

Buchanan Township Board of Trustees
Regular Meeting
December 19, 2013

CALL TO ORDER

The regular December 19, 2013 meeting of the Buchanan Township Board of Trustees was called to order by Supervisor Jane Mitchell at 7:00 pm.

Members Present: Jane Mitchell, Supervisor; Cathy Ganus, Clerk; Janet Dehring, Treasurer; Lynn Ferris and Thomas VanAntwerp, Trustees.

Members Absent: None.

Others Present: Fifteen (15) township residents; one (1) staff; and no members of the press.

PLEDGE OF ALLEGIANCE

The *Pledge of Allegiance* was recited by those in attendance.

APPROVAL OF MINUTES

The minutes of the December 5, 2013 minutes was approved as presented.

ADDITIONS / CORRECTIONS TO AGENDA

None.

BRIEF PUBLIC COMMENT – AGENDA ITEMS

None.

CORRESPONDENCE

Annual Township / Berrien County Road Commission Meeting

Two dates were suggested for the Buchanan Township / Berrien County Road Commission Annual meeting: January 14, 2014 at 10:00 a.m. and January 16, 2014 at 10:00 a.m. Mitchell to contact the BCRC to set the appointment.

TREASURER'S REPORT

Motion by Dehring, second by Ganus, to approve General Fund check # 8959 to and including check # 8968 totaling \$1,684.76 as well as Fire Fund check # 5436 to and including check # 5441 totaling \$2,814.64. Roll call vote showed unanimous approval, motion carried (5-0).

REPORTS

SMCAS Report – Lynn Ferris

SEBCL Report – Jane Mitchell

Fire Report - Tim Jesswein – Thanked residents for their support during the year.

UNFINISHED BUSINESS

Township Counsel Report

Mitchell and VanAntwerp met with Township Attorney Scott Dienes regarding the water and sewer agreements. The agreements are 30 year contracts with the City of Buchanan to provide water and sewer services to Township residents and these contracts have expired. Dienes has reviewed the proposed drafts and suggested a cost of services study be conducted, which is a rate study that will allow the Township to get an idea of what would be included for water to be supplied by the City to Township. Dienes suggested that the cost of services study be conducted every five (5) years. There have been several work sessions with the Joint Water/Sewer Board; however, the City does not feel they want to do a rate study. Mitchell learned that unbeknownst to the Township, a study had been conducted by CPA firm Rehmann Robson (letter dated March 28, 2005). These agreements are regulated by the Environmental Protection Agency (EPA) and there are certain things that can and cannot be charged. Mitchell provided the Board with a copy of the study. Ganus questioned why a CPA would prepare a water and sewer utility rate study.

Regarding the Crescentview park situation, Mitchell advised that township counsel is requesting additional information from staff – more of a breakdown from the assessor as to what she knows, what she has done, and what she has discussed. Mitchell advised that the assessor (Williams) projects that this will be done by Monday, December 23, 2013.

Township resident Robert Carnes wanted to know what was provided to the township attorney for the assessor to respond. Mitchell advised that the assessor has been requested to provide a timeline regarding the park parcel. Carnes advised he had been told that the assessed parcel is a park and they will not be taxed and the Pawielski's are titled owners. He requested that if there were a change he would like the residents to be advised.

Township resident Mark Pitcher stated that the letter submitted to the Township Board from Attorney William Landgraf had been submitted on the auspices that it was on behalf of all of the residents of the subdivision. Township resident Lori Pawielski stated that the letter was requested by a couple residents in the subdivision and not all residents are, nor will they be, represented by this attorney and wants the record to reflect that they are not represented by Attorney Landgraf.

NEW BUSINESS

Southeast Berrien County Landfill Representative Appointment – Term Ending 05.31.2014

Due to Ganus' responsibilities with her new position with her church as associate pastor, this necessitated her resignation from the SEBCL Board.

Motion by Mitchell, second by Ferris, to appoint Bradley Reitz to the SEBCL to fulfill remainder of Cathy Ganus' term ending 05.31.2014. Voice vote showed unanimous approval, motion carried (5-0).

Zoning Board of Appeals Alternate Appointment – Term Ending 12.19.2016

Motion by Mitchell, second by VanAntwerp to appoint Tom Hildebrandt as Zoning Board of Appeals alternate with term ending 12.19.2016. Voice vote showed unanimous approval, motion carried (5-0).

Letter of Understanding – Water Service Agreement Extension

Motion by Ganus, second by Dehring, to approve the Water Service Agreement Extension from January 1, 2014 through June 30, 2014 as presented. Voice vote showed unanimous approval, motion carried (5-0).

NEW BUSINESS (continued)

Letter of Understanding – Sewer Service Agreement Extension

Motion by Ganus, second by Mitchell, to approve the Sewer Service Agreement Extension from January 1, 2014 through June 30, 2014 as presented. Voice vote showed unanimous approval, motion carried (5-0).

RFP for Auditing Service – Fiscal Year Ending 03.31.2014

Motion by Mitchell, second by VanAntwerp, to send out Requests for Proposals (RFPs) for auditing services for fiscal year ending March 31, 2014. Voice vote showed unanimous approval, motion carried (5-0).

ANNOUNCEMENTS

None.

CITIZEN COMMENTS – NON-AGENDA ITEMS

Lori Pawielski wished to clarify that the Board had interest in only the taxation issue and nothing further regarding the Crescentview park parcel. Mitchell advised that township counsel will review the issue and will report back with findings.

Robert Carnes stated that the assessor (Williams) had indicated during the December, 2013 Board of Review that the legal document stated that there will be no taxes on this parcel. He went on to state that Williams had advised him that the Township Board was only concerned with the taxation of the property.

Lori Pawielski stated that the taxes were handled at the December Board of Review and this should be the end of it. The taxes were waived on 2012 and she inquired what additional interest the Township Board has with the entire situation. Mitchell responded that the Township Board has requested township counsel to draft a letter as to his interpretation of this issue.

Township resident Steven Smith advised that he has filed a complaint with the Michigan State's attorney regarding the quit claim deed and fee simple.

Carnes stated he had read in the minutes from the November 7, 2013 Township Board meeting that Mitchell had met with a group of people from the Crescentview subdivision regarding this matter; however, he felt that there were 39 other residents who should've been notified about this meeting. Mitchell suggested that if there would've been a subdivision association this situation could have started with them. Dehring stated it is not Township practice to notify neighbors when one of the residents requests a meeting with Township officials. Mitchell stated she met with the residents and listened to their concerns but took no action.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 7:58 pm.

Cathy A. Ganus
Buchanan Township Clerk