

**MILTON TOWNSHIP
BOARD OF TRUSTEES MONTHLY MEETING
JULY 18, 2011**

Meeting of the Milton Township Board was called to order on July 18, 2011 at 7:01pm, at the township hall with Supervisor Robert Benjamin presiding. Pledge of Allegiance Recited.

PRESENT BOARD MEMBERS:

Supervisor: Robert Benjamin
Treasurer: Linda DeBroka
Trustee: Don Kronewitter
Trustee: Sharon Ward

ABSENT BOARD MEMBERS:

Clerk: Michael Layher

OTHERS PRESENT

Township Attorney: John K. Lohrstorfer
Zoning Administrator: Paul Sniadecki
PC Chairman: Kelly Sweeney

Supervisor Benjamin asked for a motion for someone to take meeting minutes. Motion made by Trustee Kronewitter for him to take the meeting minutes. Motion seconded by Supervisor Benjamin. Motion Passed.

ANYONE WISHING TO SPEAK TO THE BOARD

Commissioner Higley made comments regarding the Burning Ordinance.

APPROVAL OF THE AGENDA

Agenda approved with additions to be added under New Business by Supervisor Benjamin and agreed upon by all Board Members.

3. Gary Gaskill Letter
4. Clerk Resignation
5. Charter Township Eligibility Letter from Secretary of State

APPROVAL OF PREVIOUS MINUTES

Board members agreed they did not have enough time to review the minutes. Motion made by Trustee Kronewitter to defer the minutes from June 20, 2011 to the next board meeting of August 15, 2011. Motion seconded by Treasurer DeBroka. Motion Passed.

COMMUNITY REPORTS

- MDOT – 2012 US-12 Repaving Project Update (Handout Attached)

The MDOT Project Manager gave a brief talk of the 7.25 mile project from M60 to Edwardsburg. The project is to begin mid May of 2012 and to end late October 2012. Residents commented about

Gumwood Road. Supervisor Benjamin believes the Michigan State Police and the Cass County Sheriff keep separate accident reports, and asked the Project Manager to double check the data MDOT used to formulate their information regarding accidents at Gumwood and US 12. MDOT provided detailed plans and maps of the project to the township.

- ZONING ADMINISTRATOR

Zoning Administrator Sniadecki reported he has been busy with 2 site plan reviews, 1 accessory building approval, 2 swimming pools, 1 new home, and parcel combinations. He has been working on information for the township court case set for September 2011. There will be a hearing within the next 10 days regarding action on violation tickets. The township attorney has provided us with updated violation forms and those are now being used by the township. There has been great progress on clean up regarding 3 different properties. ZA Sniadecki said he is following up weekly on their progress, making sure enforcement takes place. There is a request for a conditional use that will become public in September 2011.

- PLANNING COMMISSION

Chairman Sweeney presented the board with the Planning Commission Annual Report covering the last fiscal year (April 1, 2010 – March 31, 2011). There will be 4 Public Hearings at the beginning of the next Planning Commission meeting. Chair Sweeney has asked board members to reach out to him or any other PC member with your questions, comments and concerns regarding the Master Plan.

- NATS

No report at this time.

- OTHER COMMITTEE CHAIRS & VISITING OFFICIALS

County Commissioner Carl Higley stated Cass County is working on their budget and scheduling work sessions. The Parks Department is getting ready to begin the project of the new building.

County Commissioner Roseann Marchetti from the Cass County Planning Commission, felt the Planning Commission did a good job on the Private Road Ordinance

OLD BUSINESS

None

NEW BUSINESS

1. Private Road Ordinance

Section Titled 23 will be new to the Zoning Ordinance Book. ZA Sniadecki stated this ordinance is being presented because of concerns for safety with emergency vehicles access going forward. A Road Ordinance will also stop the township from bearing costs of driveway and private road maintenance. Supervisor Benjamin has concerns with the section regarding the liability clause and redundancies. Trustee Ward stated she and Diane Shields were not in favor of a two lot minimum and the minimum turn around radius of 60 feet. Trustee Kronewitter has concerns with how grade is determined, felt the strict restrictions could create hardships for the citizens and he found some section numbers missing in the ordinance. The issue of a Special Unique Variance just for Private Roads was discussed. Concerns regarding the denial of an appeal were discussed. The township attorney recommended changing the word Variance to instead read Appeal within the ordinance. Motion made by: Trustee Kronewitter to send the Private Road Ordinance back to the planning commission for revisions of typographical errors. Second by: Treasurer DeBroka. All in favor: Yes. Motion passed.

2. Zoning Administrator Salary

Supervisor Benjamin suggested changing the way we pay the Zoning Administrator from a per diem to a salaried position. The Zoning Administrator has taken on additional duties of the current legal suit and new countersuit of the township, work on the Master Plan and Ordinances with the Planning Commission, maintaining the township website, and working with the Citizens Action Committee. He is the first ZA to keeping regular office hours, and always attends all meetings held at the township. Supervisor Benjamin suggested collapsing all the line items currently paid the ZA into a salary amount of \$900.00 per month, but maintain the line item of \$100.00 for mileage reimbursement effective next month (August 1, 2011). The paying of a monthly salary will eliminate the perception of the ZA writing tickets to inflate their pay. After board discussion and additional positive input by the residents, the Motion was made by: Treasurer DeBroka to set the Zoning Administrator's salary at \$900.00 per month. Second by: Trustee Kronewitter. Vote: Treasurer DeBroka, Yes – Trustee Kronewitter, Yes – Trustee Ward, Yes – Supervisor Benjamin, Yes. Motion Passed. It was further agreed by the board the effective date of August 1, 2011, and keeping the mileage expense of \$100.00.

3. Gary Gaskill Letter

Discussion on refund of Conditional Use fee paid. Supervisor Benjamin stated the board reduced the fee from \$500 to \$250. Treasurer DeBroka felt once you start refunding it sets a precedence and we did spend township money on this issue. Trustee Kronewitter stated \$250 was fair at this point. When the board was asked by Supervisor Benjamin for a motion none was made and Supervisor Benjamin said "Being none made we will move on". The board opted to take no action on the request.

4. Clerk Resignation

Clerk Layher submitted his resignation. The letter was initialed and not signed by Clerk Layher. Attorney Lohrstorfer said the statute specifically says the resignation must be signed. Discussion was held about checks being signed by the clerk. He has agreed to sign checks and the deputy clerk can sign if she is approved on the bank account. Discussion was also held as to who can and cannot fill in during the 45 day period, and that the clerk must be a township resident. Trustee Kronewitter agreed to create the ad for the job opening to be advertised in the newspaper and on the township web site.

5. Charter Township Eligibility Letter from Secretary of State

Supervisor Benjamin reported every census townships with a population of 2000 or more are eligible to become a Charter Township and must go thru the notification process. The township can do 1 of 3 things, say no, say yes, or place the issue on the Ballot. However, the township is only required to post a public notice stating they are eligible. Discussion was held that there are really no advantages, and the disadvantages at this time would be increased costs to the township and new taxes to the homeowner. Attorney Lohrstorfer added that most Charter Townships are urban, have 9-5 office hours, must have 7 board members (adding two trustees, and this creates problems getting things passed, needing four for a quorum), the township would have to deal with the issue of additional mills for services, and exemption from annexation is not a big thing. Supervisor Benjamin asked the board to think about the pros and cons and we can discuss it further the next board meeting. The township clerk will post the required notice.

FINANCIAL REPORT

Review of Township Budget

The Clerk presented a resolutions to transfer funds, and Supervisor Benjamin said a resolution would not be necessary as we are within budget on the 12 different total budget items. All board members would like to have a report presenting line items of the budget. A discussion of examples from this month's report, were pointed out making the case of why we do need a line item budget report. Trustee Kronewitter brought to the attention of the board some expenses not being put in correct categories

(General Ledger Accounts), addition of a per diem election category that had no budget amount, did have an expense in May but had no year-to-date amount at July 18, 2011, incorrect distribution of legal fees, and a check written for a different amount than the budget report shows. It was discussed that the board should be approving all changes, and there should be no changes made to prior accounting periods once the board has approved those financial reports. When checks are manually added to a check report a revised check report should be given to board members. All board members agree the financial budget report needs to be gone over from April 1st with an additional report containing all check numbers that would include a detail of where the expense went. Treasurer DeBroka will chat with deputy clerk to get this detailed report.

Treasurer Financial Report

Treasurer DeBroka gave her financial report and the township has about \$709,000 cash.

Approval of Checks

Motion made by: Treasurer DeBroka to pay checks as presented. Second by: Supervisor Benjamin. Roll Call Vote: Supervisor Benjamin, Yes – Treasurer DeBroka, Yes – Trustee Kronewitter, No – Trustee Ward, Yes. Motion Passed.

BOARD MEMBER COMMENTS

Treasurer DeBroka – Security Issues. Feels a camera for the door would be beneficial. Attorney Lohrstorfer spoke about the townships concerns with sheriff response times in our community. Supervisor Benjamin suggested Trustee DeBroka get the information and prices for a camera and have it placed on next months agenda so it can be addressed by the board.

Supervisor Benjamin – Expressed to the board members that he is just one of the 5 trustees. He further stated, even though my title is supervisor, I am not the supervisor for other elected officials. If board members have an issue with an official, please chat with them and if it can't get resolved, then bring that issue to the board.

Attorney Lohrstofer – Everything is being done to pursue the litigations of 5 Star. A preliminary Injunction trial is set for September 2011. 5 Star was denied a jury trial. We are now in the discovery process. A hearing is to be held in the next ten days about the violation tickets issued.

ADJOURNMENT

Motion made to adjourn by: Treasurer DeBroka, Seconded by: Trustee Kronewitter. Motion Passed. Meeting adjourned at 9:20 a.m.

Respectfully submitted,

Donald Kronewitter
Trustee

Attachments:
MDOT Handout
MDOT Map
Planning Commission Annual Report