility study would cost \$35,000.00 broken down as follows: legal fees \$12,500; engineering fees \$15,000; preparation of all the documents, \$7,500. Kazim was informed that thus far BlueLake, Boardman, Excelsior, and Kalkaska Townships have committed to funding this feasibility study. They are asking the townships to approve a range of \$3,000 - \$5,000 depending on the amount of townships participating. The more townships that participate the lower the fees would be for each township. It is estimated that this plant would cost \$3,375,000.00. According to Big Fish Environmental, LLC., they want to build a plant similar to Charlevoix County. According to the people at the meeting it is a different technology than Grand Traverse County Septage Treatment Plant. It would not be running 24 hours a day.

Supervisor Kazim did some research on his own and stated that he did not find any statutory authority or administrative rule or regulation adopted by the DEQ that states that land use application will not be allowed starting in 2010. What he did find under the Natural Resources and Environmental Protection Act, is a statute that says beginning two years after the effective date of the 2004 Amendatory Act that amended this section of the Natural Resources Environmental Protection Act a person cannot surface apply septage waste to frozen ground, and it says that before that time a person cannot

surface apply septage waste to frozen ground unless all the following requirements are met and there were various requirements. Kazim interprets this as already being in effect. Kazim says that he has not found anything that states that you cannot land apply septage waste in 2010 period. Kazim states that he has not been able to find any statute or any rule that indicates that the 15 mile radius is going to increase to 25 miles. If this is something that is in the works, Kazim was not aware of it and stated that he could only go by what is in the books. What is on the books is a statute that states within one year of the effective date of the 2004 Amendatory Act, if a person is engaged in servicing a facility service area which is defined as a 15 mile area the person must dispose of the septage waste at that receiving facility but goes on to say that if that person engaged in servicing owns a storage facility with a capacity of 50,000 gallons or more and the storage facility was constructed before the receiving facility was constructed, then that requirement does not apply to that person until 2025.

Moved by Grimm, seconded Tracey, that Clearwater Township will not participate in the funding of the feasibility study for the septage treatment plan. All in favor. Motion carried.

Supervisor Kazim discusses the proposed revisions to notices of appeal to the Zoning Ordinance. Supervisor Kazim expresses concerns regarding the standards used and encouraged the Zoning Board of Appeals to go over the documentation in the Zoning Ordinance.

Supervisor Kazim received a letter from the Kankaska County Road Commission requesting that Clearwater Township submit to the Road Commission prior to their January 12, 2009 board meeting, the township's road priority list. Kazim deferred to Grimm and Belanger for information on the previous board's work. Ken Waichunas spoke regarding the compiled information that was obtained from the opinion survey regarding road improvements in the township. 371 surveys were sent back. The priority of the roads regarding paving issues were as follows: Aarwood Road, first, Valley second, Aarwood Trail third, and finally Morrison Road. This information has not been made public. Ken stated that the results should be published in the next newsletter for Clearwater Township.

Kazim moved that a motion be made identifying Aarwood Road, Valley Road, Aarwood Trail and Morrison Road as the Clearwater Township's priority road improvement projects for 2009. Consistent with the results of the survey conducted by Ken Waichunas, and also that the results of the survey be published in the next township newsletter Motion seconded by Belanger. All in favor. Motion carried.

Supervisor Kazim made the public aware that ITC Holdings, made a \$1,500 donation to Clearwater Township for the ball park. Kazim received a copy of a letter dated November 20, 2008, by Pat Gray, in her capacity as chairperson of the parks and recreation committee, to ITC Holdings thanking them and acknowledging a donation in the amount of \$1,500 for new equipment and utility shed for the ball field at Freedom Park West. Kazim wanted the board to be aware that he was contacted by the president

of ITC Holdings, who is currently seeking zoning permit approval to construct a permit to construct a substation north of Plum Valley Road. He does not want to create any impression that simply by giving the township a donation of \$1,500 that the permitting process and approval process for the substation will go according to what they perceive it to go. The outcome will be determined as a result of public hearings, what needs to happen at the planning commission level and if necessary at the ZBA and township board level. Kazim again stressed that he wanted to bring this to the township board's attention and that he is not suggesting that ITC Holdings had any sort of ill motive in giving the donation but believes that it is appropriate for the rest of the board to be aware that ITC Holdings is also seeking approvals for a substation in Clearwater Township.

**Public Speaks:** Public spoke in the spring about raising the rate for what Rapid River pays for our fire department. Grimm reported that it was requested of the Fire Department to follow through with this request. Chief West said that the rate could be raised from \$8,000.00 to \$10,000.00, however West admitted that he has not made the request to Rapid River. Mike will schedule a meeting with the Rapid River Fire Department and will report back at the next meeting.

Public speaks about the communication tower this side of M-72. Nothing ever came back to the township about this tower so everything will have to start from scratch.

Public speaks about a ballot proposal for new roads. The speaker feels that it devalues the property that the people own.

Public speaks on the dry hydrant that should be plowed at the township.

Public speaks on the responsibilities of the deputy clerk. Clerk Crambell let the public know that decisions are still be made about dividing up the responsibilities of the clerk, deputy clerk and Pat Gray the newly appointed office clerk. The deputy clerk's primary responsibility is to learn the statutory responsibilities of the clerk in case the clerk is not able to execute her responsibilities. Grimm reported that the deputy clerk is learning the job of the clerk and will be able to take over if anything happens to the clerk.

Public concerned about taxes going up and the fact that the township is sitting with a fund balance. Treasurer Grimm gave an explanation of the account balance.

Public spoke regarding concern that parks and recreation committee borrowed money from the township. Clarification was made by Grimm that this was not the case.

Meeting adjourned at 10 p.m.

Respectfully Submitted,

Barbara L. Crambell  
Clearwater Township Clerk

