

Ovid Township
(Branch County, Michigan)
August 13th, 2018
Regular Board Meeting
Minutes

I. CALL MEETING TO ORDER

(Resident Max Benjamin attempted to interrupt the meeting by making a comment, but was informed he needed to wait for public comment)

Members present: Larry Omo, Trustee; Shelly AcMoody, Treasurer; Greg Gemmill, Supervisor

Members absent: Robbi Omo, Clerk; Jim Snivley, Trustee

Others present: 4 guests, and Samantha Pickering, Recording Secretary/Deputy Clerk

II. PLEDGE TO THE FLAG – Members led guests in the Pledge to the Flag

III. APPROVAL OF AGENDA - Larry Omo made a motion to approve the agenda as submitted, supported by Greg Gemmill, MOTION CARRIED.

IV. APPROVAL OF MINUTES FROM the regular board meeting on July 9th, 2018 *(Resident Max Benjamin attempted to interrupt the conduct of township business with another comment, but was told a second time that he needed to wait for public comment)* Larry Omo made a motion to accept the minutes as submitted, supported by Shelly AcMoody, MOTION CARRIED.

VI. TREASURER'S REPORT *(Max Benjamin made an attempt to disrupt township business by interrupting the approval of the treasurer's report. He was informed that he could speak during public comment)* Greg Gemmill requested additional payments as follows: Coldwater Township for public accuracy testing ad - \$22.58. Shelly AcMoody requested the addition of Ivy MMR for dust control in the amount of \$4,153.50. Deputy Clerk Sam Pickering read two requests from the clerk: Business impression to purchase a new Xerox unit as approved at the July board meeting in the amount of \$2,500.00, and \$50,705.91 to Elzinga Volkers for application #2 contingent on the signed application from Denny Bell, Engineer. Greg Gemmill made a motion to approve the treasurer's report with additions, check's to be cut upon Clerk's return week of 8/20/18, report to be placed on file. Shelly AcMoody supported. MOTION CARRIED.

VII. PUBLIC COMMENT

Resident Max Benjamin requested that it be on record that he attended both the planning commission meetings and board meetings and made comments that were not included in the minutes. He further stated that the township is not allowed to make decisions without consulting the public comments that he made at meetings involving the water run-off issue and how it relates the Walrack case. He also wanted it on record that he personally consulted the county to see what their ordinance was on the issue and the county doesn't have an ordinance. He stated that in revising the ordinance, Ovid Township representatives have taken away the protection of the property owner adjacent to homes with water run off issues. Greg Gemmill responded, informing Mr. Benjamin that the minutes only need to contain the decisions and actions that are taken. Greg

Gemmill further stated that the township does not have expertise or engineering background to evaluate properties to that degree, so as it was stated in the prior minutes regarding this topic, the decision was made based on the recommendation from McKenna and Associates, planning and zoning experts, in an effort to protect Ovid Township from unnecessary liabilities.

Russ Jennings stated that in his discussion with Chris Khorey, McKenna and Associates consultant, he felt the new township wording for the ordinance was sufficient and effective for the size of the township as we don't have the resources to have an engineer on payroll to consult on these issues.

Another resident suggested making the property owner responsible for the cost of an engineer when one is required in special cases like the Walrack issue.

Sherriff Pollack delivered Sherriff's report.

VIII. OLD BUSINESS

A. CPBU household hazardous waste collection - \$33 per resident. Greg Gemmill explained the program to board members stating that the cost is calculated based on the number of residents in the township and not the number of residents that use the service. He opened the subject for discussion and after additional clarification and discussion, Shelly AcMoody stated that she believes it would be worth it for the township to make this service available to residents to keep the hazardous waste out of the lakes and off the properties in the township. Larry Omo Agreed. Larry Omo made a motion to approve the townships participation in the program at a cost of \$33 per resident. Shelly AcMoody supported, MOTION CARRIED.

- Greg Gemmill stated that the hazardous waste event will happen on September 29th, 2018. He also stated that we can see what kind of resident participation Ovid has to evaluate continued township participation.

B. ADT Quote for Security - \$2,265.97 w monthly charge of \$96.35. \$1,132.99 due to start. Greg Gemmill stated that the new building would have two card readers; main entrance, and utility entrance, and key pad for security system. It will also have three cameras and three or four motion detectors. The alarm will immediately contact 911. The Air phone system is needed for card system and computer communication – proximity card reader comes with 25 cards – more can be ordered – cards cannot be recycled, and issued to different people new cards needed for each individual). Greg Gemmill made a motion to approve system in the amount of \$2,265.97, with monthly fees of \$96.35, and an initial payment of \$1,132.99 – check to be cut by clerk upon her return week of 8/20/18. Shelly AcMoody supported, MOTION CARRIED.

Resident Max Benjamin inquired about the final date for up and running system. Greg Gemmill stated that he doesn't have a final date at this time, but ADT would not receive final payment or monthly fees until the system is completely in place.

X. NEW BUSINESS

A. Junk Violation – 571 Maple Knoll – Nancy Sauerland/Phil Fanger – Greg Gemmill explained that he received a complaint from a resident regarding a line of timber down property line. Upon physical review of the property, Greg stated that it could be considered junk, but it could also be considered landscaping as it does appear to have to organization. The property owner, Fanger

owner informed Greg that he has had recurring issues with the neighbors. Gemmill asked if the timber could be replaced with landscaping timber and implanted into property 6". Gemmill asking board to give the property owner time to clean up issue and revisit in a week or so before issuing letters. Larry Omo made a motion to approve an extension of time for the property owner to replace the un-matching timbers with landscaping timbers. Shelly AcMoody supported. MOTION CARRIED.

B. Junk Violation – Mark Chaney - 2nd violation – 674 Waynes Beach. Greg Gemmill stated that this has been a long-running issue with a garage that is falling apart. Gemmill gave a brief recap of the issues with the property, including the fact that a building permit obtained for the property has since expired and the property is non-conforming.

The property also contains a boat and trailer – the trailer is registered, the pontoon is not. Gemmill informed the resident to register the pontoon and continue with the violation process. He has issued a second letter. If it is not cleaned up in 10 days, another letter will be sent and the case will be turned over to the courts per the violation process. Larry Omo made a motion that the property is to be cleaned up within 10 or the township will proceed with the violation and turn it over to the courts. Shelly AcMoody Supported. MOTION CARRIED

C. Elections report - Samantha Pickering delivered election report in the absence of the Clerk.

D. Special Assessment District Documents Discussion. Greg Gemmill re-worked the special assessment application form – in some cases will be passed over to road commission as they're under no obligation to do the work being requested and gives them a chance to dictate certain things to drain commission or any other better expertise on project request. Larry Omo asked additional questions regarding the special assessment process and board members had further discussion regarding the new forms/process.

E. Application for Special Assessment District – Treasure Cove. Greg Gemmill stated that he met with township attorney, Joe Haas regarding the application. They discussed the details involved in setting up the assessments and the need for the township to carry their own insurance rider and include that cost in the assessment. The applicants are required to get their own quotes for work to be done. The assessments will be specific to a period of 5 years and only the covers specific items listed in the assessment.

Max Benjamin interjected with suggestions regarding insurance. Greg Gemmill stated that the attorney has recommended that we carry our own to ensure that we are always covered since there is no way for us to police that the assessments are maintaining insurance. It protects the township and the residents –cost will be passed along to the assessment. Resident Keith Brunner state that it's a smart move to follow the attorney's suggestion.

Greg Gemmill made a motion to accept application from Treasure Cove. Shelly AcMoody supports, MOTION CARRIED

F. Items Related to Fire – Samantha delivered the report in the absence of the Clerk. The report included construction updates, revised completion date, liquidated damages explanation, and office supplies/furniture updates.

XI. PUBLIC COMMENT

Resident Max Benjamin asked if Bell Engineering was with the township or Elzinga. He also stated that in regard to schedule - 9/10 - doors, hardware, partitions – milestones should be noted per each inspection and certificate of occupancy. Greg Gemmill stated that this project is driven by the insurance company and we have hired Bell Engineering to oversee the project and protect the township since no one on the board is a contractor or an engineer. Max Benjamin asked if Elzinga's contract was with the township or with the insurance company. Greg explained that the insurance company issues the checks to Ovid Township, and if they are comfortable with the progress or the work being completed, and our engineer is approving the pay schedules, then the board is going to continue to use the engineer in the manner that was intended when we voted for him and the contractors.

Max Benjamin stated that Insurance Company has no incentive to get this moving because they're paying less with delays. The board stated that the incentive for insurance to get it done is to sign the last check so they can wash their hands of this issue.

Max Benjamin inquired about the amount paid to the engineer, and was informed by the board that Bell Engineering has not received full payment, and they could not give him a percentage of what has been paid without some research.

Board members reiterated that as explained by Elzinga Volkers, a delay and shortage of sub-contractors and back-orders on supplies is a major part of the delay.

Max Benjamin asked who put the schedule together and wanted to know whether or not subcontractors are included. The board informed him that the schedule is created by Elzinga, but board members are not qualified to know whether or not sub-contractors are built in.

(The county commissioner excused himself from the meeting, leaving his reports on the table)

Max Benjamin continued to ask industry-specific questions and explain how the township board was not proceeding correctly in several areas of the rebuilding of the township hall, despite being told repeatedly that the township board members, along with the township's attorney, insurance provider, a licensed engineer, and a reputable contractor are all working to move the project along.

Shelly AcMoody stated that the board does have to allow residents and guests to make public comments, but the board does not have to allow continuous comments and suggestions that are disruptive to the business that the board is trying to conduct on behalf of the township. She further stated that if Mr. Benjamin was an expert in so many areas, that he should run for a seat on the board, to which Mr. Benjamin scoffed. Shelly AcMoody repeated that if he had issue with the work being done by board members, he should run for office and assist instead of being disruptive to the process.

Resident Keith Brunner had a question regarding the application for the special assessment. Specifically, he inquired about the property id number, stating they had 19 people paying in and wanted to know whose ID number goes in the form. Greg Gemmill suggested a plat map be printed off to identify exact properties affected in special assessment Applicants property id should be included (dwelling lot). Keith Brunner wanted to know if people living out of state can send letter to authorize someone to sign on their behalf. Board discussed consulting with attorney Joe Haas on out of state

authorizations, stating that electronic signatures should not be allowed. Melissa Lane, Assessor will provide Bruner with a list of residents from the old assessment as a sample. Mr. Bruner reiterated that he appreciated the townships involvement, communication and support the attorney's decision to allow the township to carry insurance to cover the special assessment. He further suggested that a number on each assessment might be helpful.

XII. REPORTS

- A. ASSESSING – MELISSA LANE (NONE but new assessing is moving through legislation)
- B. CEMETERY SEXTON – LUCAS CRONKHITE (NONE)
- C. COUNTY COMMISSIONER – DON VRABLIC (Delivered by Gemmill)
- D. DPW – PAUL WIMBIGLER (NONE)
- E. LAKELAND FIRE DEPT. – JOE JEPSON (NONE) Gemmill will be contacting because they missed their bi-monthly meeting 8/13 per contract
- F. ZONING – RUSS JENNINGS delivered zoning report with correction. Typo on report, but correct on permit. Suggested to Greg and Robbi put a notice in paper and newsletter for contractors to ensure they know the 50% lot coverage ordinance, and that permit is required. Gemmill requested Russ request verbiage from zoning ordinance and/or Chris Khorey, McKenna and Associates.

ZBA hearing Thursday 8/16– 377 Treasure Cove

Greg Gemmill added that he forwarded information to zoning about solar and other new issues and what other townships are doing to handle those special issues.

XIII. CORRESPONDENCE

Gemmill delivered two DEQs and Nutrian letter (formally Crop Production) informing township of name change, MTA emergency uses and services, MTA managing township team, and how boards make decisions, Road Series Regional Meetings, and Township meetings efficiency support, Church notice

XIV. ADJOURN

Larry Omo made a motion to adjourn the meeting. Shelly AcMoody supported. MOTION CARRIED.
Meeting adjourned at 9:12 PM

Recorded by: Samantha Pickering, Deputy Clerk/Recording Secretary

Respectfully Submitted: Robbi Omo, Clerk