

WAVERLY TOWNSHIP REGULAR MEETING
42114 M-43 HWY.
PAW PAW, MI 49079
JUNE 3, 2010

At 7:04 p.m. Supervisor Tomlinson opened the meeting and invited the board members and 11 members of the audience to join in the Pledge of Allegiance. The board member introduce themselves, Larry Chase, Trustee; Marcy Dorr, Treasurer; Paul Tomlinson, Supervisor; Tony Millek, Trustee; Sandra Oakleaf, Clerk; Harold Schuitmaker, Attorney.

Supervisor Tomlinson closed regular meeting at 7:06 p.m. to open the Special Assessment District Fire Protection Meeting at 7:07 p.m. Special Assessment District Fire Meeting closed at 7:26 p.m. See the separately posted minutes for the assessment meeting.

Sherriff's Department Report:

Deputy Jason Hall introduced himself and reported the following : from 05-01-10 to 05-31-10: Assault 5, Larceny 1, Fraudulent Activity 2, Liquor Law Violation 1, Open Intox/M.I.P. 2, Obstructing Justice, 2 Traffic Violation, 2 Health & Safety, 6 Invasion of Privacy, 2 Accident, 2 Aband/Hazard, 1 Alarm Activation, 1 Suspicious Situation, 1 General assistance, 9 Animal Control, 1 Be On The Lookout, 7 Traffic Stop, 1. Total 46.

Judge William Buhl gave the Annual Report for the 36th Judicial Circuit Court Van Buren County, Michigan Calendar Year 2009.

Judge Buhl gave a very informative report. See attachment.

Paul DeRyhe is raising money to move into a larger building on Grempp Street for a Community Art Center called Studio 200. See attachment.

Agenda Addition: Fiber Optic Construction. Motion made by Oakleaf to add Fiber Optic Construction to New Business . Second by Tomlinson. Voice Vote, all yes. Motion passed.

Minutes of May 6, 2010: Tomlinson noted Tomlinson misspelled on page 1. Motion by Dorr to accept the minutes of May 6, 2010 as corrected. Second by Tomlinson. Voice Vote, all yes. Motion passed.

Presentation of Bills: Motion by Oakleaf, to approve payments of bills.

103,943.14 GF vender checks	10459 to 10487	479.89 Sewer vendar checks	557
4,466.64 GF payroll checks	12111 to 12121	42.52 Sewer Payroll checks	1048 to1049
1,093.62 GF FICA & WH		6.04 Sewer FICA & WH	
207.26 GF State WH		1.72 Sewer State WH	
109,710.66 Total General Fund		530.17 Total Sewer Fund	
And		110,240.83 Grand Total	

Second by Dorr. Roll Call Vote Dorr, yes; Chase, yes; Tomlinson, yes; Millek, yes; Oakleaf, yes. Motion passed.

Motion made by Dorr to accept May 18, 2010 the Special Meeting Minutes on Additional Cost and Funding for Road Maintenance. Second by Millek. Voice Vote. All yes. Motion passed.

Supervisor Comments Report;

1. MI Fire Insurance Withholding we already have.
2. Motion made by Chase to put Ad in the paper for position opening on the Planning and Zoning Commission. Second by Millek. Voice Vote. All yes. Motion passed.
3. Motion made by Tomlinson to get estimates on cleaning his office and the entrance and have the cleaning done. Second by Millek. Roll Call Vote. Dorr, yes; Chase, yes; Tomlinson, yes; Millek, yes; Oakleaf, yes. Motion passed.
4. Fog Seal bid came in \$121.50 less than the original cost.
5. Bids for LP Service: Holton's LP Gas came in at the low bid of \$1.69. Did not hear from Tapper, Ferrell or Hamilton gas. Motion by Tomlinson to except Holton's LP Gas bid of \$1.69 gallon. Second by Chase.
Roll Call Vote. Dorr, yes; Chase, yes; Tomlinson, yes; Millek, yes; Oakleaf, yes. Motion passed.
Tomlinson will check with Holton and see if there is any change in price with pre pay.
6. Blight Complaint on 28th Ave: Tomlinson and Dorr check on the property and could not find and violations.
7. Insurance for Township: Tomlinson checked with South Haven Insurance. They believe they can save us money on our policy. Our insurance with Western Insurance Agency L.L.C. expires on 10/01/2010.

Clerk; Oakleaf Comments:

1. Motion by Dorr to amend the budget and take \$6,200.00 and put it in Building Improvement from the Fund Balance. Second by Tomlinson. Roll Call Vote. Dorr, yes Chase, yes; Tomlinson, yes; Millek, no; Oakleaf, yes. Motion passed.
2. Motion by Dorr to accept proposal for wiring Township Hall and the phone system by Bloomingdale Communications. Second by Tomlinson. Roll Call Vote. Dorr, yes; Chase, up-stain Tomlinson, yes; Millek, no; Oakleaf, yes. Motion passed.
3. Storage bag is need for the elections. Clerk is to order one and pay it from election funds.

Treasurer; Dorr Comments:

1. Tax Bills are coming out July 1, 2010, and Dorr will be adding a flyer with Waverly Township News.

Trustee; Chase Comments:

1. Wants to thank the Waverly Township Board on behalf of Bloomingdale Communications for the opportunity to help fill the Township telephone needs.

Trustee; Millek Comments: None

Planning Commission:

Language for the change in the Right Way from 66 ft. to 33 ft. in every area except something that has to be turned over to the county. Motion by Millek M.T.S. will come to the Planning and Zoning Commission meeting when requested by the Supervisor or the Chair. Second by Chase. Yes Vote. All Yes. Motion passed.

Unfinished Business: Attorney Schuitmaker:

a. Special Assessment District Fire Protection:

Motion made by Dorr to approve Special Assessment District Fire Protection for 2010. Second by Chase. Roll Call Vote. Dorr, yes; Chase, yes; Tomlinson, yes; Millek, no; Oakleaf, yes. Motion passed. Attached are the documents.

b. Herb Antonowitsch

Club House Illegal Split: It was not illegal in 1992. The law changed in 1996. We need to tell to Tasha to approve, it was valid in 1992.

c. Medical Marijuana:

Table it, it is State Law. The Zoning Commission cannot change it. License with the Board of Health and are self policed if things get out of hand they are responsible to police.

New Business:

Letter from Bloomingdale Communications for Tomlinson to sign. See attachment .Motion by Chase to have Tomlinson sign letter from Bloomingdale Communication. Second by Millek. Yes Vote. All yes. Motion passed.

Audience Comments: none

Board Comments: Millek " I am glad we are getting the new phone system,we had the money."

Supervisor declared the meeting adjourned at 9:42 p.m.

Respectfully submitted,



Sandra Oakleaf, clerk

ATTACHMENT #1

WAVERLY TOWNSHIP, VAN BUREN COUNTY
RESOLUTION AFTER HEARING TO REAFFIRM
ANNUAL SPECIAL ASSESSMENT DISTRICT AND COSTS 2010

A hearing having been held on June 3, 2010, to reaffirm a township-wide Special Assessment District; Notices of said hearing having been published and posted as required by law,

The Board being fully advised, it is hereby moved by Dorr, seconded by Chase, as follows:

- 1) The renewal of a township-wide Special Assessment District for the cost of fire protection and operation, and for the purchase of fire vehicles, apparatus and equipment, is approved;
- 2) The boundaries of the Special Assessment District is the entire Township of Waverly;
- 3) The amount of the Special Assessment to be spread on the lands and properties in the Township shall be a total of 1.5 mils, for the tax year 2010, and shall be re-determined on an annual basis;
- 4) The entire amount raised is the amount which shall be used to cover the cost of fire protection and operation, and for the purchase of fire vehicles, apparatus and equipment for the Township;
- 5) The Township Supervisor and Assessor are directed to spread a Special Assessment of 1.5 mils over the entire Township, on all real property, lands and premises to be benefitted.

Roll call vote:

Ayes: Chase, Dorr, Tomlinson, Oakleaf

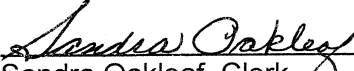
Nays: Mike

Absent: 0

Abstain: 0

Resolution declared adopted.

Date: June 3, 2010


Sandra Oakleaf, Clerk
Waverly Township



ATTACHMENT #2

June 2, 2010

To Whom It May Concern;

Bloomington Communications approached the Waverly Township Council in 2009 with a plan to build out a fiber optic network to anchor institutions throughout Van Buren County. Since then, the company has applied for and has received stimulus funding for a different project that would provide many residents within Waverly Township with a broadband Internet connect via a build out of the company's existing fiber-optic network in Paw Paw.

This project for which Bloomington Communications is applying for funding in Round 2, would build upon their existing plans to serve residential customers in our township. It will expand broadband service offerings and connectivity to municipal offices, schools, public safety buildings, libraries and health care facilities. The facilities will then be able to take advantage of benefits that are not currently available through the incumbent providers, such as:

- Reducing costs and providing connectivity between area public schools.
- Connecting libraries, enabling distance learning and other programs.
- Enabling the practice of tele-medicine at area health care facilities, as well as software sharing and staff resourcing between clinics, and connection to other medical resources.
- Allow greater collaboration and teamwork between municipalities, community service centers, and public safety offices.

Because of the benefits outlined above, Waverly Township adopted a resolution to support Bloomington Communications' fiber-ring project on June 4, 2009. Waverly Township still supports this resolution, and asks you to carefully consider their proposal. A fiber-ring in Van Buren County would be an enormous asset to our township, and without this funding, the project will not be built.

Sincerely,

Paul Tomlinson, Supervisor

ATTACHMENT #3

**ANNUAL REPORT
FOR THE 36TH JUDICIAL CIRCUIT
VAN BUREN COUNTY, MICHIGAN
CALENDAR YEAR 2009**

The following is a report of the activities of the Circuit Court, Criminal and Civil Division, for the County of Van Buren, 36th Judicial Circuit of the State of Michigan, for the calendar year 2009.

**CASE LOAD INCLUDING THE FAMILY DIVISION CASES THAT ARE
TRADITIONALLY CIRCUIT COURT CASES**

Average annual filings 1990 through 2000: 1,751

2001	1,847
2002	1,996
2003	2,224
2004	1,850
2005	1,910
2006	1,728
2007	1,861
2008	1,331
2009	1,578

TOTAL CASES DISPOSED OF

Average for 1990-2000. . . 1,856

2001	1,941
2002	2,001
2003	1,848
2004	2,129
2005	2,195
2006	1,938
2007	1,922
2008	1,462
2009	1,819

NEW CRIMINAL CASES FILED AND REFERRALS FOR PRESENTENCE

<u>CASES FILED</u>	<u>CASES SENT FOR PRESENTENCE</u>
Averages 1987 through 1989	
345	231
Average 1990 through 2000	
461	300
2001 418	309
2002 612	400
2003 977	472
2004 604	427
2005 570	414
2006 480	375
2007 504	371
2008 481	334
2009 488	404

Total filings increased slightly in 2009 by less than 1%. Dispositions again exceeding filings, and in a significant amount, which is a positive reflection on case management. The only area not down were criminal filings, which increased only 1.5%. Referrals were up 21% however, exceeding 400 for the first time since 2005. This is more significant than it first appears because Drug Treatment Court eliminates the need for referrals in dozens of cases that succeed in diversion from the normal process. The reason dispositions are up far above filings is the acceleration of case settings by the Court in order to assist in keeping the jail from overcrowding.

COURT APPOINTED COUNSEL FEES IN CIRCUIT COURT

Average costs for 1990 through 1999 - \$153,727

2000.....	131,791
2001.....	156,129
2002.....	200,435
2003.....	226,049
2004.....	221,850
2005.....	219,038
2006.....	213,192
2007.....	180,216
2008.....	183,350
2009.....	229,848

RECOUPMENT

The court has recouped the following amounts from criminal defendants since 1988 for court appointed expenditures:

Average recoupment 1990 through 2000: **\$39,282**

2001.....	61,745
2002.....	63,369
2003.....	97,105
2004.....	97,724
2005.....	94,586
2006.....	90,146
2007.....	89,082
2008.....	76,045
2009.....	53,601

As predicted in last year's annual report, counsel fees jumped 25% with most of it in trial expenditures. A murder trial and armed robbery trial taking each several days hit us the hardest. Appellate counsel expenditures (\$7550) made up 3.3% of the court appointed expenditure, down 58% from the \$18,074 expended in 2008, and only 3.3% of counsel costs for 2009. Paternity costs were \$1350.75 in 2009 nearly double 2008, representing .6% of expenditures. Non-support contempts were 2% (\$4564.14), the same percentage as 2008. Trial representation constituted 91% of expenses, up 3% from 2008. And there was \$5,412.50 spent for the attorney representing Drug Treatment Court participants, a new category of expenditure, being 2.4% of costs.

The remainder (\$1,866.45) was used for guardian ad litem appointments.

Recoupment dropped 30% from 2008. Given the second straight year of lower expenditures, and the economy, this could be expected. It will likely rebound in 2010, with greater expenditures from 2009 to recoup.

On the expenditure end, 2010 does not look any better than 2009. Pending capital cases abound, with four co-defendants on a cold case murder headed to Circuit Court as well. Look for another \$220,000 plus year in this category.

THE VAN BUREN COUNTY JURY SYSTEM

Below are expense figures for jury compensation for your information:

Jury costs

Average annual cost for 1987 through 1996 for Circuit Court alone:
\$28,767.

	State Reimbursement	Net Costs
*1997.....	\$13,093	
1998.....	17,788	
1999.....	17,387	
2000.....	13,097	

2001	7,720		
**2002	15,870		
2003	17,914		
2004	21,833	\$ 9,262	\$12,571
2005	10,289	\$ 3,528	\$ 6,761
2006	26,649	\$ 10,233	\$16,416
2007	22,971	\$ 8,990	\$13,981
2008	17,301	\$ 3,952	\$13,349
2009	24,614	\$10,133	\$14,481

*In 1997 Circuit Court and Probate Court combined Jury Panels by eliminating Probate's panel and they now use Circuit's panels.

**In 2002 the District Court was added. This expenditure now reflects ALL jury costs for ALL courts. Of the \$24,614 spent in 2009, \$12,627 was expended in criminal jury trials in Circuit, \$5,386 civil in Circuit, zero for civil in District, and \$5099 in criminal cases in District Court. The Family Division of Circuit Court spent \$1226.

When juror compensation minimums were increased by the State Legislature as of October 1, 2003, a fund was created to reimburse counties for the extra costs. Van Buren County received \$10,133 from this fund in calendar year 2009. Our net costs were \$14,481, very close to 2007 and 2008.

Good luck and good management continue to keep our jury expenditures at incredibly low amounts.

APPEALS TO THE CIRCUIT COURT

Appeals decreased 36% in 2008 consistent with the general decline in filings. The majority of appeals continues to come from the Secretary of State and they relate to drivers license appeals.

1997	92 appeals filed
1998	68
1999	79
2000	67
2001	39
2002	41
2003	32
2004	24
2005	29
2006	48
2007	45
2008	29
2009	22

THE DRUG TREATMENT COURT

After a number of court, legislative and law enforcement officials attended a session of the Van Buren County Substance Abuse Task Force in the fall of 2007, centering on Drug Treatment Court, a training seminar was scheduled for September 27, 2007.

Many meetings later, a stakeholders group set October 1, 2008 as a target date to have a Drug Treatment Court operational. A surprise grant of over \$80,000 from the State Court Administrative Office in April set everything in motion early, and the first ever Drug Treatment Courts in Van Buren County held its first sessions in August 2008 with 2 participants.

At the most recent session, on January 22, 2010, 80 participants were attending the Van Buren County Drug Treatment Court, up from 29 at the same time last year. It is expected that nearly 85 participants will eventually be actively enrolled in the program.

There are 73 treatment courts in Michigan, and similar courts in every other state. This Court focuses on treatment, not incarceration. The Van Buren County Drug Treatment Court is a minimum 15 month program broken into four phases, that requires accountability, and responsibility. All court, state, and program fees, in addition to restitution must be paid before a person can graduate from the Program. Participants are drug tested on a regular, random basis, and sanctioned for violations. Offenders must be non-violent. They must be determined not to be an unreasonable risk to the public. Active participation in substance abuse treatment and attendance is enforced and missed appointments are sanctioned.

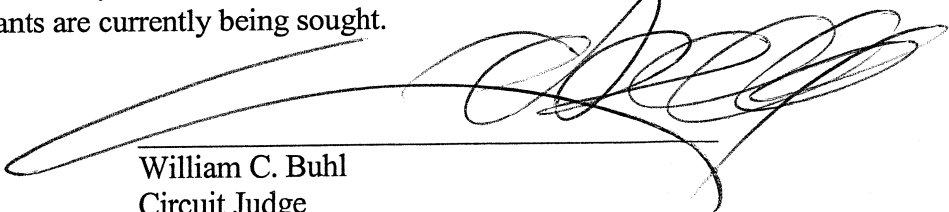
An important component of the Program is court attendance, before the judge, every other week, where progress is monitored, violations sanctioned, and successes rewarded and praised.

Several participants have been unsuccessfully discharged from the program, and a few have opted out, and lost the chance to escape a drug felony conviction.

Watching physical appearance change as sobriety improves health, and frowning, depressed looks turn into smiling, happy faces, is rewarding to say the least. Seeing someone who was on their way to prison, become employed and drug free is not just gratifying, but money-saving to the public. In the case of just 4 individuals, who are still in the Van Buren County Program, the savings to the People of the State of Michigan includes the cost of housing these 4 people for over 21 years, if only their lowest sentence was imposed, as called for by sentencing guidelines. If the yearly cost per prisoner is \$35,000, this Program with just these 4 individuals, could save at least \$735,000. In addition, it is estimated that 2163 days of County Jail incarceration have been saved since the Program started.

Saving lives and saving money – it doesn't get any better than that – but it will be a struggle. Money is always an issue, so the Team will be looking for ways to sustain the Court in the future. New grants are currently being sought.

Dated: February 9, 2010*



William C. Buhl
Circuit Judge

*Corrected figures on
new filings, and dispositions

ATTACHMENT #4

PROJECT PROPOSAL

PAW PAW COMMUNITY ARTS CENTER

The creation of The Paw Paw Community Arts Center [PPCAC] has been proposed to further promote community awareness, understanding and appreciation for the visual arts. PPCAC would be committed to providing area artists with the opportunity to hone their skills, teach others, display and sell their work. PPCAC, as a non profit arts incubator, will be a physical link between downtown Paw Paw and the community of artists in Southwest Michigan. The center will provide guidance, resources, equipment and space to assist artists in achieving their personal artistic aspirations. PPCAC will also provide affordable art instruction classes to people of all ages.

This is not a new concept. ArtServe in Ft. Lauderdale and Studio 1219 in Port Huron are being used extensively as models for this proposal. One only needs to look around in our area for the successes of other arts organizations such as: The Carnegie Center in Three Rivers, The Box Factory in St. Joseph and The South Haven Arts Center. Saugatuck and Douglas have become cultural hot spots for the arts. Paw Paw could also be added to the list of destinations that feature support for the arts and artists.

PAW PAW COMMUNITY ARTS CENTER CONCEPT

1. Open 5 to 6 days a week, including weekends and with evening hours. Hours of operation to be covered by gallery director [or assistant] and members.
2. Free gallery admission-except some special events.
3. Center will be open to all area artists as paid members. Their work will be shown on a rotation basis. Jury processes will be involved in work to be displayed.
4. All sales of art will include gallery commission. Commission rates should be varied based on volunteer activity by the member artists.
5. Class instructors will be selected from qualified member artists. A portion of class fees will go to PPCAC.
6. Classes will consist of one or two day workshops and multiple day sessions over a longer period.
7. Space permitting, artist studio rentals will be available and accommodations for artist business startups.
8. A paid gallery director [and assistant-if funds permitting] will be in place as the go-to person in charge. The director would be responsible for staffing, presentation, jury processes, record keeping, building functions, artist network communications, community communications, event planning, maintaining a high standard of operations and miscellaneous activities as needed.

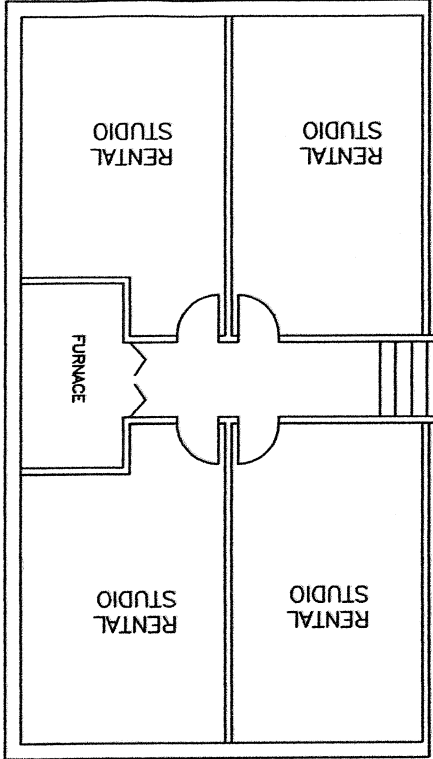
PAW PAW COMMUNITY ARTS CENTER OBJECTIVES

1. Pursue a diverse group of artists who will reflect the same diversity that exists within the community.

2. Promote artistic excellence by providing a forum for communication, skill sharing and mentoring within the community of artists.
3. Establish a permanent gallery and other exhibit opportunities that display artists' works so that they are visible and available to the public.
4. Assist artists with development and implementation of individual business plans.
5. Provide art classes and workshops for all ages. Maintain focus on artistic development of children and young adults—they are the future of art.
6. Establish partnerships with other non-profit family or children's groups by providing low or no cost workshops sessions.
7. Initiate artistic activities, programs and events that bring community members together. Such as: Art Hops, area student shows, holiday events, Michigan themed events, events tied in with local festivals, weekend artist receptions-one man shows, fall taxidermy arts shows, movies, live music and silent auctions or art raffles.
8. Create a place of interest for people of the area. Become a destination for people with artistic tastes or people who just want to spend an interesting evening in Paw Paw.

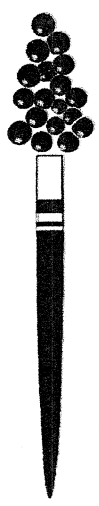
A SUCCESSFUL ART CENTER

It's all about creating an interesting, changing and fresh venue for the public. Events and receptions pull people in. Once established in the public eye, they come back for more. It's all about helping local artists and creating that "gathering place for the creative class". It needs to be a fun, friendly place to learn. It's also about incubating, business and artist income through planned processes that have worked in other communities—why not Paw Paw?



MEZZANINE LEVEL
(ROTATED)

PAW PAW ART CENTER
CONCEPTUAL
200 GEMPS ST.
6000 SQ FT BUILDING



Paw Paw
Art Association

