

Augusta Charter Township
8021 Talladay Road, Whittaker, MI 48190
Regular Board of Trustees Meeting
July 13, 2010 7:00 pm

1. Call meeting to order at 7:00 pm.
2. Pledge of Allegiance.
3. Roll Call: Hafler, Giszczak, King, Jackson and Tobler. Absent: Lula and Sherbine.
4. Motion by Giszczak, 2nd by Jackson to add "Relief for damages caused by a sewer discharge event" and per Hafler to add "Township vs Rabe zoning compliance" to the agenda. Motion passed.
5. Motion by Hafler, 2nd by Tobler to accept the June 22, 2010 meeting minutes as amended. Motion passed.
6. Public comments opened at 7:04 pm.
7. Lula arrived 7:07 pm.
8. Pubic comments closed at 7:08 pm.
9. Motion by King, 2nd by Tobler to approve the Monroe Augusta Mutual Aid Agreement. Roll Call: Aye: Giszczak, King, Jackson, Hafler, Lula and Tobler. Nay: None. Absent: Sherbine. Motion passed.
10. Motion by King, 2nd by Jackson to accept resignation of firefighter Scott Timmermann effective 6/23/10. Roll Call: Aye: Giszczak, King, Jackson, Hafler, Lula and Tobler. Nay: None. Absent: Sherbine. Motion passed.
11. Motion by King, 2nd by Jackson to accept resignation of firefighter Douglas Patton effective 7/20/10. Roll Call: Aye: Giszczak, King, Jackson, Hafler, Lula and Tobler. Nay: None. Absent: Sherbine. Motion passed.
12. Motion by Hafler to approve McKinnis credit per the attorney's July 8, 2010 letter to the Board. Friendly amendment Giszczak to contact auditor regarding payout of overpayment verses recording the \$3,441.59 as a credit that could not be used up sooner than the estimated nine (9) years. Friendly amendment King to forward

question to the attorney about what happens to the credit when the property changes hands. Hafler withdrew motion for lack of support.

13. Motion by King, 2nd by Jackson to table the McKinnis refund. Motion passed.
14. Motion by Hafler, 2nd by Tobler to direct Attorney Winters to file the appropriate "motion to enforce stipulated order and hold defendant in contempt of court" Township verses Rabe Case. Roll Call: Aye: Giszczak, King, Jackson, Hafler, Lula and Tobler. Nay: None. Absent: Sherbine. Motion passed.
15. Motion by Hafler, 2nd by Jackson to table the ZCW zoning compliance application for \$5.00. Motion passed.
16. Motion by Giszczak, 2nd by Lula, to reimburse John and Gretchen Ardner \$139.00 for plumbing bill May 15, 2010 for address 10800 Whittaker with Clerk to mail letter to residents with MCL 691-1419 section 2b and 2c that upon receipt of the required written document, reimbursement will be processed. Roll Call: Aye: Lula, Hafler, King, Jackson, Tobler and Giszczak. Nay: None. Absent: Sherbine. Motion passed.
17. Motion by Giszczak, 2nd by Tobler to have the Utility Advisory Committee review MCL 691.1419 for the "Governmental Liability for Negligence" law and bring a recommendation to the Board on how to implement subsection (1) "To facilitate compliance with this section, a governmental agency owning or operating a sewage disposal system shall make available public information about the provision of notice." Roll Call: Ayes: Lula, Giszczak and Tobler. Nays: Hafler, King and Jackson. Absent: Sherbine. Motion failed.
18. Motion by Giszczak and 2nd by Tobler for the Township Supervisor, acting as head of the Utility Department, to file form EQP5857 "Report of Discharges for untreated sewage" with DEQ by Friday 7/16/2010. Vote on motion suspended until Utility Management Services John Linville arrival to meeting.
19. Motion by Hafler to pass John Linville's (Utility Management Services) contract for five (5) years and for Attorney Winters, Utility Management Services and Supervisor Hafler to meet and work out the details outlined in Attorney's letter (dated 7/8/2010) afterwards. Motion failed for lack of support.

20. Motion by Hafler, 2nd by Giszczak for Attorney Winters, Utility Management Services and Supervisor Hafler to meet on Utility Management Services contract and work out the details outlined in Attorney's letter (dated 7/8/2010). Friendly amendment Lula, accepted by Hafler for next board meeting. Roll Call: Aye: Giszczak, King, Jackson, Hafler, Lula and Tobler. Nay: None. Absent: Sherbine. Motion passed.
21. Resumed discussion on motion by Giszczak and 2nd by Tobler for Township Supervisor, acting as the head of Utility Department, to file form EQP5857 "Report of Discharges for untreated sewage with DEQ by Friday 7/16/2010. Roll Call: Ayes: Giszczak and Tobler. Nays: Lula, Hafler, King and Jackson. Absent: Sherbine. Motion failed.
22. Motion by Lula, 2nd by King that if it is determined on July 14, 2010 that this is a spill, that the necessary reports are filed (form EQP5857 "Report of Discharges for untreated sewage"), if it is determined that this is not considered a spill under the definition of 324.3112a no action will be taken. Roll Call: Aye: Giszczak, King, Jackson, Hafler, Lula and Tobler. Nay: None. Absent: Sherbine. Motion passed.
23. Motion by Giszczak, 2nd by Lula to adopt the resolution authorizing the Clerk to process the Schultz PA116 application to the State upon receipt of the assessors signed taxable value letter per item #9 on the PA116 check list. Motion withdrawn.
24. Motion by Giszczak, 2nd by Lula to table the Schultz PA116 application so the supervisor can contact the real estate agent to resolve the question posed about the greater than two (2) acre requirement in item #8. Roll Call: Aye: Giszczak, King, Jackson, Hafler, Lula and Tobler. Nay: None. Absent: Sherbine. Motion passed.
25. Motion by Hafler, 2nd by Jackson to table the developer uncollectible agenda item. Hafler withdrew motion.
26. Motion by Lula, 2nd by Giszczak to approve the attached contract with Neuhart Auctioneering and authorize Supervisor Hafler to sign it with the amendment to the description to include "Truck was decommissioned due to frame rust". Roll Call: Aye: Giszczak, King, Jackson, Hafler, Lula and Tobler. Nay: None. Absent: Sherbine. Motion passed.
27. Motion by Hafler, 2nd by King to table the YCUA water rate increase. Motion passed.

28. Motion by Hafler, 2nd by Jackson for no action on the SAD pay down of the USDA debt. Roll Call: Ayes: Lula, King, Hafler, and Jackson. Nays: Tobler and Giszczak. Absent: Sherbine. Motion passed.
29. Motion by King, 2nd by Jackson to accept Darlene Bush to the appointment on the Farmland Preservation Board to fill the seat of Michael Brake. Motion passed.
30. Motion by Giszczak, 2nd by Tobler to approve prepaids #10807-10859 and #10876-10879. Roll Call: Ayes: Lula, King, Hafler, Giszczak and Tobler. Nays: Jackson. Absent: Sherbine. Motion passed.
31. Motion by Giszczak, 2nd by Tobler to accept the Income Statement Year to Date June 20, 2010 and add to the 7/27/2010 board meeting agenda from department heads to report first quarter budget amendments. Roll call: Ayes: Lula, Giszczak and Tobler. Nays: Hafler, King and Jackson. Motion failed.
32. Public Comments opened at 10:58 pm, closed at 11:00 pm.
33. Motion by Hafler, 2nd by Jackson, to adjourn at 11:00 pm. Motion passed.

Respectfully submitted:

Pete Hafler, Supervisor

Date

Kathy Giszczak, Clerk

Date