

GENOA CHARTER TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
MARCH 7, 2011
6:30 p.m.

MINUTES

Supervisor McCririe called the regular meeting of the Genoa Charter Township Board to order at 6:30 p.m. The Pledge of Allegiance was then said. The following persons were present constituting a quorum for the transaction of business: Gary McCririe, Jean Ledford, Steve Wildman and Jim Mortensen. Also present were Mike Archinal (Township Manager), Frank Mancuso (Township Attorney), and approximately 50 persons in the audience.

Supervisor McCririe states that there will be a separate call to the public for agenda items 5 and 7. A call to the public was made for non-agenda items and items other than 5 and 7 with the following response:

Jim Rowell, 5240 Mountain Road states that he would like to know about Mr. McCririe's affiliation with Laurex Real Estate and the Laurex ownership of parcels along Grand River Avenue. He read some comments on the blog and now questions if Mr. McCririe benefits financially from his role at the Township. Mr. McCririe responds that he owns Laurex Residential Real Estate and cannot speak to the commercial business which is owned by Mr. Smith. Mr. McCririe states that he has lived here for over 47 years and has been a residential real estate broker in Livingston County for over 25 years. He states that his business has not and will not violate any ethical obligations to his elected position.

Approval of Consent Agenda:

Moved by Wildman, Supported by Mortensen to approve the consent agenda as presented. **The motion carried unanimously.**

1. Payment of Bills

2. Request to approve minutes: 02-21-11

3. Request to accept and approve the Howell Area Parks and Recreation Authority fiscal year 2011-2012 budget.

4. Request for approval to submit to Howell Parks and Recreation payment of \$62,790 for Genoa Charter Township's participation in the program.

Approval of Regular Agenda:

Moved by Ledford, Supported by Mortensen to approve for action all items listed under the regular agenda. **The motion carried unanimously**

5. Request for approval of Resolution #3 to Approve Project, Cost Estimates, Special Assessment District and Causing the Special Assessment Roll to be prepared for the East and West Crooked Lakes Aquatic Weed Control Reimbursement Special Assessment Project.

Mike Breazeale with the Tri-Lakes Homeowner's Association and Steve Hansen with Professional Lake Management give a brief overview of the project. Mr. Hansen indicated his expertise in the Lake Management field. He explains Eurasian Milfoil and how it spreads from lake to lake. He states that milfoil is the target of the program and there will be no impact on other plants. The program he is proposing is the best for long term treatment of the milfoil. The first year he proposes to treat the entire lake with Fluridone at 6 parts per billion (ppb). It will have no impact on the native plants and the first treatment would be in April/May. In Year 2, the program would be to seek and destroy any remaining milfoil and treat it directly. Each lake responds differently. Professional Lake Management manages Brighton Lake, Beach Lake, Hidden Lake, Silver Lake, and 300 additional lakes throughout the state.

A call to the public was made with the following response:

Curtis Gruber, on behalf of his mother, Edna Nagy who lives at 4136 Highcrest Drive reads from a prepared statement from Ms. Nagy as follows: The weeds are a part of nature. When you eliminate weeds you remove the natural cover and will cause breakdown in the natural life cycle. Removal of the weeds will harm the lake and its wildlife. Weed killer in Round Lake was applied 80 years ago and it hurt the fish population. The fishing hasn't been good in Round Lake since. The weeds grew back thicker and better than ever. Later there was a claim that the septic fields were causing the weed problem. So they pushed the sewers and that did not solve the problem. The lakes have always had weeds. Motor boats got rid of lots of the weeds. You should look at a more natural solution than poison. You should look at how much lawn and garden fertilizer makes it to the lake. Why should only the residents pay on a public lake? Shouldn't only the people that want it have to pay for it?

Supervisor McCririe responds that the law doesn't allow us to assess the State boat launch property. Due to the structure of Public Act 188 you can collect money from all those benefited from an improvement. Everyone benefits from improved lakes.

Arnie Messing of 3940 Highcrest Drive would like to make a few points. He is opposed to this district. He's been here since 1976. When he petitioned for roads and sewers one of the reasons given was that the septics were failing the lakes. He took a day off work to sample the lakes to check for septic failures and he took the samples to Lansing. There was 40ppm of fecal coliform and there needs to be 400ppm for damage to the lake. My first summer on the lake I couldn't swim because there were too many weeds. I am opposed. Keep the lake and the weeds the way they are.

Joe LaSalle of 3657 Conrad: My parents moved out here in 1954. I've seen what happens when you spray the lake. The weeds float to the top and then to the bottom and then it turns to muck. This will hurt the fish population. There is no guarantee that it won't effect the fish population.

Oak Pointe is contributing to the problem with the golf course fertilizer. I'm totally opposed. Harvest the weeds...don't spray poison.

Trustee Wildman states that he was initially opposed to this on Lake Chemung and he has seen a tremendous benefit on his lake. It was worth every penny. The treatment doesn't affect the native weeds.

Al Bozyk of 5480 Sharp Drive is opposed. The lakes are very shallow and over the years there has been a growth in the power boats and that drums up the weeds. This will create more muck and with all the outsiders using the lake it keeps the weeds down. Our money is better spent elsewhere.

Steve Hansen clarifies the treatment is done to kill it before it grows. With Fluridone the contact period is 45 days. It takes from May to June for the plant to decompose. It doesn't get uprooted.

Gary Srock, 3639 Conrad Road asks if it will be safe to eat the fish. I've heard of different chemicals used that is not safe to eat the fish. Is there a restriction on eating the fish? He wants to invite the board to a fish fry if this passes.

Steve Hansen responds yes, absolutely, the chemical does not bio-accumulate in the fish and there is no restriction to eating fish.

Jodi Cook of 3924 Highcrest opposes and has letters of 3 others in opposition. She is a horticulturist and was a greenhouse grower. How does contact with the plant occur? Hansen - it needs to have foliage contact. Is 45 days active period or death period? Hansen – We maintain the concentration for 45 days to keep it at 6ppb. What are the water temperature requirements? Hansen – it is temperature dependant over 50 degrees. Fluridone is less dependent than some other types of herbicide. Water moves, what happens during high winds? Hansen – once the lake stratifies they treat. The stratification forms a natural barrier and they distribute the product as much as they can to stabilize and treat uniformly in the lake. Is there a temperature that is too high? Hansen – no. Does it get to the roots of the plant? Hansen – it is a systemic herbicide so it does get to the root. I am opposed because I don't think the weeds are a big enough problem to warrant this. Also, we have been doing this for 10-15 years can this be put to rest.

Carolyn Kerr of 4550 Siem Road objects to the plan. She appreciates the effort by the Township and states that this problem is never solved. She owns lake property elsewhere and it's a cycle. She thinks we should look at what we are doing to cause the weeds to grow. She agrees with Ms. Nagy, we should rake out the weeds. Education about fertilizers and other things need to be looked at.

Arla Heckman of 4263 Clifford has been reading reports on the web about Fluridone and in Washington they can't water their yards or their plants. Steve Hensen responds that the label calls for a 30 day restriction over 5ppb. Golf courses will continue to water at 5ppb. After initial treatment they will post a 30 day irrigation restriction. It usually drops off much sooner than that. They will monitor to check the levels and it usually doesn't take anywhere near 30 days.

Steve Hansen states that in response to the comment of looking at what they are doing wrong to cause or contribute to the weeds is that doing nothing is what is being done wrong. There wasn't a problem in 2002 and then in 2008 there was. You need to treat for this. In East Crooked Lake there is a lot of milfoil in the drop off area.

Jeff Gangnier of 4354 Highcrest lives adjacent to the Oak Pointe marina and has been there for 18 years. Oak Pointe is treating their dock area and his dock is right next door and is overrun with weeds. Do you need to treat the whole lake? My area is sandy because I rake it. Activity and the boat get rid of the weeds. He is not in favor of this. Steve Hansen responds that yes, we do treat the whole lake uniformly. It is subsurface injected. It will get all the milfoil in the lake. In the following years we can treat specific areas.

Harold Crane of 3713 Highcrest states that this is very controversial. He has talked to other homeowners and the milweed is not a problem in the lake. He is more concerned about the chemical in the lake. Shouldn't every riparian be allowed to vote and have a majority rule. This should be put to a vote.

Supervisor McCririe states that with P.A. 188 you can circulate a petition and if you obtain more than 51% signatures in support the Board can initiate the S.A.D. The second option is Township initiated and if there are 20% opposed it stops. The reason we have these hearings is to hear what the people want.

Leslie Radabaugh at 4094 Highcrest states that her family has been there since 1917. When Burroughs farms were in operation they had 10 times the boats as there are now. She has 2 neighbors who treat their part of the lake. If this would stop the renegades from dumping chemicals in the lake she would support this. Chem Lawn and fertilizer companies need to be regulated.

John Kirsch of 4875 Crooked Stick Ct. is with the Oak Pointe Homeowner's Association and states that they treat the beach and marina twice a year. It is localized to this area. When they treat they have to avoid irrigating, drinking, and swimming for 3 days. The DEQ gives the permit. By doing the whole lake you would eliminate this and everyone who has permits would not be given permits to do that anymore. I am in favor of this.

Dan Beck of 4586 Glen Eagles Drive supports the project because of the swimming and weeds. Some of you are concerned about fishing. If you fish near the marina there is no problem with the number of fish throughout the season. On the drop off the fishing is good.

Jim Bozyck of 3850 Highcrest Drive asked how many times the lake would be treated from April to October He is opposed to the project.

Steve Hansen states the lake will be treated twice in the first year at the end of April and beginning of May. In subsequent years they will visit and treat small areas and will notify those homeowners affected.

Dave Yanochko of 4054 Anchor Lane is in favor of the treatment. He is a fisherman. Depths of 15-18 feet are filling in with milfoil. He can't put an anchor down in the bay. If we don't do this now it will be very bad with mats on top of the lake.

Frank Fisher of 5859 Griffith asks if it is an annual treatment. Once this gets going you can't stop it. It has its own cycle. Are there other methods such as biological contra measures? He is very skeptical about this.

Supervisor McCririe states that this would be a 5 year program renewed by this process every 5 years. Milfoil is an invasive species and is brought there by boats.

Tom Crane of 3934 Highcrest states that they have a 9 year old and live next to the Cooks. They have been on the lake forever. He's worried about the groundwater...they have a well. He doesn't trust people. People make mistakes. Oak Pointe put the marina where the beach used to be. I don't like the thought of my kids swimming in the lake with chemicals.

Tom Rafferty of 4244 Highcrest states that the weeds are bad in his opinion. The survey says they are bad and getting worse. People do put chemicals in the lake now. The problem won't get better if we do nothing. My kids swim everyday and I'm convinced after talking to other people in lakes that this is the best solution. He questions if the Lake Management company is involved in any litigation? The problem won't go away. I was opposed initially and after doing my research for 2 years now I've changed my mind. I don't see any other choice. The weeds are coming and this is the best solution available. I don't like chemicals either.

Mike Breazeale with the Tri-lakes Association states that there are 30 individuals treating the lake themselves based on his research.

Paul Henderson of 4502 Lakeshore Court has lived here 22 years. He fishes 4-5 times a week on the lake. There has been a noticeable increase in the milfoil in areas where you couldn't possibly rake. I also have 8 grandchildren and after my research I would allow them to swim with this treatment. We are close to mats on the southwest corner.

Pam _____ of 3243 Lakewood Shores Drive stated that she got the signatures in her subdivision and everyone she talked to is in support of this.

Jodi Cook questions if there are any lakes that have been treated that don't need it ever again. Steve Hansen responded that there are none that he is aware of.

Joe LaSalle asks if it doesn't affect fish or people eating fish why it says there is no guarantee that fish won't die. Steve Hansen states that natural fish kills happen all the time. Those are for the situations when there are naturally occurring fish kills. The DNR has lots of information on fish kills.

Victor Zammit of 4177 Homestead questions how the chemicals that people are putting in themselves will react with this. Steve Hansen replies that there would be no reaction but many

of the chemicals people buy on the internet are very dangerous and hopefully this would stop that activity.

Dan Beck asks when would this start and are the bids public. Steve Hansen replies April/May 2012. Mike Breazeale states that the lake association got other bids and Steve and his team have been great to work with. If the Township approved this, they would get new bids.

Jeff Gangnier of 4354 Highcrest would like to see an informational ballot to see who wants it. It could be sent out with Tax Bill.

Arnie Messing states that he was involved in secchi disk testing for 6 years to measure transparency every Saturday from May to September. The overall condition in the lake has not changed. The whole water quality needs to be looked at.

Bill Wernette states that the weeds take nutrients out of the water. The weeds decompose and consume oxygen and kill the fish. Without weeds the nutrients build up. If we get an algae bloom what would be do then. He asks if that is likely to occur.

Arla Heckman states that she has learned from her research there is an algae bloom in the first and also second year. Cat tails and lily pads will be affected but they will come back.

The call to the public was closed at 7:50pm.

Jean Ledford requests to abstain because she is a lake resident. McCririe states that makes 3 out of 7 members present and available to vote and he is uncomfortable moving forward with only 3 members. The Board will need to take action to recognize Jean's abstention.

Moved by Mortensen, supported by Wildman to table agenda items 5 and 6 to the next regular meeting of the Board scheduled for March 21, 2011. **Motion carried unanimously.**

6. Request for approval of Resolution #4 to Acknowledging the Filing of the Special Assessment Roll, Scheduling the Second Public Hearing, and Directing the Issuance of Statutory Notices for the East and West Crooked Lakes Aquatic Weed Control Reimbursement Special Assessment Project.

7. Request for approval of an amendment to the Building Permit Fee Schedule.

Township Manager Mike Archinal presents to the Board that staff has analyzed the fees and calculations show the Township to be cheaper or on par with the County Fees. He states that the Township has committed that we will not increase fees.

Jean Ledford questions if the company could change their rates to the Township after a few years. Mr. Archinal states that the Township may look to adjust the Agreement with SAFEbuilt if costs to run or house the department increase.

A call to the public was made with the following response:

Steve Davis owns Advance Craft Home builders. His first permit pulled in Genoa was in 1973 and his last one was last year. He has built 600-700 homes in Livingston County. He feels that Genoa is duplicating services that the County is doing and his experience is that Hamburg and Brighton have been giving it back to the County. He feels the County can best serve our needs as a builder. Staff is full time 5 days a week and they have a computer system to order inspections. Jim Rowell has done a good job. County has traditionally been cheaper than the Township's due to an economy of scale. If the Township could meet prices and give us the same service it would be fine.

Boyd Buchanen asked if the proposed fees from the last meeting were adjusted. Across the Board you were higher. How can a building official working part time provide better service? Mr. Archinal states yes, the deck fee was reduced and from what we've been able to obtain, our fees are not higher. Archinal states 5 hours per week are paid from Genoa Township and the other hours of the week will be paid through a contractual agreement.

Frank Portelli lives in Deerfield and runs a home building company. The Livingston County Building Department is very professional and they have their act together. I can schedule construction during winter months and all day everyday which makes sense. This seems to be contrary to what the rest of the communities in Michigan are doing to consolidate services. This doesn't seem like a reasonable way to run a department. Overhead will match expense so it will be easy to make this revenue neutral. You will just suck up whatever is extra. What is the goal? McCririe – the goal is customer service. Portelli – I've seen the best service of anywhere I've worked in Livingston County. In general, it's way smoother at the County than anywhere else. Centralized service is more efficient. I don't believe that you will be able to sustain this in the long term. At some point costs will go up. I will be funding the inefficiency built into your system. There is no argument I can see for doing this. It doesn't seem like a good idea.

Supervisor McCririe states that the Township has a myriad of customers and we have experienced many frustrations over time which has caused us to look at this. We want to provide better service for our customers.

Jim Rowell states that he applauds the Board for listening and taking the fees into consideration. If you are bringing them down and you are going to match them I hope it works out for you.

Moved by Wildman, Supported by Mortensen to approve the amendment to the fee schedule with a revision to deck permits to be \$115 for 2 inspections with an additional \$30 fee if a rough inspection is required. **The motion carried unanimously.**

8. Request for approval to adopt the Genoa Charter Township Employee Handbook effective March 7, 2011 and cancel the Genoa Charter Township Employee Handbook Adopted May 21, 1990 and subsequent amendment.

Dave Miller and Greg Tatara present the new employee handbook with changes for the Utility Department. The Utility Department works 365 days a year and their staff should wear

employee uniforms. They added a code of conduct, safety, and drug testing. The proposed handbook describes the permitted use of municipal vehicles, equipment and cell phones. The updates to handbook were reviewed by the Township Attorney and were found to comply with regulations and case law.

Trustee Mortensen states that the reference to annuity contracts under pension/retirement needs to be changed. This is not what they are using. Also, on page 28, paragraph 3 refers to the Company and it should say “Township”.

Trustee Mortensen questions if the signature pages at the end apply to existing employees. He feels they should. Mr. Tatara and Mr. Archinal respond that all employees will sign this.

Trustee Mortensen questions if there are lifted words from another Personnel Manual and if there any copyright issues. Frank Mancuso responds that this is not a copy word for word. This is a manual and therefore there are no copyright issues.

Moved by Ledford, supported by Mortensen to approve and adopt the Genoa Charter Township Employee Handbook effective March 7, 2011 and cancel the Genoa Charter Township Employee Handbook Adopted May 21, 1990 and subsequent amendment with the changes discussed this evening. **Motion Carried Unanimously.**

9. Request for approval of change in Oak Pointe and Lake Edgewood water and sewer rates.

Greg Tatara and Ken Palka presented to the Board. The Utility Department has worked very hard to keep their expenses in check. The current budgets have been reviewed by P.H.P., Inc. and they support the rate increases. Included in this evenings packet there was a summary of the current financial state of the systems. For Lake Edgewood there were no rate increases from 2000-2008. This created a hole that they are now trying to dig out of. If you look at the revenue to expense reports they are staring to close that gap. Flows have been declining. The Oak Pointe deficit is closing and they will get to a point where they will have a surplus with the new budget. They have made improvements to aging infrastructure to improve the costs of running the system. Oak Pointe water has been doing well and they are only proposing a small increase despite the decline in production and to accommodate for future anticipated declines in flow. In Oak Pointe, residents would notice the change on their August bill and for Lake Edgewood residents the change will affect the September bill.

Rick Hagenbach, 7100 Forest Way in Pine Creek asked why you are increasing rates in this time. Supervisor McCririe responds that each year we analyze the systems and adjust to cover expenses. Dr. Greg Tatara states that they have cut expenses everywhere possible to continue to maintain a safe system. The rates are being raised at the very minimum. If these rate changes did not occur it would create a long term financial impact on the system.

Moved by Ledford, supported by Mortensen to increase the Lake Edgewood metered sewer charges to \$6.37/1,000 gallons and to increase the flat rate sewer charges to \$109.77/quarter effective June 1st, 2011. **The motion carried unanimously.**

Moved by Wildman, supported by Ledford to increase the Oak Pointe metered sewer charges to \$5.98/1,000 gallons and to increase the flat rate sewer charges to \$125.76/quarter effective May 1st, 2011. **The motion carried unanimously.**

Moved by Mortensen, supported by Ledford to increase the Oak Pointe metered water charges to \$3.08/1,000 gallons effective May 1st, 2011. **The motion carried unanimously.**

10. First review of the budget projections for the fiscal year of April 1, 2011 thru March 31, 2012.

Ken Palka presents to the Board. He states this is the same budget that they saw at the last meeting. There have been no changes.

Supervisor McCririe states the next step is to publish and hold the public hearing.

There are no comments or questions.

11. Request for authorization for publication and to set public hearing for March 21, 2011 at 6:30 p.m. for approval of the 2011/2012 budget.

Moved by Ledford, supported by Mortensen to authorize the publication and set the public hearing for March 21, 2011 at 6:30pm for approval of the 2011/2012 budget. **The Motion carried unanimously.**

Correspondence

The Board received a letter from Steve Miller. Mr. Archinal will respond to Mr. Miller.

John and Patrice Liss on Webster Park Drive submitted a letter that they do not want to pay for garbage. Supervisor McCririe states that everyone pays. There was no interest among the Board members to exclude them.

Barn Tour workshop

Letter of thanks for removing dead deer.

Standard and Poors increasing Bond Rating to AA. Sewer bonds upgraded to AA-.

Dykema Gosset – master operating agreement

Member Discussion

Trustee Mortensen asked if the calendar for the next fiscal year published on the website is approved by the Board. Mr. Archinal replies to the affirmative and states that he will check on it to make sure it has been reviewed by the Board. Mr. Mortensen is troubled by canceling meetings at the last hour and believes things should be scheduled in advance. The Board should look into canceling the meeting around the Fourth of July and also the opening of deer hunting season. They should plan ahead.

Mike Archinal informs the board that for the next meeting they should be prepared to discuss Pine Creek's interest in privatizing their public roads. Oakland County says no. This is a policy decision for the Board. There will be a formal proposal from the association at the next meeting. Mr. Archinal suggests the officials drive through there around 2:45pm on a weekday to get an idea of what the problems are. They get a lot of cut through traffic.

Rick Hagenbach of 7100 Forest Way Ct. addressed the Board and states that the issue is safety. Someone is going to get hurt. Debbie Ziolkowski a resident of Pine Creek Ridge informs the Board that they have worked with the Sherriff and the County Road Commission to control traffic speeds and volume. Due to the hills and curves they can't use a lot of traffic calming techniques. They would like to make it gated.

Mike Archinal informs the Board of his 13 years anniversary to the Township and states his appreciation to the Board for his time here.

Moved by Ledford, supported by Wildman to adjourn the meeting at 8:48pm. **The motion carried unanimously.**

Submitted by:

Kelly VanMarter

(Press/argus 03/18/2011)