

**MINUTES SILVER CREEK TOWNSHIP
SPECIAL MEETING AND
REGULAR BOARD MEETING HELD ON APRIL 5, 2017**

The Public Hearing was called to order by Supervisor Bill Saunders at 6:30 p.m. on Wednesday, April 5, 2017. The Pledge of Allegiance to the Flag of the United States of America was recited.

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

MEMBERS ABSENT: Bill Zuhl.

PRESENTATION BY WIGHTMAN & ASSOCIATES

Frank LaPierre from Wightman & Associates introduced his associates Luke Strunk, Ryan Miller and Neal Sabin who will be working with him on the Indian Lake SAW Grant Project. A slide show was presented explaining the Indian Lake Stormwater, Asset Management, and Wastewater (SAW) Grant. This three-year project includes: Creation of a GIS with System Conditions and Work Order Systems; Data Collection (Cleaning/Televising); Conditional Assessment by NASSCO Standards/Engineering Analysis; Identification of Key Capital Improvement Projects from Conditional Assessment; Development of Capital Improvement Plan and Rate Structure Analysis; Recommendations for Implementation of Long-Term Maintenance Strategies.

Ryan Miller, GIS Manager, presented the GIS map they created of the sewer system for Indian Lake and how it can be used in the future. It was noted that the camera process will not begin until after Labor Day when lake population is down. This is a three-year program which assists with “planning rather than fix it when it breaks.”

Questions and discussion followed.

ADJOURNED

Supervisor Saunders closed the special meeting at 7:05 p.m.

REGULAR BOARD MEETING

Supervisor Saunders called the regular board meeting to order at 7:08 p.m.

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

MEMBERS ABSENT: Trustee Bill Zuhl.

APPROVAL OF AGENDA

Treasurer Kuriata moved, seconded by Trustee Glynn, to approve the April 5, 2017 Agenda. Motion carried by voice vote.

PUBLIC COMMENT

No comments.

APPROVAL OF MINUTES

Trustee Glynn moved, seconded by Supervisor Saunders, to approve the March 8, 2017 Public and Regular Meeting Board Minutes. Motion carried by voice vote.

APPROVAL OF BILLS AND CLAIMS

Treasurer Kuriata reported the bills and claims for April 5, 2017. Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the following bills and claims in the total amount of \$129,630.69 as follows:

FROM THE GENERAL FUND	\$ 68,403.30
FROM THE INDIAN LAKE SEWER FUND	\$ 7,929.24
FROM THE PUBLIC SAFETY FUND	\$ 48,542.35
FROM THE BUILDING DEPARTMENT FUND	\$ 4,692.74
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 63.06
 GRAND TOTAL OF DISBURSEMENTS:	 \$129,630.69

The motion carried by unanimous roll call vote.

READING OF COMMUNICATION

Clerk Runyon read a letter received from Tim Hull regarding planning commission meeting attendance. (Copy of letter attached to minutes).

POLICE REPORT

21 complaints, 4 warning, 4 assist other police agency, 1 assist motorist and pedestrians, 28 property inspections. Officer Johnson also reported that they have started using the new body cameras. He introduced newly hired police officer Mike Fall. Mike has been in law enforcement for 25 years.

HEALTH & SERVICE REPORTS

Indian Lake Fire Department: No report.

Sister Lakes Fire Department: No report.

Pride Care Ambulance Report: No report.

TOWNSHIP ATTORNEY'S REPORT

No report.

BUILDING/ZONING INSPECTOR'S REPORT

Six building permits, two demo violations, with a total estimated project cost of \$145,200.00. There were five zoning permits.

Trustee Glynn questioned whether the Supervisor had talked to John Dobberteen. Electrical Inspector Ron Bellaire had spoken with both Trustee Glynn and Supervisor Saunders to let them know what a great job Mr. Dobberteen does. Supervisor Saunders stated that he talked to Mr. Dobberteen and he had brought business cards in which included his cell number which should help. He does not believe there should be any further incident.

BLIGHT AND LIQUOR INSPECTION REPORT

Deputy Johnson reported 5 liquor inspections with no violations. No blight report.

APPEALS BOARD REPORT

No report.

PLANNING/ZONING COMMISSION REPORT

Tom Lehrer reported that at the last meeting the planning commission discussed revising the medical marijuana ordinance. They also discussed meeting dates. Mr. Harris will be putting a meeting schedule together.

STANDING INSPECTORS REPORT

Electrical Inspector: 3 permits

Plumbing Inspector: no report

Mechanical Inspector: no report

TREASURER'S REPORT

Treasurer Kuriata reported \$459,429.08 as the General fund balance and \$233,309.02 as the Indian Lake Sewer fund balance.

OPERATIONAL REPORTS

Indian Lake and Sister Lakes Sewer: Treasurer Kuriata provided board members with information regarding both Indian Lake and Sister Lakes Sewer financial status to review for discussion and resolution in May. She noted that there has not been an increase for services in over twelve years, and that a rate increase is now necessary to maintain the sewer system. Possible rate increase of \$10 monthly is being considered. Supervisor Saunders noted that the system is aging and will need additional maintenance.

Parks and Recreation Committee: Next meeting will be in April.

Public Safety Committee: April meeting.

OLD BUSINESS

ZONING CODIFICATION

Supervisor Saunders reported that he, Bill Zuhl and Terry Harris had looked over the codified ordinances and saw no problems. Trustee Glynn has found one error, which will be reported to American Legal for correction. A resolution to pass the codified ordinances will be placed on the May agenda.

NEW BUSINESS

MOTION TO RENEW MTL MOWING CONTRACT

Trustee Glynn moved, seconded by Clerk Runyon, to renew our mowing and trimming contract with MTL in the amount of \$50.00 per visit and to allow Supervisor Saunders to sign.

Discussion. Motion carried by unanimous roll call vote.

RESOLUTION R17-11

MICHIGAN DEPARTMENT OF NATURAL RESOURCES
CANADA GOOSE REMOVAL PROGRAM FOR DEWEY LAKE

Supervisor Saunders moved seconded by Clerk Runyon, to approve Resolution R17-11 as follows:

RESOLUTION R17-11
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
CANADA GOOSE REMOVAL PROGRAM
DEWEY LAKE

Silver Creek Township, Cass County, Michigan

WHEREAS, the Township Board of Silver Creek has received complaints of overpopulation of Canada geese inhabiting the grounds of Dewey Lake within the Township; and

WHEREAS, the Township Board has determined that the DNR Canada Goose Roundup/Removal Program is effective for the control of site specific problems for our residents; and

WHEREAS, the residents clearly understand that any birds removed and relocated during this program may be killed; and

WHEREAS, the residents, lake associations, businesses, subdivisions, condo associations etc. must apply for a DNR Permit for this program on an annual basis, and must ensure that all lakefront residents, tenants, employees of this site, have been informed that this program is taking place at their lake, and understand if their lake is located within more than one government unit, they are responsible to receive resolutions from each township and are responsible for adhering to the requirements under their permit;

NOW, THEREFORE LET IT BE RESOLVED, that the Township of Silver Creek hereby formally request the assistance of the Michigan DNR on behalf of the request made in Silver Creek Township by Dewey Lake Property Owners Association, as long as they abide by the DNR permit requirements, in the implementation of the Canada Goose Roundup/Removal Program for a five-year period from 2017 through 2021 and additionally, to advise the Department that there shall be no cost to the Township of Silver Creek for these programs.

Discussion followed. Clerk Runyon noted that she had received a letter from Earline Jones, Secretary of the Dewey Lake Property Owners Association requesting this resolution.

Motion carried by unanimous roll call vote.

MOTION RE. DUST CONTROL CONTRACT

Treasurer Kuriata moved, seconded by Trustee Glynn, to approve dust control contract with Cass County Road Commission for Marke Road using one application of 42% Liquid Calcium Chloride and authorize Bill Saunders to sign.

Discussion. Motion carried by voice vote.

MOTION FOR YEAR-END LINE ITEM ADJUSTMENTS

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the following year-end line item adjustments:

PUBLIC SAFETY FUND

Transfer from:

\$5,313.13 from 207-702 Police Salaries
\$620.00 from 207-960 Contingencies
\$230.89 from 207-959 Conference/Meetings

Transfer to:

\$162.36 into 207-729 Uniforms
5,923.22 into 207-866 New Equipment
\$78.62 into 207-911 Life Insurance

INDIAN LAKE SEWER FUND

Transfer from:

\$4737.77 from 590-996 Contingency

Transfer to:

\$1053.14 to 590-920 Electrical Service
\$3684.63 to 590-802 Sewage Disposal Service

Discussion. Motion carried by voice vote.

OTHER BUSINESS

None.

PUBLIC COMMENT

John Joossen questioned whether the \$10 increase was a year or per month. Treasurer Kuriata indicated \$10.00 per month. Treasurer Kuriata explained tap fees.

John Joossen also took issue when someone is appointed or elected to a position and they know the by-laws and the rules, why they would accept the position and the responsibility if they cannot fulfill their duties. He noted that Supervisor Saunders ran on that platform, that he would be available and that it is greatly appreciated.

Clerk Runyon suggested checking with Jodi who does IT for the township to look into meeting alternatives. Discussion was held as to cost, keeping in compliance with the Open Meetings Act, and the laws that are ever changing.

Trustee Glynn noted that it was doable, but not as easy as Mr. Hull suggests; a lot of issues would have to be worked out and laws complied with.

Ellen Kummerl suggested using "GoToMeeting" and explained how it worked at her former job.

Clerk Runyon noted she did not think it would work for meetings when the public was involved and could speak. She said that we tried something similar having a speaker phone set up and Mr. Donley had difficulty hearing everything and would have to interrupt constantly and could not always tell who was speaking.

Ellen believed that a moderator would be helpful when using "GoToMeeting". She also suggested contacting cable TV and Frontier for information.

Further discussion was held.

Ellen Kummerl complained that she was not able to pull up on the computer the six-page information sheet provided by the sheriff and was attached to the Planning Commission Meeting Minutes regarding medical marijuana. She also expressed her frustration with the way the minutes were prepared.

Deputy Jeff Johnson introduced newly hired deputy Sara Hochsprung. Sarah brings 18 years of law enforcement experience.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m. by the call of the Supervisor.

Barbara Runyon
Silver Creek Township Clerk

Dated: April 6, 2017
To be approved at the May 10, 2017 Regular Meeting

55358 Indian Lake Road
Dowagiac, Michigan 49047
March 17, 2017

Mr. Terry Harris, Chairman
Silver Creek Township Planning Commission
c/o Silver Creek Township
PO Box 464
Dowagiac, MI 49047

Dear Mr. Harris,

I listened with great interest to the discussions held among the Silver Creek Township Board of Trustees concerning the absences of Planning Commission members in violation of the Planning Commission by-laws. Please note from the outset that I appreciate the considerations of all persons who spoke during those discussions. Indeed, there were thoughts presented that beg questions as to how the Planning Commission and the Board of Trustees can address the concerns and simultaneously best serve the interests of the citizens of Silver Creek Township.

Hopefully, members of both the Planning Commission and the Board of Trustees will do what I have done: listen to the tapes of those conversations a few times and experience the thoughtfulness demonstrated by the Trustees in their meetings on February 8 and March 8, 2017.

Trustee Runyon repeatedly states in each of the meetings her admiration for the quality of the contributions of the Planning Commission members, including those of Mr. Donley, Mr. Harris, and Mr. Grabemeyer who have missed meetings this winter due to being out of town. It is clear from the comments by Ms. Runyon and the responses of other trustees that this is a shared value.

Trustee Glynn and Supervisor Saunders had interesting interchanges about the extraordinary work done by the Planning Commission regarding ordinances, Capital Improvement Plan, and Five Year Plan, including recognition of the amount of effort necessary for these to be accomplished. They reiterated the complexity and extent of the work done *in toto* by the Planning Commission.

Counsel Magyar provided important advice repeatedly in these meetings regarding two specific matters: that the Planning Commission is required by statute to meet just four times per year, and that even when the absences of a Planning Commission member had previously been reported to the Board of Trustees, the Supervisor reappointed and the Board of Trustees voted to approve the appointment of that Commissioner.

What was not discussed was why the reappointment was made and approved. It is obvious the work of that Commissioner was highly valued and that the Supervisor and Board of Trustees wanted that Commissioner to continue serving the Silver Creek Township community. There had to be an

appreciation that even with his absences he served in that capacity well, or his reappointment would not have occurred.

In the discussions of this topic in both these meetings, there were numerous remarks about when the Planning Commission needs to and should meet. Again, great thoughtfulness was expressed regarding the opportunities of township residents to be present when meetings are held and to make comment to the Planning Commission at those meetings. Various suggestions were made that seemed quite plausibly able to address some of the concerns of the commission members and the interests of the township as a whole.

What was not discussed, though, is how the Planning Commission meets. Our commission's current practice is highly restrictive to the schedules of Planning Commission members, while reflecting the lifestyles of a past society that makes one wonder where to tie one's horse and wagon if attending a Planning Commission meeting, and if water will be available for the horses to drink. We are now in the 21st century. Lives of our township residents are very different from what they were a hundred years ago, or even twenty-five years ago.

Our society is more mobile physically and in terms of how we are able to communicate. We don't tie our intellectual or communication horses to the rail anymore. We take them with us. We study issues just as intensely when we are away from home as we do when we are home. Telephones are in our pockets. Our libraries are only as far away from us as our lap-top computers. Resources and communication systems are as easily drawn up on line in South America as they are in Dowagiac.

Current meeting possibilities do not require everyone to be in the same place at the same time. Operating in this old-fashioned manner limits a body from getting the best out of its members and from having its best people participating in important discussions. Initially, Ma Bell developed conference call systems for a group of corporate board members to meet when they could not sit in the same conference room. Today, there are electronic ways to meet that are so varied and vast that one wonders why conference rooms exist anymore. The great majority of these possibilities bear no or little cost for a group the size of our township Planning Commission.

Planning Commissioner Tom Lehrer is heard to comment on the tape of the March 8, 2017 meeting of the Silver Creek Township Board of Trustees during the discussion of Mr. Donley's absences, "We tried everything....radios. The Board has bent over backwards to try to accommodate the situation." I applaud Mr. Lehrer and his fellow Planning Commission for taking the initial steps to try to operate in a fashion commensurate with the 21st century. But those first steps were not well organized and, as a result, were not successful as he stated. This should not close the door on the commission's efforts to do its best work.

Supervisor Saunders has appointed and the Board of Trustees has approved a body of township residents that clearly meets the requirements of the Planning Enabling Act, which states that Planning Commission membership should be "representative of the important segments" of the Township. Since I began attending Planning Commission meetings in 2013, I have been amazed at the ability of this body to work as a finely tuned orchestra. As each section of an orchestra is made up of distinct group of

instruments, just as the horns need the strings and the reeds need the tympani, our Planning Commissioners are able to work through their projects in a way that includes the interests of each discrete populace to achieve a common good, a symphony.

The value of those varied members of the Planning Commission should not be lost due to a rule written in an old school of thought: everyone meeting in the same place at the same time. Our township needs its best leaders and commission members. Physical presence should no longer be a necessity, given the communication age in which we now live.

I implore the Planning Commission to reconsider its by-laws as written, and to move forward with possibilities that allow those who are not physically present to do their valued work with the commission by meeting with the other commission members electronically.

Mr. Lehrer stated in the March 8 meeting that Mr. Donley isn't an asset (to the Planning Commission). I am confident that it was Mr. Lehrer's intent to say that, by virtue of the length of his absence from meetings, the value of Mr. Donley's knowledge and thought was a lost asset. The same would be true of Mr. Harris or Mr. Grabemeyer or any member of the Planning Commission who, due to being out of town, could not physically attend a commission meeting as the structure currently requires.

This is an easy fix, folks. Please do the right thing.

Sincerely,

Thomas R. (Tim) Hull

CC: Silver Creek Township Supervisor and Board of Trustees, c/o Ms. Barb Runyon, Clerk

Check out:

1. WEB EX (a CISCO product)
2. GoToMeeting
3. GoToMeeting Conferencing Kit
4. Skype
5. Conference speaker phone such as Polycom, Avaya, or Cisco
6. FUZE Free Plan
7. GlobalMeet by PGI
8. DimDim
9. Dozens of other options are also available.