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ONEKAMA DISINCORPORATION COMMISSION MEETING

MONDAY, FEBRUARY 13, 2012, 3 P.M., FARR CENTER

The meeting was called to order at 3 p.m. by Chairman Suzanne Schwing.

The Pledge of Allegiance was said.

Commission members introduced themselves: Mary Reed (Village); Al Taylor (Township); Roger Burger (Village); Schwing, (Village); Dan Behring (Township); Rosalind Jaffe (Township). Absent: Alternates Paula Fortin, Steve Szilvagy. Also present: Village Council President Bob Blackmore, Township Supervisor David Meister, Attorney Peter Doren, Facilitator Eric Lupher, via telephone conference call; Recording Secretary Mary Lou Millard. There were 14 members of the public in attendance.

APPROVAL OF AGENDA: Add Commissioners Comments and Schwing after 1st Public Comment. Consensus to accept Agenda as presented.

APPROVAL OF MINUTES: Corrections: Change Mary Reed from Township to Village under calling the roll; under Commissioners Comments, change “commission” to “community”; on Page 1 under Approval of Minutes, change Burger to Szilvagy; Page 3 under Indebtedness and Litigation, and: Schwing asked Blackmore if he will see to this. He said yes. Page 3, under Approval of Minutes, add Schwing’ comments that “there is a tie for consensus, therefore we will use Administrative minutes. There were no objections”. Consensus to approve the Feb. 6, 2012 minutes as corrected.

1st PUBLIC COMMENT: George Panches commented on the roads and county road commission, by saying that they do a good job.

REVIEW OF UPDATE ON DISINCORPORATION STATUS REPORT: Lupher said it is a question of what do you hope to accomplish with this-- flow chart document versus words only document. Burger, Behring and Jaffe prefer the words only document. Taylor said the verbage could go on either; Schwing likes the shorter version, but pointing out an error in the third triangle. Meister said he needs the document by Thursday in order for it to be included in the outgoing assessment notices. Consensus to use the non flow chart status report.

Szilvagy arrived at 3:40 p.m.

INDEBTEDNESS AND LITIGATION: Regarding the pending litigation of Rogers v Village of Onekama, Doren pointed out the sentence added to the plan, which states “this lawsuit is covered by insurance, and it has been turned over to the law firm of Smith, Haughey, Rice & Roegge for defense.” Consensus to tentatively approve the Indebtedness and Litigation draft.

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EMPLOYEES AND CONTRACTS OF EMPLOYMENT: Changes are as follows: on Page 2, delete the last sentence in the first paragraph which states “it is recommended that she be hired by the township if there is an open position for which she is qualified”. Also delete on Page 2, fourth paragraph which states” the Village has one other part-time employee who cleans the Farr Center for four hours each week. The Township plans to keep the services of this person for this work. And replace it with the following: “The Township is requested to give due consideration to hiring of village employees, who were employed at the time of disincorporation, if there is a need by the Township”. Consensus to give tentative approval to Employees and Contracts of Employment.

JURISDICTION OVER STREETS: Doren noted changes in the document are the addition of this sentence at the end of Paragraph 4, Page 1: “The storm water collection system associated with these roads would also be taken over by the Road Commission” (“these roads”, referring to the jurisdiction over the major and local roads which would transfer to the Manistee County Road Commission if the Village is disincorporated).

On Page 1, Paragraph 5, last sentence: the Road Commission Director has indicated that if Michigan Department of Transportation will not agree to the higher formula, amounts would still be sufficient to cover the non-winter maintenance of the roads---add: “which consist of striping, graveling, shouldering, blading and cold-patching”. Schwing asked if a projected value of the village truck can be obtained. Meister said a resolution would have to be adopted to care for sidewalks if the disincorporation passes. Brush removal is in the Public Utilities and Services Plan.

Other changes: Page 2, Paragraph 2: Add second sentence: “The Road Commission has informed the disincorporation commission that it will accept the village streets in their current condition. Last sentence, same paragraph to read: “The Manistee County Road Commission Director has indicated that continuation of the Township road millage provides sufficient assurance that the funding to upgrade all roads within Onekama Township will occur over the next few years”.

Page 3, Paragraph 2 to read: “Public sidewalks are also in the road and street rights of way. The Township would be allowed by the Road Commission to continue to maintain these sidewalks. The Village does not maintain sidewalks and has them repaired only at the expense of the abutting land owner. The Township is expected to continue this practice.”

The Commission wants a copy of the Road Commission meeting minutes which states the commission's stand on road work. Meister will obtain the copy.
Consensus to give tentative approval to Jurisdiction over Streets.

PUBLIC RECORDS: The plan must provide an orderly process of disposition of all public records of the Village in accordance with the records retention provided by law, including files, books, and papers. Public records are property of the people of the State of Michigan.

The Village and Township are responsible for ensuring that public records created and received while conducting public business are retained and only destroyed in accordance with Michigan law. There is

no destruction of any Village record that is planned. Onekama Township will preserve and manage the public records received in accordance with the Records Management Manual for Local Governments published by the Michigan Department of Technology Management & Budget, and Records Retention Requirement of the State. Consensus to give tentative approval to Public Records.

FISCAL IMPACT: One of the elements in an orderly process for the disincorporation plan is an assessment of the fiscal impact of dissolution upon the township into which the village is proposed to be disincorporated and the residents of the village, including the estimated revenues gained by the township, and losses to each municipality from property taxes and from state revenue sharing, and from gas and weight tax revenues distributed by this state to the village and any township into which the village is proposed to be disincorporated.

Revenue sources are detailed in the plan, expenditures are explained, and fund transfer is described. These issues will be discussed further at the next meeting. Meister said the township board took action at its Feb. 6, 2012 meeting and agreed on the following:

---Consensus of the (Township) board to keep the same individual who now cleans at Farr Center, who is an independent contractor.

---Consensus of the (Township) board that the designated fund balance in the minor/major roads plus the value of the village truck, will be used for village winter maintenance until the fund runs out.

---Consensus of the (Township) board that whatever balance is in the General Fund will be used strictly in what would be called the previous village limit.

---Consensus of the (Township) board that the transfer of \$135,000 in the Equipment Fund will remain as an Equipment fund to do maintenance and operating work as needed; no need to supplement the Equipment fund.

Taylor said it is important to look at the draw down, take a look at funding; look at what is the township assessed value. In the future there may need to be a SAD or a millage.

Alice Hendricks pointed out the village millage collection is five mills, under Revenues—Property Tax; under Expenditures-Election Expenses, Meister said the township runs the election; under Treasurer’s Expenses, he said there is no increase in the treasurer's job, the duplication will be reduced.

COMMISSIONERS' COMMENTS: Schwing asked for a running tab and itemized report on the expenses of the Disincorporation Commission. Doren said every 30 days he will submit a bill to the Township or to the commissioners individually.

Behring said he objected to Schwing's process for the meetings. He objected to the letter in the Manistee News Advocate by Schwing, saying it implied it was from the commissioners as well; first sentence in the letter wrote states that she is the Chairman of the Disincorporation Commission.. Schwing said she did not represent herself as spokesman of the group and the byline was put there by the newspaper. She said she wrote as a private individual and chairman of the Disincorporation Commission.

Taylor commented on a reference to a “combined” board in Schwing's letter to the Editor of the Manistee News Advocate which appeared on the editorial page Saturday, Feb. 11.; his understanding is that there is no “combined” board.

PUBLIC COMMENT: Rudy Milasich commented that the \$2 million bond indebtedness from the village will switch to the township; the township will be on the hook for the bonds. He said ownership has responsibility; once the Township has the sewer, it is liable for the sewer. Isabel Steffens commented about the village truck, giving it away. Meister answered the truck is not being given away.

ADJOURN: 5:35 p.m.

Submitted by
Mary Lou Millard
Recording Secretary

Suzanne Schwing, Chairman

Date