

LINCOLN CHARTER TOWNSHIP  
BERRIEN COUNTY, MICHIGAN  
SPECIAL NOON MEETING  
October 14, 2008

A SPECIAL MEETING OF THE LINCOLN CHARTER TOWNSHIP BOARD OF TRUSTEES WAS CALLED BY SUPERVISOR DICK STAUFFER FOR THE PURPOSE OF REVIEWING THE AGENDA OF THE REGULAR MEETING OF OCTOBER 14, 2008.

Notice was posted October 8, 2008.

THE SPECIAL MEETING of the Lincoln Charter Township Board of Trustees was called to order by Supervisor Dick Stauffer on October 14, 2008, at 11:32 a.m. at the Municipal Building, 2055 W. John Beers Road, Stevensville.

BOARD MEMBERS PRESENT: Pscholka, Jewell, Smith, Stauffer, Peterson, Florian, and Geisler.

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Drain Commissioner Roger Zilke, representatives from St. Joseph Charter Township and Royalton Township, two representatives of Spicer group, Attorney Dienes and Engineer Dave Austin.

**Hollywood Consolidated Drain #524.** Spicer group engineers presented the proposed solutions to the drainage issues in the area which covers 1,050 acres, 3.5 miles of open drain, 5,000 ft. of storm sewer and detention basis. The proposal will be presented to landowners on 11/5/08; bidding spring/summer of 2009; construction 2009 – 2010; a preliminary cost of \$6.5 million; and a 20 year bond. A grant could cover 10% of the project. They will breakout amount by acreage and benefit, there will be a factor credit for their past assessment and they will reassess the entire area correctly.

**Closed Session. Motion Carried.** Stauffer moved, seconded by Pscholka, to go into closed session at 1:05 p.m. as authorized under Section 8(e) (h) of the Open Meetings Act, MCL 15.268(e)(h) to discuss a written opinion by legal counsel. Roll Call Vote: Ayes: Florian, Peterson, Smith Stauffer, Geisler, Jewell and Pscholka. Nays: None.

Stauffer moved, seconded by Peterson, to end the closed session at 1:25 p.m. Motion Carried.

**Closed Session. Motion Carried.** As authorized under Section 8(h) of the Open Meetings Act, MCL 15.268(h), Pscholka moved, seconded by Peterson, to go into a closed session at 1:27 p.m. to discuss a written opinion by legal counsel. Roll Call Vote: Ayes: Peterson, Smith, Stauffer, Geisler, Jewell, Pscholka, and Florian. Nays: None.

Florian moved, seconded by Jewell, to end the closed session at 1:55 p.m. Motion Carried.

**Complaint for Declaratory Judgment. Motion Carried.** Florian moved, seconded by Pscholka, to have Dickinson Wright PLLC to proceed with Complaint for Declaratory Judgment

of ownership of water and sewer lines in the Village of Stevensville. Roll Call Vote: Ayes: Smith, Stauffer, Geisler, Jewell, Pscholka, Florian, and Peterson. Nays: None.

**Void Development Agreement with Leco. Motion Carried.** Stauffer moved, seconded by Jewell, to rescind the development agreement with Leco which would have paid the Township \$3,500 a year for 20 years from the date upon which a building permit was issued. The amount was to reimburse the Township for police and fire services. Attorney Dienes recommended this action.

**Letter of Engagement. Motion Carried.** Florian moved, seconded by Peterson, to authorize the Supervisor to sign the letter of engagement which acknowledges and consents to Attorney Dienes' representation of the Drain Commissioner regarding county drains located in Lincoln Charter Township.

Pscholka left at 2:10 p.m.

**Township Security System. Motion Carried.** Stacy Loar-Porter presented a revised security plan at a lower cost. Geisler moved, seconded by Stauffer, to proceed with the Township Hall security system at an estimated cost of \$7,000 from the township hall budget.

**Silent Auction.** Stacy reported revenue of \$3,776 from a silent auction of old items no longer in use.

**Additional Pay to Fire Chief. Motion Carried.** Florian moved, seconded by Stauffer, to pay the fire chief for fire arson investigation for Frank Court and Karen Court, and request the Fire Board to provide a draft amendment to our ordinance requiring insurance reimbursement for arson investigations. The insurance companies had been invoiced, but without something in our ordinance, they denied payment.

**Sewer Back-Ups.** Geisler reported invoices had been received on two backups and the amounts were as previously quoted.

**Trick or Treat Hours Changed. Motion Carried.** Because of safety concerns with the additional traffic from the likely football play-off game on Friday, Oct. 31, Stauffer moved, seconded by Smith, to change Halloween hours to Thursday, Oct. 30, from 6:00 to 7:30 p.m.

**Past Due Invoices to Tax Bills. Motion Carried.** Peterson moved, seconded by Smith, to authorize the treasurer to include the following items on their winter tax bills: Lake Grove, #11-12-4444-0002-00-1, \$840.69; Art Buhrfiend, #11-12-4720-0059-00-4, \$75; James Helms, #11-12-4700-0003-00-4, \$75.

**MTA Educational Conference. Motion Carried.** Stauffer moved, seconded by Jewell, to approve reservations to the MTA educational conference for Tom Norby, Kevin Gillette, and Stacy Loar-Porter (all new board members).

**Report on Fenner Property by Fox Crossing.** Mr. Fenner offered to give some property that had been used as a dump to the Township for a park. Florian suggested the property be investigated for contamination before we accept it. We received a grant for the investigation. The very lengthy report stated the property is very contaminated, even coming in contact, or turning the soil could release the contaminants into the air. If we were to acquire the property we would have due care and would have to remove the contaminated area or cover. There are sources of funds to do that, but they would require a 20% match. **Florian suggested we not accept title of the property and the board agreed.**

**Police Contract.** Stauffer reported it was approved by the Union.

There being no further business, the Supervisor adjourned the meeting at 2:45 p.m.

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Sharon Geisler, Clerk

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