

Minutes of the Milton Township Board of Trustees October 15, 2012

Meeting was called to order by Supervisor Benjamin at 7:00 PM

Attendance

Present: Benjamin, DeBroka, Kronewitter, Renken, Ward

Public Comment

Virginia Kraft mentioned on October 28 at 4:00 PM the Southwestern Michigan College Acapella Choir will hold a concert at Smith's Chapel, admission will be \$5.00 per person.

Every attending candidate that will be on the November 6, 2012 election was allowed to speak.

Approval of Agenda

Three items were added to New Business: 1) Appoint Planning Commission Member, 2) Appoint a member to the Zoning Board of Appeals, 3) Report on Bankruptcy Filings

Approval of Minutes

Motion by Renken to approve the September 12, 2012 minutes as presented, second by DeBroka
Motion Passed

Motion by Renken to approve the September 19, 2012 minutes as amended, second by Kronewitter
Motion Passed

Community Reports

Zoning Administrator presented his written report to the board. November 6, 2012 will be the start of verbal arguments with the appeals court for the litigation with 5 Start.

Planning Commission reports that Sandra Redman has resigned from the planning commission, and Richard Hebard is now the Chairperson and Kelly Sweeney is now the secretary. It has also been decided that the Planning Commission chair should be provided a budget each month.

Cass County Commissioner reported the Cass County will have a passenger tire collection at the fair grounds on November 7, 2012 9:00 AM – Noon. You will need to show an ID when you drop off at the County Fair Grounds.

New Business

2011-2012 Audit Report

The auditor, Derek Hall presented his audit report to the township board. There were questions from both the board and the public. There was a lot of discussion.

Snow Plow Bids

The township received two bids.

Motion by Kronewitter to accept the proposal from RNG Lawn Care, second by Renken

Roll call; Yes: Kronewitter, Renken, Ward; No: Benjamin, DeBroka

Motion Passed

Michiana Supernet Franchise Agreement

Resolution 2012-43 presented by Benjamin to approve the franchise agreement between Milton Township and SMR Communications, Inc. and the supervisor is to execute the agreement, second by Kronewitter

Roll call; Yes: DeBroka, Kronewitter, Renken, Ward, Benjamin; No: None

Resolution Passed

Dangerous Building Ordinance Hearing Officer

Motion by Benjamin to set the rate to \$100.00 per hearing, second by Renken

Motion Passed

Appoint Planning Commission Member

Motion by Benjamin to appoint Diane Shields to the Planning Commission, to complete Sandra Redmen’s term expiring June 30, 2013, second by Renken

Motion Passed

Appoint a member to the Zoning Board of Appeals,

Motion by Benjamin to appoint Diane Shields as the Planning Commission member of the Zoning Board of Appeals, expiring June 30, 2013, second by Renken

Motion Passed

Report on Bankruptcy Filings

Attorney presented on Hess Engineering as they have filed for Bankruptcy in Delaware. The township will be filing a claim for their unpaid taxes in the amount of about \$6,000.00. There has also been a second bankruptcy filing for Real Capital LLC, but that has just occurred and no more information is available.

Old Business

Verizon Conditional Use

Benjamin stated that this tower is on Kronewitter’s property so he will be stepping out of this discussion.

John Krane from Verizon answered a question from Ward. She asked why they can't flush mount the antennas. He stated that there isn't enough room for all the antennas that would be needed. They have 3 frequencies for data, voice, and text and each one requires its own antenna.

Richard Gerbeth spoke wanting to object to the change to the use of that tower; he feels that this would set a precedent to allow non-flush mounted antennas.

Dave DeBroka asked why they are putting it in that area. Verizon responded that they are closing a gap in their coverage.

More public comments

Benjamin states that the board is trying to minimize towers, and if we deny this conditional use they would be forced to build another tower.

The attorney states there is a change in state and federal law, we really don't have much control over co-location of towers, the only way we have any say about this co-location is because this application doesn't match the original conditions put on the tower.

Motion by DeBroka that the Township Board meet in a closed session under Section 8(h) of the Open Meetings Act, pursuant to section 13(1)(g) of the Freedom of Information Act, to consult with our attorney regarding a written legal opinion. Second by Ward

Kronewitter, returns for the vote.

Roll call; Yes: Renken, Ward, Benjamin, DeBroka; No: Kronewitter
Motion Passed

The board goes into closed session at 9:28 PM

The board is back in open session at 10:03 PM

All members are back in session, except for Kronewitter due to previously stated conflict.

Motion by Benjamin to release the attorney's legal opinion to the public, second by Renken
Motion Passed

The attorney read her opinion. The attorney also states we would be hard pressed to not allow this under current Michigan and Federal law.

Ward states she doesn't feel like the board has not been given a lot of choice based on these new laws.

Benjamin wanted it know for the record that he feels this should be passed, and that he doesn't want to require Verizon to provide transcripts for tonight's meeting.

Resolution 2012-44 presented by Ward with the addition of e, "Verizon to provide transcripts of October 15, 2012, board of trustees meeting to the township", second by Benjamin

Discussion

Roll call; Yes: Ward, Benjamin, DeBroka, Renken; No: None; Abstained: Kronewitter

Resolution Passed

Ward, stated that her yes was based on item d in the conditional use.

Kronewitter rejoined at 10:26 PM.

Financial Report

Review of Township Budget

Resolution 2012-45 presented by Benjamin to create an ambulance budget as presented, second by DeBroka

Roll call; Yes: Benjamin, DeBroka, Kronewitter, Renken, Ward; No: None

Resolution Passed

Resolution 2012-46 presented by Benjamin to replace fire budget as presented, second by Kronewitter

Roll call; Yes: DeBroka, Kronewitter, Renken, Ward, Benjamin; No: None

Resolution Passed

Resolution 2012-47 presented by Benjamin to replace current budget with the one presented, second by Kronewitter

Roll call; Yes: Kronewitter, Renken, Ward, Benjamin, DeBroka; No: None

Resolution Passed

Financial Reports

Presented by the treasurer

Checks

Motion by Renken to accept checks as presented changing check 7694 to an ACH, second by Kronewitter

Roll call; Yes: Renken, Ward, Benjamin, DeBroka, Kronewitter; No: None

Motion Passed

Board Member Comments

Renken, wanted to thanks his Deputy Sue Kronewitter for all the work she has been doing with absentee ballots.

Benjamin, thanked the other board members for their service and stated it has been nice working with them.

Motion by Kronewitter to adjourn, second by DeBroka
Motion Passed

Meeting adjourned at 10:39 PM

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