

**MINUTES SILVER CREEK TOWNSHIP
REGULAR BOARD MEETING HELD ON NOVEMBER 12, 2014**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, November 12, 2014. The Pledge of Allegiance to the Flag of the United States of America was led by Supervisor Saunders.

MEMBERS PRESENT: Supervisor Bill Saunders, Treasurer Maureen Kuriata, Clerk Barbara Runyon, Trustee Joel Moore and Trustee Mike Glynn.

OTHERS PRESENT: Attorney John Magyar.

APPROVAL OF AGENDA

Trustee Glynn moved, seconded by Clerk Runyon, to approve the November 12, 2014 Silver Creek Township Agenda with the addition of a discussion regarding conflict of interest under "other business." Motion carried by voice vote.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES

Trustee Moore moved, seconded by Trustee Glynn, to approve the Minutes of the Public Hearing and Regular Meeting of October 8, 2014. Motion carried by voice vote.

APPROVAL OF BILLS AND CLAIMS

Treasurer Kuriata reported the bills and claims for November 12, 2014. Supervisor Saunders moved, seconded by Trustee Moore, to approve the following bills and claims in the total amount of \$146,434.94 as follows:

FROM THE GENERAL FUND	\$45,567.66
FROM THE INDIAN LAKE SEWER FUND	\$16,177.82
FROM THE PUBLIC SAFETY FUND	\$ 4,503.44
FROM THE BUILDING DEPARTMENT FUND	\$ 6,655.01
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 613.19
FROM PARKS & RECREATION FUND	\$ 63,191.73
FROM DEWEY LAKE WEED CONTROL	\$ 2,226.09
FROM CAPITAL IMPROVEMENT	\$ 7,500.00
 GRAND TOTAL OF DISBURSEMENTS:	 \$146,434.94

Trustee Glynn questioned why some Russom Park expenses are split 50/50 with the City of Dowagiac and others are paid by Silver Creek Township at 100%. It was agreed that we need an Inter-Local Agreement with the City of Dowagiac.

The Supervisor directed the Clerk to take roll:

Yes (5): Clerk Runyon, Treasurer Kuriata, Trustee Glynn, Trustee Moore and Supervisor Saunders.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

READING OF COMMUNICATION

No communication received.

POLICE REPORT

Chief Mike Grice reported as follows: 34 complaints; 18 warnings, 10 tickets, 3 accidents policed, 1 arrest, 6 assisted other police agencies, 1 assist fire & ambulance.

HEALTH & SERVICE REPORTS

Indian Lake Fire Department: 8 calls, 5 in Silver Creek Township. Chief Huggins reported the dive team was called out due to a capsized boat.

Sister Lakes Fire Department: 14 calls, 7 in Silver Creek Township. They also had an arson fire, and advised the public to report any suspicious activity.

Pride Care Ambulance Report: October - 9 calls with an average response time of 10:26 minutes. There were extended times for five calls because of the distance of the calls. The crews took the correct routes and did not report any further incident with their responses.

TOWNSHIP ATTORNEY'S REPORT

Attorney Magyar reported that oral arguments were scheduled on Thursday before Judge Dodge on the O'Connor case which was remanded from the Court of Appeals. He also reported that Default Judgments entered on the Hendrickson and Ferrel blight cases.

BUILDING & ZONING INSPECTOR'S REPORT

Building and Zoning Inspector Todd Herter reported 3 zoning compliance permits and 13 building permits issued with an estimated building cost of \$623,200.00.

BLIGHT ADMINISTRATOR'S REPORT

Walt Lehmann gave the blight report, indicating that he issued three complaints, with two pending and one which entered into a compliance agreement.

APPEALS BOARD REPORT

Bruce Nevins reported that the Board of Appeals will meet on November 18th at 7:00 p.m. on the Marouse appeal. Clerk Runyon advised that due to several notices being returned, that the meeting is rescheduled to Wednesday, December 3rd at 7:00 p.m.

PLANNING/ZONING COMMISSION REPORT

Tom Lehrer provided the Planning Commission Report, reporting that there was a large attendance at the October 22nd Public Hearing on the proposed Zoning Amendments. Six letters were received prior to the meeting and were read into the record; twenty-three people spoke; and a petition with 94 signatures was provided to the Planning Commission. The Planning Commission will be meeting on Wednesday, November 19th at 7:00 p.m. to review and discuss the amendments. New officers were elected for 2015 with Bill Zuhl as the Chairperson and Walter Lehmann as the Secretary.

STANDING INSPECTORS REPORT

Electrical Inspector: 8 permits.
Plumbing Inspector: 3 permits.
Mechanical Inspector: 8 permits.
Liquor Inspector: 6 inspections and no violations.

TREASURER'S REPORT

Treasurer Kuriata reported fund balances as follows:

General Fund	\$273,481.44
Indian Lake Sewer Maintenance Fund	\$206,527.79

OPERATIONAL REPORTS

Motion Re. Indian Lake Sewer Uncollected Maintenance Fees

Treasurer Kuriata moved, seconded by Supervisor Saunders, to place \$16,045.05 of uncollected Indian Lake Sewer maintenance fees on the winter tax bill.

The Supervisor directed the Clerk to take roll:

Yes (5): Treasurer Kuriata, Trustee Glynn, Trustee Moore, Supervisor Saunders and Clerk Runyon.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

Motion Re. Sister Lakes Area Utility Authority Uncollected Maintenance Fees

Treasurer Kuriata moved, seconded by Clerk Runyon, to place \$19,422.94 of uncollected Sister Lakes Area Utility Authority maintenance fees on the winter tax bill.

The Supervisor directed the Clerk to take roll:

Yes (5): Trustee Glynn, Trustee Moore, Supervisor Saunders, Clerk Runyon and Treasurer Kuriata.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

Parks and Recreation Committee: Trustee Moore reported the next Russom Park Board Meeting will be on January 19, 2015, and the dedication of Russom Park is tentatively scheduled for sometime in March. No Silver Creek Township Parks Board Meeting is currently scheduled.

Public Safety Committee: Trustee Moore advised that the Public Safety Committee met on October 7th and discussed Pride Care's response time. They discovered that the response time is for the entire area, not just the northern section. He also suggested that the board think about either joining the Authority or changing the wording in the contract with Pride Care. He also reported that the Public Safety Committee met last night with

Chief Grice who took them on a tour of the E-911 building. Their next meeting is scheduled on January 13, 2015 at 7:00 p.m.

UNFINISHED BUSINESS

UPDATE ON TOWNSHIP RENTAL AGREEMENT

Clerk Runyon reported that she had prepared the Rental Agreement and had sent it to Attorney Magyar for his review. Attorney Magyar made revisions to the Agreement. Clerk Runyon indicated she would furnish the revised Agreement to the Board and would place it on December's Agenda. The board then discussed changes in the proposed Agreement - *Hours of Use to no later than 9:00 p.m.; Cancellation to 15 calendar days*. Limits of liability and maximum capacity will be included before the next meeting.

Discussion was held as to whether Improvement Associations would have to pay the \$50 rental fee. Attorney Magyar will include that in the contract he is preparing for the Lake Association as it pertains to the weed districts.

NEW BUSINESS

ORDINANCE 14-03 AMENDING ORDINANCE 97-3

Trustee Glynn moved, seconded by Trustee Moore, to approve Ordinance 14-03 as follows:

ORDINANCE 14-03
AMENDMENT TO SILVER CREEK TOWNSHIP
COUNTY OF CASS
STATE OF MICHIGAN
ZONING ORDINANCE #97-3

WHEREAS, the Silver Creek Township Planning Commission held a Public Hearing on Wednesday the 25th day of June, 2014 to consider the rezoning of parcels from Agricultural-Rural-Residential to Commercial, said properties being located in Sections 25 and 36 in Silver Creek Township.

Further, on July 23, 2014 the Silver Creek Township Planning Commission approved the rezoning from Agricultural-Rural-Residential to Commercial for the following Parcel Numbers located in Silver Creek Township: 14-130-025-032-00; 14-130-025-012-00, 14-130-025-035-01, 14-130-025-034-00, 14-130-025-036-00, 14-130-025-037-01, 14-130-025-009-00 and 14-130-036-001-00.

Further, that on September 24, 2014 the Cass County Planning Commission approved the above proposed rezoning;

NOW THEREFORE BE IT RESOLVED, that the Township of Silver Creek Ordains to amend the Rezoning of said properties from Agricultural-Rural-Residential to Commercial as recommended by the Silver Creek Township Planning Commission.

The Supervisor requested the Clerk to take roll:

Yes (5): Trustee Moore, Supervisor Saunders, Clerk Runyon, Treasurer Kuriata and Trustee Glynn.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

MOTION TO AUTHORIZE PAYMENT

Trustee Moore moved, seconded by Trustee Glynn, to authorize payment of an additional \$275 out of the Public Improvement Fund to Michiana Electrical Services for installing electrical power for new sign.

The Supervisor requested the Clerk to take roll:

Yes (5): Supervisor Saunders, Clerk Runyon, Treasurer Kuriata, Trustee Glynn and Trustee Moore.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

**MOTION TO APPROVE CONTRACT BETWEEN
SILVER CREEK TWP AND AYSO**

Supervisor Saunders moved, seconded by Clerk Runyon, to approve the contract between Silver Creek Township and AYSO for the use of Russom Park and authorize Supervisor Saunders to sign. Discussion followed.

The Supervisor requested the Clerk to take roll:

Yes (5): Clerk Runyon, Treasurer Kuriata, Trustee Glynn, Trustee Moore and Supervisor Saunders.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

MOTION TO PAY DECATUR EXCAVATING

Treasurer Kuriata moved, seconded by Trustee Moore, to pay Decatur Excavating \$1,250 (1/2) of \$2,500 for moving AYSO Concession Stand to Russom Park.

The Supervisor requested the Clerk to take roll:

Yes (5): Treasurer Kuriata, Trustee Glynn, Trustee Moore, Supervisor Saunders and Clerk Runyon.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

MOTION TO AMEND PARKS & RECREATION BUDGET

Trustee Moore moved, seconded by Treasurer Kuriata, to amend the Parks & Receptions Budget in the amount of \$1,250 to pay Decatur Excavating.

The Supervisor requested the Clerk to take roll:

Yes (5): Trustee Glynn, Trustee Moore, Supervisor Saunders, Clerk Runyon and Treasurer Kuriata.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

MOTION FOR LINE ITEM TRANSFERS

Clerk Runyon moved, seconded by Treasurer Kuriata, for line item transfers as follows:

General Fund ó Transfer \$1000.00 from 215-706 Clerk Clerical to 101-808 Audit
General Fund ó Transfer \$650.00 from 191-705 Election Wages, \$200.00 from 191-740 Election Postage, \$100.00 from Election Publications and \$250.00 from 215-706 Clerk Clerical to 191-727 Election Maintenance/Supplies
Indian Lake Sewer ó Transfer \$500 from 590-702 Clerical to 590-806 Miss Dig
Public Safety ó Transfer \$1,615 from 207-971 Patrol Car Replacement to 207-866 Equipment Additions

Discussion followed.

The Supervisor requested the Clerk to take roll:

Yes (5): Trustee Moore, Supervisor Saunders, Clerk Runyon, Treasurer Kuriata and Trustee Glynn.

No (0): None.

Absent (0): None.

Motion carries by roll call vote.

MOTION TO HAVE PREFERRED PRINTING PRINT 2014 MASTER PLAN

Trustee Glynn moved, seconded by Clerk Runyon, to authorize Preferred Printing to print three copies of the 2014 Cass County/Silver Creek Township Master Plan at \$104.70 per manual.

Discussion followed as to the number of copies and who should receive them. It was decided that that the Planning Commission and Zoning Board of Appeals should receive a copy. The original and an additional copy will be kept in the Clerk's office for review. The Clerk will also publish a copy on the Silver Creek Township Website.

The Supervisor requested the Clerk to take roll:

Yes (5): Supervisor Saunders, Clerk Runyon, Treasurer Kuriata, Trustee Glynn and Trustee Moore.

No (0): None.

Absent (0): None.

Motion carries by roll call vote.

OTHER BUSINESS

Trustee Glynn indicated that it was brought to the board's attention at an MTA class on conflict of interest that a township employee could not be on the Planning Commission or Zoning Board of Appeals, and asked for clarification of the definition of employee and contract employee.

Attorney Magyar said that he reviewed a copy of the Michigan Workman's Compensation definition and concluded that an employee draws a paycheck, withholding tax is taken out, would receive benefits (if offered), and reports directly to the township. He went on to say that no employee of the township can be on the Planning Commission or ZBA, and that an independent contract may be on boards.

Clerk Runyon questioned how to determine if someone should be an employee or an independent contractor.

Attorney Magyar indicated that someone who is directly supervised by the township and is traditionally an employee would be classified as an employee.

Discussion was held as to the Interim Blight Enforcement Officer having a conflict.

Clerk Runyon noted that Walt Lehmann has done a wonderful job as Interim Blight Enforcement Officer, but would like to see a deputy from the Silver Creek Township Police Department appointed Blight Enforcement Officer, indicating that the blight salary is being taken out of the Public Safety Fund already, and the township would not have to pay the \$450 monthly car expense out of the Building Fund; the Blight Officer could use the township police vehicle.

Trustee Glynn noted that one officer would have to be named as blight official with specific duties.

Discussion was held as to whether there is a conflict with people running the weed harvesters for the lake associations being township employees or contract employees and being on the Planning and Zoning Boards. Attorney Magyar will look into this again, but believed it was a nonissue at this time due to no one being employed during the winter months.

Attorney Magyar advised that he is working on a contract with the weed control districts which will address this, making the lake associations responsible.

Further discussion followed.

Clerk Runyon reported a voter turnout of 977 people, with 231 voting absentee. She also reported that the Police and Fire Renewal Millage passed 473 yes votes and 209 no votes.

Supervisor Saunders announced that the township hall would be closed on Saturday, November 29th to celebrate Thanksgiving.

PUBLIC COMMENT

Mike Ribich representing the residents of Magician Lake questioned the Boating Ordinance being passed. Supervisor Saunders advised that nothing has been passed, and that it now comes before the township board to either: return it to the Planning Commission, reject it, make changes, or pass it. Mr. Ribich asked if there would be a public hearing prior to the board's decision. It was agreed that a public hearing would be held. Discussion was held.

Joseph Scolari questioned whether the notice of the public hearing would be on the township website and when. It was agreed that a public hearing would not be held until the summer of 2015 when most property owners were available to attend, and that it would be posted on the township website either in April or May.

Mr. Scolari questioned what will happen at the November 19th Planning Commission meeting on the Proposed Zoning Amendments. Again, it was explained that when the Planning Commission makes a recommendation, it does not become law, it comes to the township board to review it and make a decision, which would also take place in the summer of 2015 when property owners are available. Mr. Scolari provided a letter from the Families of Magician Lake Access.

Dominick O'Neill questioned where the ordinances were located on the website. Clerk Runyon will show him after the meeting.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m. at the call of the Supervisor.

Dated: November 13, 2014
To be approved at the
December 10, 2014 Meeting

Barbara Runyon, Clerk

