

Waverly Township Special Meeting
42114 M-43 Hwy, Paw Paw, MI 49079
October 26, 2009, 5:00 p.m.

At 5:20 p.m., Supervisor Tomlinson opened the meeting and invited the board members to join in the Pledge of Allegiance. The board members introduced themselves, Marcy Dorr, treasurer; Tony Millek, trustee; Paul Tomlinson, supervisor; Harold Shuitmaker, attorney. Not yet present: Trustee Chase.

Agenda:

Added 5A – FOIA request- set price for copies

Added 5B – wage and hour claim

Motion by Dorr to approve the agenda as amended for October 26, 2009. Second by Millek. Voice vote, all yes. Motion carried.

Special Assessments:

Discussion of the Irwin residence, the property that had 2 sewer hook ups and paid a double charge until the September 3, 2009 meeting. Shuitmaker cited the sewer ordinance and 4.03 says there will be a separate sewer for every building. 4A says each direct connection of lines will pay the fee. The first time the township knew about this Irwin problem was October of 2008. Shuitmaker wrote a letter on December 19, 2008, and requested documentation of the single hook up. The homeowner has a bill from a plumber dated June 18, 2009, stating they use one hook up. The attorney's opinion is the farthest we can go back on this is June 18, 2009. The Irwins would owe for the double hook up through June 2009, resulting in a total bill through October 15, 2009, of \$1120.00. Concerns were raised about the former clerk incorrectly stating that the bill was paid until February 2010. The attorney stated, "the former clerk did not have the authority to make that decision."

Trustee Chase arrived at 5:50 p.m.

Motion by Dorr to ask the attorney to write a letter to the Irwins stating they owe for both hook ups through June of 2009 and that because of the confusion they will not be assessed late fees and it will not be placed on their winter 2009 tax bill.

Second by Millek. Roll call vote: Chase, yes; Tomlinson, yes; Millek, yes; Dorr, yes. Motion carried.

Motion by Dorr to add the past due sewer accounts to the winter 2009 tax bills: 80-18-060-022-21, Vick, in the amount of \$516.00 and 80-18-060-036-00, Patterson, in the amount of \$392.00. Second by Millek. Roll call vote: Dorr, yes; Millek, yes; Tomlinson, yes; Chase, yes. Motion carried.

FOIA requests:

The township has received a freedom of information request from Chris Tapper for any and all information we have on the clerk and office assistant positions. We need to set up a price per page for FOIA. The attorney stated that 50 cents per page would be reasonable. This would include the cost of gathering the information and blocking out the private information. Supervisor Tomlinson called MTA and applications are not confidential, but addresses, phone numbers and social security numbers are and would

need to be blocked out. The attorney will file the extension for the time period to meet this request. Motion by Millek that the FOIA requests will be set at 50 cents per copy with the payment of the estimated cost at the time of request. Second by Chase. Roll call vote. Dorr, yes; Millek, yes; Tomlinson, yes; Chase, yes. Motion carried.

Wage and Hour Claim:

The former Deputy clerk has filed a wage and hour claim with the state for \$216.00. The attorney recommends that we pay this, because it would cost more to dispute the claim than to pay it.

Special Hearing:

The special hearing to remove a member of the planning and zoning board has been adjourned. Per a phone conversation of the member in question and the attorney, the member plans to be automatically released by not attending the meetings. The attorney will work on a change to the Planning and Zoning by laws to state that two or more unexcused absences will be automatic grounds for dismissal from this board.

The attorney left at 6:15 p.m.

FOIA:

Motion by Chase to set the procedure of FOIA requests as follows:

1. Come to the township hall
2. Fill out a request form
3. Pay the estimated cost at the time of request, including the price per page or disc.
4. The information can be picked up at the township hall. If mailing is requested, additional fees will be assessed.

Second by Millek. Roll call vote. Dorr, yes; Millek, yes; Tomlinson, yes; Chase, yes. Motion carried.

Interviews for Clerk position:

Discussion on if interviews will be recorded. Millek will call attorney to see if the interviews will be private. Interviews for this position may be held Tuesday, November 3, 2009.

Snowplowing:

Discussion of ad to be placed for bids for snowplowing. The bids will be due before the meeting on Thursday, November 5, 2009.

The meeting was adjourned at 7:18 pm.

Respectfully submitted,
Marcy Dorr, Treasurer