

**MINUTES
LAKE CHARTER TOWNSHIP
BOARD MEETING
April 18, 2005
7:00 p.m.**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to Order by Supervisor John Gast at 7:00 p.m. The meeting opened with the Pledge of Allegiance to the Flag.

ROLL CALL

Clerk Payne called the roll. Board members present were John Gast, Supervisor; Gloria Payne, Clerk; Betty Korcek, Treasurer; Terry Eichler, Trustee; William "Bill" Geukes, Trustee; Fritz Wolf, Trustee and Trustee Tom Carson. Eleven visitors were present in the audience.

APPROVAL OF AGENDA & AGENDA AMENDMENTS

It was moved by Carson seconded by Eichler to approve the agenda with two additions. All ayes, motion carried.

APPROVAL OF MINUTES

Minutes - Regular Board Meeting March 21, 2005

Minutes - Special Board Meeting March 18, 2005

It was moved by Korcek seconded by Payne to approve the minutes of the regular March 21, 2005 board meeting. All ayes, motion carried.

It was moved by Carson seconded by Wolf to approve the minutes of the Special Board meeting March 18, 2005. All ayes, motion carried.

PUBLIC COMMENT

Lillian Sviti asked what could be done about dogs in the Park. Supervisor Gast indicated that we will continue to see that dogs are removed from the Park.

Mike Jasper asked if the Snow Road waterline needed approval by the Planning Commission. Clerk Payne indicated she had spoken with township Attorney Dienes who indicated that was not necessary.

APPROVAL OF BILLS

It was moved by Eichler seconded by Geukes to approve the March 2005 bills totaling \$264,063.46. All ayes, motion carried.

COMMUNICATIONS/CORRESPONDENCE PACKET

The following information was included in board members packets: MTA Faxes; Lake Township Water Filtration Plant monthly report; Lake Charter Township Utility Board meeting minutes; Lake Charter Township Zoning Board of Appeals minutes; Lake Michigan Mailers postage savings statement; Galien River Sanitary Sewer District Authority meeting minutes, project status update and January 2005 budget; Medic I Agenda and bills; Baroda Township Police Board meeting minutes; Bridgman Public Library meeting minutes; Lake Township Fire and Rescue meeting minutes and Treasurer's report; 2004 Earnings Report; Lake Township Planning Commission minutes; Twin Cities Area Technical Advisory Committee meeting minutes and a How to Guide for Developing Local PDR Programs.

A Letter from United States Postal Service was in board members packets.

REPORTS

B. Supervisor's Report

Supervisor Gast reported as follows:

- a. Attended Board of Review;
- b. Attended Galien River Sanitary District Authority meeting;
- c. Attended Medic One meeting;
- d. Attended joint ZBA, Planning Commission and Board meeting with Williams & Works;
- e. Attended 911 Technical committee meeting;
- f. Attended CEO Cornerstone meeting;
- g. Attended Park Committee meeting;
- h. Attended Cook Plant EMS meeting;
- i. Attended M-Tec Center State Economic Development meeting;
- j. Attended Library meeting;
- k. Attended 911 Advisory Board meeting;
- l. Attended Public Officials night hosted by Berrien County.

B. Clerk's Report

Clerk Payne reported as follows:

- a. Attended the joint ZBA, Planning Commission and Board meeting with Williams & Works;
- b. Attended Berrien County Clerks Association meeting;
- c. Attended Public Officials night hosted by Berrien County;
- d. Prepared for May 3rd School Election.

C. Treasurer's Report

Treasurer Korcek submitted to board members the 2004 Earnings report. Attended the Water Utilities meeting, attended the Public Officials night hosted by Berrien County and the joint ZBA, Planning Commission and board meeting with Williams and Works. The tax report will be presented at the May meeting.

D. Planning Commission Report

Trustee Wolf reported the Planning Commission denied a private road application, denied a rezoning request and approved a special land.

E. Water Superintendent's Report

Water Superintendent Beach reported painting of the claricone is finished and they are in the process of stepping up production on preventive maintenance.

F. GRSD Sewer Authority Report

Supervisor Gast reported the contractor replaced the under drains in one of the tertiary sand filters; concrete work continued on the walls in the headworks building; masonry work has started on the blower building; the trusses and roof sheathing on the sludge heating building were installed. Payment of \$208,854.50 on the expansion project has been approved.

G. Police Department

Trustee Eichler reported no meeting was held.

H. Fire Department/Fire Chief

Trustee Eichler reported Harold Heyn was appointed as Lake Charter Township Fire Chief on April 1, 2005. Six individuals attended the Fire Show and D.C. Cook will be supplying personal badges for the firemen.

VIII. Park Report

Trustee Wolf reported the building is finished except for painting and hanging fixtures. The road is in. Bids for the fence and plays capes are needed. The new pavilion should be open for Memorial Day.

J. Library Report

Carol Siewert reported they celebrated Lillian Sviti's birthday. Re upholstered 40 chairs; awarded contract to a South Bend company to repair the roof. The library receives five newspapers daily and has numerous books in large print.

K. Utility Committee Report

Supervisor Gast reported the township has water pipe under the proposed relocation of California and Browntown Road Construction project. It is recommended the water line be upgraded from an 8" to 12". This would cut down on the likelihood of the line developing a leak in that area under the roadway. The water tower cleaning is on tonight's agenda. The position for the water plant operator is posted and resumes are being gathered until April 20, 2005.

AGENDA ITEMS

A. Mangold Private Road Request

Supervisor Gast brought to board members' attention the application of DuWayne and Sandy Mangold for construction of a private road to serve their planned subdivided lots. The proposed entrance would be on California Road and is designed in accordance with Berrien County Road Commission criteria. The request further included a 50-foot right-of-way in order to maintain the required 10' side yard setbacks for the existing buildings.

Trustee Eichler asked board permission to abstain from voting on this issue since he owns property to the north of the Mangold's. It was moved by Carson seconded by Geukes to allow Trustee Eichler to abstain. All ayes, motion carried.

It was moved by Carson seconded by Korcek to deny the private road request of DuWayne and Sandy Mangold citing too many variance requests would be needed. Six ayes, motion carried.

B. Water Tower Cleaning

Supervisor Gast brought before board members the work order and contract of Water Tower Clean & Coat, Inc., of Lodi, Wisconsin in the amount of \$3,000.00. References were included and the procedure is a proven robotic cleaning technology. Clerk Payne asked how long could they guarantee before the mold comes back. There is no guarantee. It was moved by Carson seconded by Eichler to contract with Water Tower Clean & Coat, Inc., of Lodi, Wisconsin to clean the water tower. All ayes, motion carried.

C. Williams and Works Consulting Services

Supervisor Gast presented board members with the proposal of Williams & Works for professional planning services. All board members attended the presentation on March 28, 2005. It was moved by Payne seconded by Korcek to accept the proposal of Williams & Works for professional planning services for Lake Charter Township. All ayes, motion carried.

D. Temporary Committee to Review Job Applications

Supervisor Gast asked board members who would like to be on the committee to review and interview the applicants for the Park position and the Water Plant Operator position. It was moved by Carson seconded by Korcek to appoint John Gast, Terry Eichler and Fritz Wolf on the committee to review and interview the applicants for the Park position and the Water Plant Operator position. Loren Berndt would work on the Park applicants and Stewart Beach on the Water Plant Operator applicants. All ayes, motion carried.

E. Water Department Write-offs

Supervisor Gast presented to the board a letter from Sandi Denman, Water Billing Clerk reported only one account uncollectible in the amount of \$29.00. It was moved by Korcek seconded by Geukes to write off \$29.00 in uncollectible accounts for 2004. All ayes, motion carried.

F. Bridgman Lake Township Area Economic Growth Alliance

Supervisor Gast brought before board members the proposed bylaws of the Bridgman Lake Township Area Economic Growth Alliance. This agenda item will come before members at the joint City/Township meeting for approval.

G. Road Resurfacing Cost Estimates

Supervisor Gast reported that Date Road from Lemon Creek to Hinchman appears to be the road most in use of resurfacing. Trustee Carson asked when the road was last surveyed, to negotiate the price of the culverts and to send a letter to residents asking they are interested in additional sewer/water taps before we resurface the road. After discussion it was moved by Carson seconded by Geukes to approve resurfacing of Date Road from Lemon Creek to Hinchman. All ayes, motion carried.

H. Approval of 2004 Billing of Road Repairs

Supervisor Gast presented to board members the billing from the Berrien County Road Commission for \$7,167.90 which represents what is due and owing for 2004 matching contributions. Trustee Carson asked for what roads this was for. Supervisor Gast indicated he would get that information before payment was made. It was moved by Payne seconded by Wolf to approve paying the Berrien County Road Commission the \$7,167.90 with explanation of which roads were repaired. Five ayes, two nays. Motion carried.

I. Approval of Fire Department Slate of Officers

Supervisor Gast presented to board members the Fire Department Slate of Officers recommended by Fire Chief Harold Heyn. Gerald Wasko, Assistant Fire Chief; Dan Scheer, Captain; Tony Jones and Jeff Burch, Lieutenant; Derrick Warnke, Engineer and Dwight Hays, Safety and Training Officer. It was moved by Eichler seconded by Carson to approve the Fire Department Slate of Officers. All ayes, motion carried.

J. Partnering With American Electric Power on Road Improvement

Supervisor Gast presented to board members a request from American Electric Power to install a southbound turn lane for traffic entering the Cook Plant drive off of Red Arrow Highway. The project requested would alleviate congestion during their a.m. shift arrivals. The project would include trenching, gravel, bituminous base, guardrail relocation and additional pavement marking. The estimated project cost is \$33,925.00 and they are requesting Lake Township pay a third, Berrien County Road Commission a third and AEP would pay for the remaining third. It was moved by Carson seconded by Wolf to approve payment of a third of the cost for the installation of a southbound turning lane entering Cook Plant Drive off of Red Arrow Highway. All ayes, motion carried.

K. California and Browntown Water Line Material Costs

Supervisor Gast brought before board members the quote from Etna Supply Company of \$6,095.00 for the straightening out of California and Browntown Roads water line materials. The materials include 220 feet of 12" pipe, bolts and gaskets. The construction firm will provide labor estimates and will do the work scheduled to begin around May 16, 2005. Concerns included the county drain issue, moving one hydrants and shutting down a valve. It was moved by Payne seconded by Eichler to approve purchase from Etna Supply Company \$6,095.00 for 220 feet of 12" pipe, bolts and gaskets. All ayes, motion carried.

L. Rezoning Request HAB Real Estate

Supervisor Gast brought before board members a rezoning request from HAB Real Estate for rezoning 13.12 acres on Hildebrandt Road from C1 Res Ag to L-1 Limited Industrial. It was moved by Payne seconded by Korcek to forward the rezoning request application to the Planning Commission for consideration. All ayes, motion carried.

M. Bridgman American Legion Proclamation

Supervisor Gast turned the floor over to Darwin Krieger of the Bridgman American Legion who read a proclamation declaring May 22, 2005 Blue Star Salute Day honoring brave men and women who are protecting our way of life and that their sacrifices are known and appreciated. It was moved by Eichler seconded by Carson to approve the proclamation declaring May 22, 2005 Blue Star Salute Day. All ayes, motion carried.

PUBLIC COMMENT

Ludvik Barinka commented if you drive around my district from Lemon Creek to Linco and Red Arrow to Jericho you would notice that all commercial and industrial properties have paved roadways and parking lots, with only one exception. Wasko Trucking has no paving around the building, resulting in clouds of dust churned up by the vehicles entering and leaving the area.

Has the township been lax in their oversight on compliance with all Federal, State and County rules and regulations? The Federal Clean Air Act covers fugitive dust and methods for abatement. I want to share with you the ZBA minutes from a few years ago covering some issues from the same site:

Issue 1: Why no professionally prepared site plan of the property (a landscape plan, topography) etc., would detail? A hand drawn sketch of the building only was presented

Issue 2: Why no special land use permit issued for trucking business?

Performance standards were avoided

Issue 3: Why activity not confined to structure?

Issue 4: Why no fencing regulation compliance?

Activity to take place within a structure or enclosed fence at least six feet in height.

A literal interpretation, and Wasko & sand plant are only impacted.

Issue 5: Why solid waste disposal permitted?

Loading and unloading and storage poses hazard activity not in the site plans or permit.

It should be quite apparent to you why I have had concerns over the decisions and actions of the elected and appointed individuals who are responsible for township governance and my welfare.

By the way, the board should remember to reappoint in a timely fashion members whose terms have expired. Some were seated like Supreme Court Justices for life, bringing into question the legality of the votes they cast.

Mike Jasper asked what the \$412.00 violation was for. Supervisor Gast answered that came out of a MIOSHA review. He further commented and congratulated Harold Heyn on his appointment as Lake Charter Township Fire Chief.

Harold Heyn reported that there is a burning ban on directed by Governor Granholm.

Carol Siewert commented that David Kunde, a Lake Charter Township resident, is a nominee for the Robert C. White Citizen of Service Award.

ANNOUNCEMENTS

The next regular meeting is scheduled for May 16, 2005 at 7:00 p.m., Lake Township Hall, Bridgman, Michigan.

Lake Charter Township Planning Commission is scheduled for May 2, 2005 at 7:00 p.m., Lake Charter Township Hall, Bridgman, Michigan.

Lake Charter Township Zoning Board of Appeals meets May 12, 2005 at 7:00 p.m.

Joint City/Township Meeting is scheduled for April 25, 2005 at 7:00 p.m., Bridgman City Hall, Bridgman, Michigan.

ADJOURNMENT

With no further objection and no further business it was moved by Payne seconded by Korcek to adjourn the meeting. All ayes. Motion carried. Meeting adjourned at 8:40 p.m.

Dated:_____

Gloria A. Payne, Clerk

Dated:_____

John Gast, Supervisor