

REGULAR MEETING OF THE GREEN CHARTER TOWNSHIP BOARD WAS CALLED TO ORDER AT 7:00 P.M. MARCH 08, 2011.

THE SUPERVISOR LED THE BOARD IN THE PLEDGE OF ALLEGIANCE TO THE FLAG. THE FOLLOWING BOARD MEMBERS WERE PRESENT, ROLL CALL.

ROBERT BALDWIN	SUPERVISOR
JANET CLARK	CLERK
DENISE MACFARLANE	TREASURER
NANCY STEPHAN	TRUSTEE
GARY TODD	TRUSTEE
JAMES T. PEEK	TRUSTEE
BARBARA WALDRON	TRUSTEE

MINUTES

The clerk presented the minutes of the February 08, 2011.

MOTION was made by J. Peek and supported by G. Todd to accept the minutes of the February 08, 2011 **MOTION CARRIED. 7 yes,**

The minutes of the February 28, 2011 Park & Recreation meeting were presented.

MOTION was made by J. Clark and supported by G. Todd to accept the minutes of the February 28, 2011 Park & Recreation meeting. **MOTION CARRIED. 7 yes,**

TREASURERS REPORT

The treasurer presented the treasurers report:

3-03-11 General fund balance	\$548,724.59
3-03-11 Sewer fund balance	\$480,833.14

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:

2/1/11-3/1/11

Reading-----135367330

Total Flow-----795690

Average daily flow-----28418

Denny reported all is working well in the township sewer system.

PUBLIC COMMENTS

None

OLD BUSINESS

HIGH SPEED INTERNET

The supervisor presented a report on the status of the Communication Tower 2011 internet project,

- Application to FCC is pending on the FAA approval
- Wetherell Land Surveying – property descriptions
- Consumer Energy utility line staked and to notice for pending installation
- Lease and management contracts in process with attorney.

A complete report list is on file and posted on the township website.

ROADS

The Supervisor and Clerk reported attending the Mecosta County Road Commission meeting. The various bids were opened for the upcoming construction season. The Road Commission remarked that the current winter is not closed out yet and summer construction budget is uncertain.

BIG RAPIDS LIBRARY

The supervisor and trustee N. Stephan met with Big Rapids City, and Big Rapids Township to discuss the renovation of the Big Rapids Library. Nancy volunteered to be Green Township's representative on the Big Rapids renovation committee.

PUBLIC COMMENTS

Commissioner Kevin Courtney was present and reported:

1. The County Commission is closely watching the state revenue sharing funding cuts.
2. County Undersheriff is monitoring Michigan prisoner re-entry program at the Paris Motel.
3. County looking forward to the internet joint venture.

7:11 Mr. Courtney left for another meeting.

COUNTRY MANOR ESTATES

The supervisor presented to the board a letter dated February 28, 2011, from attorney James White of Mika Meyers Beckett & Jones PLC regarding their newly hired partner in the firm who in the past has represented the City of Big Rapids. There was a discussion.

The supervisor B. Baldwin read the following waiver aloud.

MOTION was made by J. Peek and supported by N. Stephan to accept and approve the following Waiver and Consent Resolution. **MOTION CARRIED. 7 YES.** Peek, Waldron, Clark, Baldwin, MacFarlane, Todd, Stephan

WAIVER AND CONSENT

The Charter Township of Green hereby waives any conflict of interest and consents to the representation by Mika Meyers Beckett & Jones PLC both (1) as labor counsel to the City of Big Rapids and (2) as special legal counsel to the Charter Township of Green on sewer, water, and other matters in the manner indicated in this letter.

Dated: March 8, 2011

Charter Township of Green

By: _____

Robert Baldwin

Its: Supervisor

The supervisor presented to the board a letter dated March 03, 2011, from attorney James White of Mika Meyers Beckett & Jones PLC regarding Country Manor Estates water and sewer issues regarding the City of Big Rapids. There was a discussion. A proposed resolution, titled, "COUNTRY MANOR MOBILE HOME PARK", from the township attorney was also introduced and read by trustee J. Peek.

CHARTER TOWNSHIP OF GREEN

COUNTY OF MECOSTA

RESOLUTION RE: COUNTRY MANOR MOBILE HOME PARK

Minutes of a regular meeting of the Township Board of the Charter Township of Green, Mecosta County, Michigan, held in the Green Township Hall, in Paris, Michigan, on the 8th day of March, 2011 at 7:00 p.m. Local Time.

PRESENT: Members: Bob Baldwin, Janet Clark, Denise MacFarlane, James Peek, Gary Todd, Nancy Stephan, Barbara Waldron

ABSENT: Members: None

The following preamble and resolution were offered by Member: James Peek and supported by Member: Gary Todd

WHEREAS, the Charter Township of Green (the "Township") received for information and consideration a Proposal for Purchase of Water System at Country Manor Mobile Home Park dated January 5, 2011 (the "City Proposal") from the City of Big Rapids (the "City"); and

WHEREAS, under the terms of the proposal, the City would acquire and operate the existing on-site water and sanitary sewer systems at the Country Manor Mobile Home Park a.k.a. Country Manor Estates (the "Mobile Home Park") on a three-year trial basis; and

WHEREAS, Township Ordinance No. 16-52000 adopted May 9, 2000 (the "Township Water Franchise Ordinance") grants a 30-year franchise to the City to conduct a public water utility business within the Township; and

WHEREAS, Section 4 of the Township Water Franchise Ordinance states, in part, the following:

The City shall, at its expense continuously and faithfully operate, maintain in good order, repair and replace the Water System for the period of the above-stated franchise." (Emphasis Added)

; and

WHEREAS, Section 11 of the Township Water Franchise Ordinance states, in pertinent part, that “the ownership of the components of the Water System located...in the Township without expense to the City shall revert to the Township...upon...the date upon which the provision of public water service by the City to the Township is terminated;” and

WHEREAS, the Township and the City are parties that certain Amended Wastewater Treatment Agreement dated as of May 1, 1995 (the “Wastewater Treatment Agreement”), Paragraph 2 of which states, in pertinent part, that the Township Sewer System “shall be and remain the sole and exclusive responsibility of the Township for all operations, maintenance, expansion, additions, improvements and administration...;” and

WHEREAS, when viewed in the context of the Township Water Franchise Ordinance and the Wastewater Treatment Agreement, including without limitation those provisions quoted above, the City Proposal, with regard to the Mobile Home Park water system is hereby determined to conflict with the express provisions of the Township Water Franchise Ordinance and is not in the best interest of the Township, and the City Proposal with regard to the sanitary sewer system of the Mobile Home Park is hereby determined to be contrary to the provisions of the Wastewater Treatment Agreement.

NOW THEREFORE, BE IT RESOLVED that:

1. The City Proposal is hereby rejected by the Township for the following reasons:
 - a. The City Proposal is in direct conflict with the provisions of Section 4 of the Township Water Franchise Ordinance.
 - b. The Township is unwilling to assume the risk that the reversion provisions of Section 11 of the Township Water Franchise Ordinance will prevail over the provisions of the City Proposal in the event the City opts out after three years, it being the express goal of the

Township not to assume ownership of either the Mobile Home Park Water System or Sewer System.

c. The Township does not have the staff or financial resources to assume ownership of, or manage, operate and maintain, either the water system or the sanitary sewer system in the Mobile Home Park.

d. The City Proposal is contrary to the terms of the Wastewater Treatment Agreement because the expansion or addition of public sewer systems within the Township is solely and exclusively the responsibility of the Township under the terms of the Wastewater Treatment Agreement.

e. The Township, in the exercise of its sole discretion, is not willing to grant a franchise to the City to conduct a sanitary sewer business within the Township.

2. All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: Members: N. Stephan, G. Todd, B. Waldron, J. Peek, D. MacFarlane,

B. Baldwin, J. Clark

NAYS: Members: None

ABSTAIN: Members: None

RESOLUTION ADOPTED: 3-8-2011

Janet Clark, Township Clerk
Charter Township of Green

NEW BUSINESS

TRUSTEE RESIGNATION

Barbara Waldron Trustee – Letter of resignation/retirement

The supervisor accepted the resignation of Barbara Waldron after seven years on the township board as trustee. J. Peek expressed the board's sentiment of appreciation and commended her for her contributions to the township board. Barbara thanked the board for their co-operation during her years on the board.

FILL TOWNSHIP TRUSTEE VACANCY ON THE BOARD

The supervisor announced the township will be seeking applications for the position of trustee to complete B. Waldron's term of the office of trustee.

MAINTENANCE OF CEMETERY, HALL AND PARK GROUNDS

The township had discussion to take bids for the maintenance of the cemetery, hall and park grounds to determine if the costs are in line.

A bid request form has been prepared and presented to the board. There was a discussion to divide the request by (1) cemeteries and (2) parks & hall grounds

MOTION was made by B. Baldwin and supported by G. Todd to take bids for maintenance of the grounds of the cemeteries, hall and parks. **MOTION CARRIED. 7 YES**

A notice will be in the next two weeks of the Pioneer.

DNRE

There was a discussion on the DNRE outdoor burning ban rule. At this time the ban rule is beginning April 1st for no open burning/burn barrels.

PARK COMMITTEE

The township park committee is recommending the township have a remodeling/yard/bake sale and lunch at the township hall and pavilion on Thursday and Friday, May 12 & 13, 2011. As a fund raiser for the township parks.

Rent spots in the hall and pavilion, with first choice to residents at the cost of \$10.00 per day. The park committee will prepare a use document for renters.

MOTION was made by J. Peek and supported by B. Baldwin to proceed with a township spring renovation yard sale/bake sale and lunch, May 12 & 13, 2011. **MOTION CARRIED. 7 YES**

Donation will be accepted for sale.

PORTA JON – HALL PARK

There was a discussion on the need for a portable jon at the township hall park for 5 months, May thru Sept. The clerk will get prices for the April meeting.

MANNING DESIGN

The Park & Recreation Committee recommends to the township board to contract with Manning Design for updating the Township Park & Recreation Master Plan. They will be meeting with Ms. Manning March 14th to discuss options that the township park committee can do to save on the fee. No action taken at this time. The board indicated the decision on the contract will be made at April meeting.

2010-2011 ANNUAL AUDIT

A price quote has been received for Baird, Cotter & Bishop for the 2010-2011 annual audit for the general and sewer funds for the amount of \$3,650.00. **MOTION** was made by J. Peek and supported by J. Clark to continue with Baird, Cotter & Bishop for the 2010-2011 annual audit. **MOTION CARRIED. 7 YES**
Stephan, Todd, MacFarlane, Baldwin, Clark, Waldron, Peek

PUBLIC COMMENTS

230TH AVENUE

The question about the problem dip in the road on 230th Avenue south of 22 Mile was discussed, suggesting the culvert needs replacing.

CABLE TV – CHARTER

Correspondence has been received that Charter communications will no longer provide the township free TV service to the township hall. The consensus of the board was not to purchase the service since it is rarely use.

PAYMENT OF MONTHLY BILLS

AMENDMENTS GENERAL FUND

MOTION was made by J. Peek and supported by N. Stephan to approve the following budget amendments in the General Fund. **MOTION CARRIED. 7 YES**, Peek, Waldron, Clark, Baldwin, MacFarlane, Todd, Stephan

AMENDMENTS SEWER FUND

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

BUDGET YEAR BILLS

MOTION was made by G. Todd and supported by J. Peek to authorize payment of the 4-1-2010 thru 3-31-2011 year end bills. **MOTION CARRIED. 7 YES**, Peek, Waldron, Clark, Baldwin, MacFarlane, Todd, Stephan

AUTHORIZE PAYMENT OF BILLS

MOTION was made by G. Todd and supported by N. Stephan to approve payment of the following bills

MOTION CARRIED. 7 YES, Peek, Waldron, Clark, Baldwin, MacFarlane, Todd, Stephan

GENERAL FUND 2-28-11 – 3-09-11 CK # 9968- 10003 \$15,236.69

GREEN SEWER FUND 3-08-11 - 3-08-11 CK # 2736 - 2729 \$ 1,738.59

Note MDOT will be having a public meeting here at Green Township hall on Northland Drive repair in 2012. Date to be determined.

ADJOURNED

Supervisor Bob Baldwin closed out meeting at 8:15 p.m.

Janet Clark
Township Clerk