

**SHERMAN TOWNSHIP BOARD**  
**MONTHLY MEETING**  
**September 9, 2015**

**Members Present:** Don Akers, Sharon Black, Bethany Bolduc, David Eggle, Pete Nemish.

**Guests:** 15 guests.

**Opening:** The meeting was called to order at 7:00 PM by Eggle with Prayer by Akers followed by the Pledge.

**Public Comment:** None.

**Legal:** Deviation from agenda for discussion of Property Value Protection (PVP) and 7.9e with Twp council Nathan Piwowarski.

Eggle explained that there are two courses of action, hold our discussion in public meeting or in closed session. Under the Open Meeting Act it is allowed to go into closed session to discuss the written legal opinion of our lawyer. Eggle asked for board discussion about going into closed session.

Motion by Nemish to go into closed session to discuss the written legal opinion of our lawyer with our lawyer Nathan Piwowarski, 2<sup>nd</sup> Bolduc. Roll call vote: 3 YES. 2 NO. Motion Passed.

The written opinion from Piwowarski falls under attorney client privileged material and has not been made public. As previously reported by Eggle in Piwowarski's verbal opinion, PVP while not illegal is not legally defensible or advisable. Since there are varying viewpoints and arguments in the community on this matter, one angle he recommended was asking the Michigan Attorney General for his official opinion. As explained to the board during the closed session, this request would be made through our Senator Darwin Booher in the form of a letter from our attorney to the Senator asking the Senator to make the request of the Atty General's office.

When the Board returned from closed session, Eggle made a statement regarding the closed session reiterating that it was for the purpose of discussing with legal council the issue of adding or not PVP to the zoning ordinance section 7.9e. Eggle motioned to request from the Atty General's office an official opinion on the legal nature of Property Value Protection as part of a zoning ordinance, 2<sup>nd</sup> Bolduc. Roll call vote: 3 YES. 2 NO. Motion passed.

**Clerk's Report:** The minutes from the regular meeting on August 11, 2015 were read. Motion to approve minutes as presented, Eggle, 2<sup>nd</sup> Black. Passed.

**Treasurer's Report:** Report for July was presented – Checking account: Beginning balance \$75,785.21, Receipts \$13,529.83, Disbursements \$7,037.79, Ending balance \$82,277.25. This includes \$308.75 for the Picnic Fund. CD: Beginning balance \$98,932.46 Receipts \$2.78 Disbursements \$0, Ending balance \$98,935.24. General Fund Total ending balance \$181,212.49.

Voted Millage Account (Fire and Roads): Beginning balance \$65,579.50 Receipts \$8.08, Disbursements \$0, Ending balance \$65,587.58, Encumbered \$29,000.00.

Motion to accept July report as presented, Akers, 2<sup>nd</sup> Bolduc. Passed.

**Bills:** Bills were presented and discussed. Motion to pay bills totalling \$4,424.73 Nemish, 2<sup>nd</sup> Akers. Passed.

**Agenda:** Motion to approve agenda as presented, Bolduc, 2<sup>nd</sup> Eggle. Passed.

**Co. Commissioners:** Commissioner Gregory present. He discussed; the EMS building in Tustin moving forward. The county has advertised for employees for Veterans' Liaison and Council on Aging half time position. Comm. Nehmer did not attend this month.

**Fire Board Report:** Akers reviewed minutes from the August Fire Board meeting, see attached.

**Plan Commission:** Nemish reviewed the PC meeting. There were three permits issued. One had penalty payments due and paid. 7.9e discussed. Majority of PC still feel no need for inclusion of PVP.

**Parks Comm.:** John Iler reported that Restorative Lake Sciences will come do a lake survey on Sept 21, 2015 around 9 AM. Board or concerned parties welcome to come observe. Suggested returning to one port-a-toilet now that the summer season is past and moving two wooden old picnic tables up to the hall grounds.

**Road Comm.:** Morton reported no committee meeting in Sept. Brining issue ok for this year. We've had a lot of rain lately and that has helped too. He plans on attending the county road meeting this week. Interested in having a group of Twp Road comm members and or board members go over black top roads to list needs and discuss with Luke Houlton at the county. Looking toward millage renewal in 2016.

**Correspondence:** From– Municipal Retirement Systems, Inc ref new fees on accounts and rules  
DEQ ref Meekhof Diary and water use for ag irrigation  
Patty McKerney request info about October HAZMAT  
Ron Moesta open letter to Board and PC re 7.9e and PVP  
Rich Jacobs Osceola Co. PC info from ordinance changes in Mason Co.  
OCTA meeting announcement and info handed out at OCTA  
Osceola Animal Control ref Twp Supervisor responsibility when dogs at large are involved in killing cattle and cattle owner makes claims against wrongful loss – ref back to State Dog law of 1919.

**Old Business:**

**EMS Situation:** Construction work continues on the Tustin EMS building.

**Twp Roads 2015:** Bill received from the county for \$13,242.00 which is one half of the total Twp portion on the 150<sup>th</sup> project which was completed earlier this summer. The other half of the Twp portion is due in 2016 per the contract. Motion to pay \$13,242.00 to Osceola Co. Akers, 2<sup>nd</sup> Nemish. Passed. Twp expects to see another bill soon for the 130th/19 Mile project.

**Maple Hill Cem:** Purchase of additional land nearly ready to close. Title and legal documents are in order. Pointed out that our motion last month covered what was necessary for

Supervisor to be authorized to sign on this purchase deal. Will need check soon, Bolduc and Black will coordinate as soon as Nemish provides the figure.

**Tech:** Black still trying to connect with Kissinger on what needs to be done for Hall computer to have software. No update.

**Center Lake Issues:** See Park section above.

**Zoning 7.9e:** Already covered at beginning of meeting.

**Moratorium:** See attached for wording. A utility grid wind development moratorium to be set in place October 9, 2015, which will follow a moratorium currently in place of a similar nature. Motion made by Eggle, 2<sup>nd</sup> Black. Roll Call vote 3 YES 2 NO. Motion passed.

**HAZMAT:** Annual HAZMAT clean up day coming Saturday, October 10, 2015, 9 - noon, North County Road barn on 20 Mile road.

**New Business:** None.

**Announcements:** Second Osceola Co. Atlas book to be placed in Tustin Museum.  
Ruth Calkins 80<sup>th</sup> birthday open house on Sunday, October 4, 2015 from 2 to 5 PM all invited.

**Ext. Pub. Comment:** Ed Morton RE: closed session. Disappointed that the Board went into closed session for discussion on PVP and lawyers opinion and wondering how the Atty General getting into our ordinance might end up.

Keith Calkins RE: Grove Hill. At previous meeting it was mentioned that Grove Hill lost the title of Highest spot in MI to a man altered ski hill. Wondered by how many feet Grove Hill would need to be reconstructed to regain that title?

Ken Neuman RE: Atty Gen ?. Wondered how much cost there would be to the Twp to seek that Atty General opinion.

Al Peterson RE: closed session. Didn't understand why necessary to go into closed session thinks it was the wrong choice.

John Iler RE Cemetery and closed session. Thank you to Akers for the corner pole in the cemetery. Stated that the trees in the cemetery need to be trimmed. Stated that there is a small set of reasons to go into closed session and the board needs to state clearly why they did so.

Gloria Langworthy RE: cemetery. Trees all along the road ways need to be trimmed not just one corner, and the cemetery really needs new signs at the entrances.

**Adjourn:** Motion by Akers to adjourn at 8:49 PM, 2<sup>nd</sup> Eggle. Passed.

**Minutes Respectfully Submitted by Bethany Bolduc, Clerk** \_\_\_\_\_