

GARDEN TOWNSHIP BOARD MINUTES
SPECIAL MEETING
September 19, 2019

The special joint meeting with the Village of Garden was called to order at 7:00 p.m. by Township Supervisor, Richard Pichette.

Village President, Jacob Allison, called the Village board to order.

The Pledge of Allegiance was recited.

Present: Tyler Lucas, Mary Ann LeBresh, Lisa Pichette, Brenda Lester, and Richard Pichette.

Village Board Present: Jacob Allison, Village President; Susanna Lucas, Treasurer; Colleen Weinert, Clerk; Gary Sporer, Trustee; Karen Paulson, Trustee; and Katie Sporer, Trustee. Absent was Charles Paulson.

CHANGES/ADDITIONS TO THE AGENDA: Warranty for new Transfer Station Truck which will be covered in the meeting immediately following the joint meeting with the Village of Garden.

PUBLIC COMMENTS ON AGENDA ITEMS: None

LIST OF VILLAGE OF GARDEN AND GARDEN TOWNSHIP ISSUES:

1. **Berm:** A berm was promised to be completed this summer to reroute flood water to the new ditch. Has this been done? – *Jacob stated it's been scheduled for this fall. Obviously Gembel's are busy now with the windmills so the village is just waiting on them to come do it.*
2. **Village Government Garbage:** The Township of Garden has never charged the village for their garbage. Property taxes for the transfer station supports the transfer station. Village hall property is not taxed; therefore, they do not pay taxes for the transfer station so they should be charged for their trash. – *The Village asked how much the Township charges for a bag of garbage at the Transfer Station. Mary Ann replied \$3.00 a bag. Village said they would have about one bag per month plus garbage from the park which would be one or two bags a week. because they mostly shred and recycle magazines. They don't feel they should be charged for their garbage. Does Parks and Recreation have garbage? Yes, it's all part of the Village. Township board agreed to leave it the way it is.*
3. **BS & A Software:** The Village of Garden has used the township's BS & A software for years but the township never charged the village to use it. – *Sue Lucas said the Village was told by the township they could use their software due to the high cost for the village to get the software themselves. The Village of Garden is now looking into getting their own software. If they don't get it then they'll contact the township if they need further assistance and then the township can decide if they'll be charged. Brenda said she thought the intent of the list was to let the village know the township has helped the village out all these years and hasn't charged them.*
4. **Marygrove Trash:** Marygrove was charged \$110.00 per month by the township for their garbage. Since the village took ownership of the building they have not been charged by the township. – *Village stated they currently have no trash. Brenda stated that she told the village at their July meeting that if they start having trash from there then the township will worry about it at that point. The official date Marygrove moved out was July 31, 2019. If the village does not make a profit off the property it will stay tax exempt for 10 years.*
5. **Street Lights:** The village has asked the township to help pay for the street lights when in fact the street lights in question are located in the village, not the township. The only exception is the street light next to the township hall. The township did agree to pay for that light and is now billed directly by Cloverland Electric. – *The village tried to find ways to save money so they started shutting off some of the street lights. Sue Lucas said Cloverland told the village that every other light down Van's Harbor Road, up to Winter Avenue, should be*

shared with the township because the village and the township share the road. She also said that Cloverland billed only the village in error. Colleen said she would call Cloverland for a list of lights with their numbers and locations and how much they cost and the township said they would consider paying for half the street lights on the Van's Harbor Road. Also, there are some street lights out in the township and the village. Richard said he'd contact Cloverland regarding the lights that aren't working in the township and the village will call regarding the lights that are out in the village.

6. **User's Fee for Village Park:** The township has supported the village since 2013 by paying a user's fee of \$2,000.00 for the village park. The only advantage I see is what the village would charge a township resident for use of the pavilion. Use of the pavilion is very limited and it's a large price to pay for almost no use by the township residents. Anyone may use the park. It's a public park so if the village wants to charge the township residents to use the park, they should have someone there collecting from everyone that uses it, not just Garden Township residents. The MTA stated if the township pays a fee to the village then the village should provide something in return to the township of equal value. What has the township received from the village? –
- a. *Jacob – he sides with Katie and Gary and that more people from the township use that park during baseball season than from the village. He doesn't see a big issue with the township giving the village the \$2,000 for the user's fee when it has almost a million dollars between all its funds.*
 - b. *Brenda – She stated that she lives in the village and is also a township resident. She pays village and township taxes. She feels her village taxes should support the village and her township taxes should support the township for township government purposes only.*
 - c. *Tyler – He stated he doesn't feel the village should solely be responsible for the upkeep of the park. He doesn't see any reason for the township not to support the park but that \$2,000 may be a little bit much to ask for. Maybe the expenses could be shared instead of just being charged a user's fee.*
 - d. *Karen – Karen said the village did have to dig into their recreation fund for the bathrooms so the village wasn't able to do more for the park. They do have things they want to do for the park so now they'll be able to work on other things now such as painting, working on the dug outs, the concession stand, working on the fence, new bleachers, work needed on the pavilion, etc.*
 - e. *Gary Sporer – The pressure washing on the buildings has been completed and the prep work for painting will be started. Safety improvements also need to be done. The village budgets between \$4,000 and \$4,500 for the park. The baseball diamond is the only one on the peninsula. Also, when applying for grants from the DNR it helps that there is cooperation between entities. We all live here together and it's a center for several key events during the year. User fee is a legal term and it's used to appropriate money to make improvements.*
 - f. *Katie Sporer – She stated she already said most of what she wanted to say in the memo she provided. She said it has to do with the sense of good will between two governments.*
 - g. *Lisa – She does believe the township should provide some funds because everyone uses the park. She doesn't believe the \$2,000 and that's based solely on the information the township received from the village (from the FOIA request). She averaged it out and the yearly average of village park expenses is only \$1,179 per year. The fact the township's budget is healthier has nothing to do with it. The recreation people from each board should talk more and she's more than willing to meet with the village's recreation board.*
 - h. *Mary Ann – The township should be told by the village what they are going to use the funds for and maybe the board would be more cooperative.*
 - i. *Colleen – She had nothing to add stating everyone covered everything.*
 - j. *Sue – She wanted to know more information about the township side regarding their decision back then so she spoke with Kay Tatrow (Beaudre), prior township treasurer. She said Kay told her that the township knew the drain field and septic was on the village property and if the township did pay the user's fee, perhaps the village would be more receptive to the township when the septic failed.*

- k. *Richard – The township was given permission by the village board at their board meeting held in May, 2019. When he returned from vacation, he found out the village was no longer going to give permission to the township to place the new septic system on the park property because of the \$2,000 user fee. He felt that was a bribe and that the users fee and permission to use the property were two separate issues. The original request to pay the village a user’s fee for \$2,000 was approved by the township board for the period of April 30, 2013 through March 30, 2014 which was for that period only. He could not find a contract with the village. It does not appear to be a continuous thing. He did find an agreement which doesn’t even indicate an amount. It has been approved on a yearly basis since 2013. There were no payments to the village before 2013 for a user’s fee. He agreed that everybody uses that park, not just the village. It doesn’t matter how much money the township has. The township and the village each have their own obligations. The village and the township are two separate governments. To obligate the township for life is not right. Sure, we can help the village but we need to know where exactly that money is going, every cent of it. It is the township board’s responsibility to account for everything that is paid and If the village can’t do that, he’s not in agreement. The village is also double taxing your village residents.*
 - l. *Brenda – She addressed Katie’s question regarding why the user’s fee was brought up at the May meeting when the supervisor was absent. Brenda told Katie that the reason it was brought up was because the year prior to that the township was told by the MTA that it was not legal to make that type of transaction. Brenda’s introduction to the board during that meeting was just to let the board know the request was received for the user’s fee from the village but the township had to check to see if it was a legal expense before an obligation was made to. That’s all that occurred during that meeting regarding the fee. The township didn’t want to leave Richard out. Brenda was told by the MTA in the past that if the township wants to assist another entity regarding something the public uses, the township would actually need to pay the vendor themselves. Then there would be proof where the tax money went.*
 - m. *Tyler – He asked if the village budgets \$4,500 for the park every year. The information we received from the village shows they only paid \$1,100 in expenses.*
 - n. *Katie – She stated that any money received for the park and from the township is in the park fund. The money more or less sat in the fund waiting to finish up the pit toilets. The village also had a problem with one maintenance worker not showing where his time was spent in the park; therefore, his wages were paid from the general fund. Brenda asked if it was safe to say the \$2,000 the township provided the village since 2013 might have been set aside to pay for the pit toilets and she responded yes. The village also received a donation from Heritage in the amount of \$10,000 for the pit toilets. There was no money in the general fund to pay for the pit toilets. The village does not have a parks and recreation person assigned from the board. Gary said he would be happy to do that for the village.*
 - o. *Summary from Richard – The township board has agreed that they are willing to help with the park and that if and when they agree, the funds the township gives has to be fully accounted for. An amount must be agreed upon based on the need. The parks and recreation representatives from each board will get together and come up with ideas to present to the board for consideration. The village and township boards both agreed. Richard also said that we cannot commit for the next board.*
7. **Hydrant Fee:** The fire department has to pay the village a hydrant fee every month. An agreed upon price was reached between the village and the township, but the village has increased that fee without consulting the township. – *Katie said when the water system was upgraded Rural Development told the village they had to raise the prices to a fixed amount; therefore, all the bills went up \$2.00.*
8. **Village Taxes/Township Taxes:** The village receives its own taxes. It’s the village board’s decision whether to maintain the park, not the township. The township has its own responsibilities that are separate from the village. Yes, the village residents do pay township taxes but those taxes should cover township responsibilities, not the village. – *Covered previously in the meeting.*

9. **Township Assistance to the Village:** The village board is quick to say the township is not working with them but that's false. Look at all the township has provided for the village. – *Covered previously in the meeting.*
10. **Septic for the Hall:** The township asked the village how they felt about the township placing the septic system on the park property. *Jake suggested the township might consider an aerobic system. Richard said that avenue has already been pursued and was denied by the health department. The township did apply for a variance permit and it's already been approved; therefore, there will a smaller drain field. Surveys need to be done to see exactly where the property lines are. The township needs to know from the village if they can proceed. Katie Sporer, Village Trustee, made a motion to allow the township to proceed with the septic as was approved at their prior meeting. It was supported by Jacob Allison, Village President. Ayes: 4, Nays: 0. The motion by the Village of Garden was approved. The township will now proceed with the new septic system.*
11. **Prayers Before the Township Meetings:** Jacob stated it's inappropriate for the township to have prayers before their meeting. *Richard stated that until the State of Michigan, Delta County, and the Federal Government stop prayers before their meetings, then he won't stop at the township meetings.*

Richard made a motion, seconded by Brenda, for the joint meeting with the Village of Garden be adjourned. Ayes: 5, Nays: 0. Meeting adjourned

Jacob made a motion, seconded by Gary, for the joint meeting with the Township of Garden be adjourned. Ayes: 4, Nays: 0. Meeting adjourned.

The township continued their business in a new meeting immediately following this joint meeting.

PUBLIC COMMENT: None

Mary Ann made a motion, seconded by Lisa, to adjourn at 8:48 p.m. Ayes: 5, Nays: 0. Motion carried and meeting was adjourned.

Respectfully submitted:

Brenda Lester
Garden Township Clerk