

*Unapproved*

**THE REGULAR MEETING OF THE GREEN CHARTER TOWNSHIP BOARD WAS CALLED TO ORDER AT 7:30 P.M. NOVEMBER 13, 2007. THE SUPERVISOR LEAD THE BOARD IN THE PLEDGE OF ALLEGIANCE TO THE FLAG.**

**THE FOLLOWING BOARD MEMBERS WERE PRESENT, ROLL CALL.**

JOHN M. WELLNITZ,	SUPERVISOR
JANET CLARK,	CLERK
DENISE MACFARLANE	TREASURER
A. DONALD GRANT	TRUSTEE
GARY TODD	TRUSTEE
JAMES T. PEEK	TRUSTEE
BARBARA WALDRON	TRUSTEE

**MINUTES**

The clerk presented the minutes of the regular October 9, 2007 board meeting.

**MOTION** was made by J. Peek and supported by G. Todd to accept the minutes of the October 9, 2007 with the correction under Town hall Wildflower Path – “applying for grant on the Wildflower Path”. **MOTION CARRIED. 7 yes**

The clerk presented the minutes of the October 23, 2007 Park & Recreation meeting.

**MOTION** was made by G. Todd and supported by D. MacFarlane to accept the minutes of the October 23, 2007 Park & Recreation meeting. **MOTION CARRIED. 7 yes**

The sewer committee meeting telephone conference minutes of November 6, 2007 were presented.

**MOTION** was made by. G. Todd and supported by J. Peek to accept the minutes of the sewer committee meeting of November 6, 2007 **MOTION CARRIED. 7 YES**

**TREASURERS REPORT**

The treasurer presented the treasurers report:

11-08-07 General fund balance	\$579,481.73
11-08-07 Sewer fund balance	\$451,327.74

**MOTION** was made by J. Peek and supported by G. Todd to accept the treasurer’s report as presented in both funds. **MOTION CARRIED. 7 yes**

**SEWER REPORT**

Dennis Vandawater was present to present the sewer report of Green Charter Township as follows:

9/29/07-11/01 /07

Reading-----100336460

Total Flow-----10604440

Average daily flow-----32135

All is working fine.

**SEWER USERCHARGE**

The sewer committee reported they had the conference call meeting with Paul Stauder, explaining he needs more information from the City of Big Rapids. The information was requested under FOIA and he may have the requested report by next month.

**METRO ACT PERMIT APPLICATION**

An application had been received from Great Lakes Comnet and the township has contacted the attorney Mark Van Allsburg to prepare the documents.

1. Resolution to approve access and Grant Permit for use of Township Right-of-Way
2. Metro Act Unilateral Form Right-of Way Telecommunications Permit

The following Resolution was approved.

The following preamble and resolution were offered by Member **J. Peek** and supported by Member **G. Todd**.

AYES: 7 – Waldron, Peek, Clark, Wellnitz, MacFarlane, Todd, Grant

NAYS:-0-

**RESOLUTION DECLARED ADOPTED.**

**MOTION** was made by J. Peek and supported by A. D. Grant to issue the Metro Act Unilateral Form Right-of Way Telecommunications Permit contingent on the Bonding information from the township attorney. **MOTION CARRIED. 7 YES.**

**PARKS**

**CHARLIE BROWN PARK**

ONE YEAR – ANNUAL RENEWABLE LEASE FOR PUBLIC PURPOSED -

**MOTION** was made by J. Peek and supported by G. Todd to approve an enter into with the Mecosta County Road Commission a ONE YEAR – ANNUAL RENEWABLE LEASE FOR PUBLIC PURPOSED - **MOTION CARRIED. 7 YES** - Grant, Todd, MacFarlane, Wellnitz, Clark, Peek, Waldron

**ONE YEAR – ANNUAL RENEWABLE LEASE FOR PUBLIC PARK PURPOSES**

KNOW ALL MEN BY THESE PRESENTS, that this lease is made by and between **GREEN CHARTER TOWNSHIP, a Michigan Legislative Governmental Entity**, with offices located at **21431 Northland Drive, Paris, MI 49338 (hereinafter referred to as “Lessee”)**; and, **MECOSTA COUNTY ROAD COMMISSION, a Michigan Legislative Governmental Entity**, with offices located at **120 DeKraft Avenue, Big Rapids, MI 49307 (hereinafter referred to as “Lessor)**, hereby enter into this Agreement upon the following terms and conditions:

**RECITALS:**

1. The Plat of Greenhaven was filed and dedicated on August 24, 1960, and recorded in Liber 4 of Plats, Page 28 in the records of the Mecosta County Register of Deeds.
2. On July 11, 1960, the MECOSTA COUNTY ROAD COMMISSION reviewed and approved the Plat of Greenhaven, being a part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 34, Green Township, Mecosta County, Michigan.
3. The proprietors and developers of Greenhaven dedicated the streets and roads to the use of the public.
4. That the MECOSTA COUNTY ROAD COMMISSION approved and accepted the roadways within the Plat of Greenhaven and have, since its recording, maintained the roadways within the Plat.
5. At the intersection of Division Street and Shamrock Boulevard, a small park was developed by the proprietors of the Plat and subsequently used by the Lot owners within the Plat of Greenhaven as well as other members of the public.

6. The park, commonly known as CHARLIE BROWN PARK, lies at the intersection of Division Street and Shamrock Boulevard and within the roadway which has been dedicated to the public and accepted by MECOSTA COUNTY ROAD COMMISSION.
7. MECOSTA COUNTY ROAD COMMISSION does not desire to maintain the park; and, GREEN CHARTER TOWNSHIP has agreed to accept the property and maintain it as a public park.

NOW THEREFORE, the parties mutually agree that the MECOSTA COUNTY ROAD COMMISSION will lease to GREEN CHARTER TOWNSHIP, the Park commonly known as CHARLIE BROWN PARK, on the following terms and conditions:

**WITNESSETH:**

That the Lessor, for and in consideration of the sum of One and 00/100 (\$1.00) dollar, the receipt of which is hereby acknowledged, does by this present Lease and demise unto Lessee the following property:

**\*\*SEE ATTACHED EXHIBIT A\*\***

One year – Annual Renewable Lease, commencing the **1ST day of JANUARY, 2008** and ending the **31ST day of DECEMBER, 2008** upon the following conditions and covenants:

**EXCLUSIVE PURPOSES**

Lessee shall have the exclusive use of the property for public park purposes and public park purposes only.

**SUBLETTING/ ASSIGNMENT**

Lessee shall not be allowed to sub-let or assign the said premises or any part thereof to any person or persons whomsoever, without the express written consent of Lessor.

**MAINTAINING THE PROPERTY**

Lessee specifically agrees to reasonably maintain and not to commit waste to the property, shall not cut timber, trees or otherwise misuse the property in any manner and upon the expiration date of this Lease shall deliver up said property in as good of a condition as the same was in when received, reasonable use thereof accepted. Any major renovations or improvements to the property shall not be made without Lessor's prior written consent, which shall not be unreasonable withheld.

**HOLD HARMLESS**

Lessee specifically covenants with the Lessor that it will indemnify and hold Lessor harmless for any liability of activity arising on the above premises during the term of this Lease.

**OPTION TO TERMINATE LEASE**

Either party shall have the option to terminate this Lease upon ninety day written notice to the other party.

**LESSOR'S REMEDY IF LEASE IS VIOLATED**

In the event the Lessee should fail to comply with any of the foregoing conditions or shall violate any of the foregoing covenants, the Lessor may declare this lease forfeited and proceed to retake possession according to Michigan Law if the Lessee's default is not cured upon 15 days written notice from Lessor to Lessee.

Witnesses:

**GREEN CHARTER TOWNSHIP**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BY: JOHN M. WELLNITZ  
ITS: SUPERVISOR**

**BY: JANET CLARK  
ITS: TOWNSHIP CLERK**

STATE OF MICHIGAN  
COUNTY OF MECOSTA

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by **JOHN M. WELLNITZ, as Supervisor and JANET CLARK, as the Township Clerk of GREEN CHARTER TOWNSHIP, on its behalf.**

My Commission Expires:

\_\_\_\_\_  
\_\_\_\_\_

*Notary Public, Mecosta County, Michigan  
Acting in Mecosta County, Michigan.*

Witnesses:

**FOR THE MECOSTA COUNTY ROAD COMMISSION**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BY: JOHN R. CURRIE  
ITS: COMMISSIONER**

**BY: PAUL JEFFS  
ITS: COMMISSIONER**

\_\_\_\_\_  
**BY: RANDY MAXWELL  
ITS: COMMISSIONER**

STATE OF MICHIGAN  
COUNTY OF MECOSTA

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by **JOHN R. CURRIE, PAUL JEFFS and RANDY MAXWELL, as Commissioners for THE MECOSTA COUNTY ROAD COMMISSION, on its behalf.**

My Commission Expires:

\_\_\_\_\_  
\_\_\_\_\_

*Notary Public, Mecosta County, Michigan  
Acting in Mecosta County, Michigan.*

*Drafted Without Opinion on Behalf of:  
Lobert & Downey, PLC*

*By: Steve Lobert, Attorney at Law/Member  
119 S. Michigan Avenue; P.O. Box 1015-A; Big Rapids, MI 49307; (231) 796-7609*

*(signed copy will be in minute book when received)*

**TOWNHALL WILDFLOWER PATH**

Correspondence has been received from the DEQ addressed to Marlies Manning regarding the flood plain information request pertaining to the Wildflower Path from the Hall Park to Paris Creek (October 10, 2007). The Karen Motawi of Garden Club has submitted the grant application for this Wildflower Path. The Park & Recreation Committee has recommended the path not be started until spring in order to make sure the ground would be stabilized well.

**MANCHESTER PARK**

Jeff Green DNR office Paris called and explained the review of lands that might go up for sale is going on now. Manchester Park is not up for sale.

State lands for sale are not on web site yet but will be when determined.

Once determined, there will be public meeting scheduled and purchase options will be given to governments first and then to public.

**PUBLIC COMMENTS**

**ROAD COMMISSION MEETING**

Trustee Gary Todd reported that he attended the Mecosta County Board of Commissioners meeting 11-13-07. Reporting the following information:

1. The Road Commission indicated the two miles of 22 Mile Road between 220<sup>th</sup> and Newcosta may be resurfaced in budget years 2008 & 2009.
2. MDOT will not be paying any overtime dollars for snow plowing on anything but expressway if the snowfall is less than 6 inches. But will do if ice.
3. 230<sup>th</sup> traffic and trucks was discussed.

**SMILE PROGRAM**

A letter (10-10-07) has been received from the Mecosta and Osceola County Friend of the Court SMILE program, asking to continue using the township hall facility twelve times in 2008, equivalent to \$660.00 in rental fees.

There was a discussion. With regards to this same issue, the Park & Recreation Committee submitted a letter asking the township board's approval addressed to the Mecosta County Board of Commissioners asking for a waiver/exchange for county permit fees for the township parks.

**MOTION** was made by G. Todd and supported by B. Waldron to send the letter to the Mecosta County Board of Commissioners asking for a waiver/exchange for county permit fees on the township parks.

**GENERATOR**

**MOTION** was made by G. Todd and supported by J. Peek to contact Scott at Volker's to do the fall maintenance on the generator. **MOTION CARRIED. 7 YES** Grant, Todd, MacFarlane, Wellnitz, Clark, Peek, Waldron

**QUALIFIED VOTER FILE (QVF)**

The clerk reported the state now has available for smaller townships access to the Qualified Voter File on line. She will be attending training in White Cloud on Nov. 26<sup>th</sup>.

**STONEHOUSE ROAD**

Representative did not attend meeting. There was discussion on township lot. No action taken.

**CONSUMERS ENERGY - STREET LIGHTS**

**RESOLUTION TO APPROVE CONTRACT CHANGE**

WAS MOVED by J. Peek and supported by G. Todd to approve the contract change with Consumers Energy to include the addition of the street light on 18 Mile Road.

**MOTION CARRIED. 7 YES** Waldron, Peek, Clark, Wellnitz, MacFarlane, Todd, Grant

**BUDGET AMENDMENTS**

**MOTION** was made by G. Todd and supported by J. Peek to approve the following budget amendments in the General fund. **MOTION CARRIED. 7 YES** Waldron, Peek, Clark, Wellnitz, MacFarlane, Todd, Grant

	A	C	D	E	F	G	H
1	11/13/2007						
2	ACCOUNT	DESCRIPTION	ACTUAL	BUDGET	AMENDED	NEW	AMENDED
3					AMOUNT	NEW	BALANCE
4	<u>GENERAL FUND</u>						\$ -
5	101-276-930	CEMETERY REPAIRS & MAINT.	\$ 535.00	\$ 500.00	\$ 200.00	\$ 700.00	\$ 165.00
6	from						
7	101-276-704	CEMETERY HOURLY	\$ 1,031.14	\$ 2,500.00	\$ (200.00)	\$ 2,300.00	\$ 1,268.86
8							
9							
10							
11							

**AUTHORIZE PAYMENT OF BILLS**

**MOTION** was made by A. G. Todd and supported by J. Peek to approve payment of the following bills: **MOTION CARRIED. 7 YES** Waldron, Peek, Clark, Wellnitz, MacFarlane, Todd, Grant

**GENERAL FUND** 10-11-07 - 11-13-07 CK # 8111 - 8351 \$18,697.61

**GREEN SEWER FUND** 10-24-07 - 11-13-07 CK # 2312 - 2322 \$ 14,005.04

**ADJOURN**

**MOTION** was made by G. Todd and supported by D. MacFarlane to adjourn. 8:35 p.m.

**MOTION CARRIED. 7 yes**

Janet Clark, Township Clerk