

Waverly Township Regular Meeting
42114 M-43 Hwy, Paw Paw, MI 49079
October 1, 2009, 8:00 p.m.

At approximately 8:00 p.m., Supervisor Tomlinson opened the meeting and invited the board members and 10 members of the audience to join in the Pledge of Allegiance. The board members introduced themselves, Marcy Dorr, treasurer; Tony Millek, trustee; Paul Tomlinson, supervisor; Larry Chase, trustee; Harold Shuitmaker, attorney.

Sheriff's Department:
Not present.

Agenda:

Motion by Millek to approve the agenda as presented for October 1, 2009. Second by Chase. Voice vote, all yes. Motion carried.

Minutes:

Motion by Dorr to accept the minutes of September 3, 2009, as presented. Second by Chase. Voice vote, all yes. Motion carried. Motion by Dorr to accept the minutes of the September 25, 2009, special meeting. Second by Millek. Voice vote, all yes. Motion carried.

Presentation of Bills:

Motion by Supervisor Tomlinson to approve the payment of bills. General Fund Vendor checks #10286 to #10306 for \$24,380.54. Sewer fund check #548 for \$417.61, plus sewer payroll and FICA checks #1042 and #1043 for \$42.52 for a total of \$460.13. General payroll checks #10507 to 10517 (except voided check # 10514) plus FICA for the amount of \$4,492.56, for a grand total of \$29,333.23. Second by Millek. Roll call vote: Dorr, yes; Millek, yes; Tomlinson, yes; Chase, yes. Motion carried.

Supervisor Report:

The board received the resignation of the Clerk Linda Tomlinson dated September 27, 2009. Motion by Supervisor Tomlinson to accept the resignation. Second by Millek. Comment by an audience member that there were misleading comments made at the special meeting on September 25, 2009, that Linda Tomlinson was withholding information or withholding a document. The audience member stated that this is not true because it was not a question asked by the board, it was only asked by Millek. Dorr stated that the entire board was asking this question about the former Deputy Clerk being on the Planning and Zoning Commission for several months. Attorney Shuitmaker stated that his opinion given would now be different in light of the MTA statement last month that anyone who takes the oath is a township employee. Voice vote, all yes. Motion carried.

Motion by Millek to place an advertisement for the office assistant position to be worded as follows:

Office Assistant- Minimum three years office experience: ability to type 35 wpm with accuracy; computer knowledge and other standard office equipment; ability to enter and retrieve data from systems. Proficiency in Microsoft Office including Word and Excel. Excellent written and verbal communication skills required, as is ability to handle and prioritize multiple projects. Proficiency in accounting. Provides routine administrative support to the Board of Trustees and other appointed boards. Performs other duties as assigned. Education: High School and some advanced training. This is a part-time position scheduled from 9am to 12pm, Monday to Thursday. Additional hours and availability may be required. Salary range \$10-\$14 per hour, no fringe benefits. Send resume, cover letter, and references to Waverly Township, 42114 M-43 Hwy, Paw Paw, MI 49079 before October 23, 2009, by 4:00 p.m.

Second by Chase. Voice vote, all yes. Motion carried.

Motion by Millek to place an advertisement for the Waverly Township Clerk position to be worded as follows:

Waverly Township Clerk- This is an appointment to fill the elected position recently vacated by resignation. The position will be held until the November 2010 election, at which time it will be filled by the person elected. Duties are defined by statute and include: computerized fund accounting using the BS&A system for revenues and expenses utilizing the Uniform Chart of Accounts prescribed by the state treasurer; safe keeping of all records; supervisory skills; manager of elections; balance bank accounts; prepare budgets and audit information; excellent communication skills, both written and oral; ability to prioritize multiple projects and work with a five member board. Minimum 30 days residency required. Annual salary \$14,430. Send resume, cover letter, and references to Waverly Township, 42114 M-43 Hwy, Paw Paw, MI 49079 before October 23, 2009, by 4:00 p.m.

Second by Chase. Voice vote, all yes. Motion carried.

Fall Clean Up:

The supervisor checked on options for a fall clean up. Republic Waste will supply 40-yard dumpsters for \$500 each and will even take tires if they are split in half. Best Way did not call back. M&T will take refrigerators, stoves, glass and plastic. McPike will provide a metal dumpster for a fee and pay the township for the metal collected. Comment by an audience member that we should check our liability insurance in case someone was injured. Discussion about Paw Paw and Bloomingdale programs. We would need someone to man the dumpsters and check ID's and property ID numbers or a utility bill. Comment by an audience member that Trowbrige Township has a weekend program and we should check with them. Tomlinson stated that he did call there but they did not call back but he will contact them again. Discussion about trying to have this take place the end of October. Dorr stated that although a good program all the details are not ready, such as who would man the dumpsters. Dorr also stated if we finalize the details for the spring, it could be included with the flier in the winter tax bills which will go out

on December 1, 2009. Dorr and Chase are both interested in working out a deal with either Paw Paw or Bloomingdale to pay to use the programs they already have in place. Tomlinson will do some further checking. This was tabled until next month's meeting.

Mileage Reimbursement:

Millek stated that he did make the motion at the August meeting although it did not appear in the minutes. Shuitmaker stated that it needs to be made again because it was not included in the minutes. Motion by Millek to reimburse mileage at .55 a mile, the standard set by the IRS for 2009, effective beginning August 1, 2009. Second by Chase. Roll call vote: Dorr, yes; Millek, yes; Tomlinson, yes; Chase, yes. Motion carried.

The Waukeelah Drive culvert will be completed in two weeks.

Clerk report:

None.

Treasurer report:

Dorr informed the board that anything to be included in the flier that will go out with the tax bills on December 1, 2009, should be brought to the November meeting, because the flier will be prepared during the month of November. The County Treasurer has not set the deadline to turn in the flier yet, but it will likely be around the 20th, similar to last year.

Trustee reports:

Chase asked about Hunt and the cut wire that occurred when moving the township hall sign. Millek said that he did talk to him and he said that Hunt said he would pay the bill if we make him; his deductible is \$750 for property damage. Millek and Tomlinson both feel partially responsible since they told him he did not have to call Miss Dig. The bill has already been approved for payment with the presentation of the bills. The township will pay and will not seek re-imburement from Hunt. Chase said next time call Miss Dig and everyone agreed.

Planning Commission Report:

Millek reported that the Planning Commission talked about home based businesses. They were previously discouraged and the commission will work on this topic again to encourage home based business and relax the rules. Next month they will work on defining what you can and can't do.

Unfinished Business:

Attorney Shuitmaker talked to Ted Gruizenga, the assessor about splitting his contract into two parts to comply with the MTA and IRS rules from last month that the assessor has to be an employee of the township. The work can still be done by contract. Anyone who takes the oath is an employee of the township and MTA says the assessor should take the oath and be an employee. Shuitmaker advises that the best way to comply with this is to split the assessor's contract into two. The first part is \$100 per month for the assessor himself to appear at the Board of Review and to prepare the information for the

tax rolls. The second part is the rest of the money in his current contract for the assessor's company for fieldwork and paperwork. This will cause the township to be over budget by the amount of taxes we will have to pay in on the \$100/month. The assessor asked Shuitmaker to see a sample contract and the board agreed that should be done.

Attorney Shuitmaker prepared a Resolution to make charges and schedule a public hearing regarding the removal of a member of the Planning and Zoning Commission. The public hearing will be November 5, 2009 at 6:00 pm and the special meeting of the Board of Trustees will be November 5, 2009 at 6:50 pm. Motion made by Tomlinson to adopt this resolution. Second by Millek. Roll call vote: Tomlinson, yes; Dorr, yes; Chase, yes; Millek, yes. Motion carried. Please see attachment for full document. Attorney Shuitmaker's office will mail this out, as requested by both Dorr and Millek. Tomlinson plans to call the member in question and give him another chance to resign before the hearing. It was also discussed that it is up to the person to choose an open or closed meeting; it is not up to the board.

Attorney Shuitmaker did talk to Royal Heffner about getting back the corner of the township that we traded for a bridge. Mr. Heffner said that he did not find a time limit set in 1890, so it was a permanent transfer.

New Business:

Information was presented regarding the state revenue sharing. Bill Anderson from MTA called and said that there is a proposed 11.1% reduction in total state revenue sharing to townships. Preliminary numbers indicate up to \$19,449 less than originally planned. This is not a final decision.

Discussion regarding the cost to be charged for FOIA compact discs of the meetings. Motion by Millek to set the cost at \$10.00 per cd. Second by Chase. Voice vote, all yes. Motion carried. Comment by an audience member that we do not have the cord we need to save the recordings onto a cd. Only the former deputy clerk had a cord.

Audience Comments:

Comment by an audience member that the County Commission recommended the fuel tax be raised and he would like people to call the representative for our area, Mike Toth and say no. It was also commented that they are calling some of the Road Commission representatives on not attending the township meetings three times a year like they are suppose to. Supervisor Tomlinson said that our representative can't come to our December meeting or any other meeting because the Road Commission changed their meetings to the first Thursday of the month and they won't excuse him to come to our meetings.

Comment by an audience member that his culvert issue has not been resolved. They want him to sign an easement so they can pump the water out. He did not. He thinks he should get a petition because its Bloomingdale's water and should be a county drain, but the Drain Commissioner won't take responsibility. Attorney Shuitmaker said to draw a

map for him so he can use this situation as an example at the next meeting for the County Commission.

No additional comments. Supervisor declared the meeting adjourned at 10:40 p.m.

~~Itemized Attachments: Resolution to make charges and schedule a public hearing regarding the removal of a member of the Planning and Zoning Commission.~~

Respectfully submitted,
Marcy Dorr, Treasurer