

Approved 2/15/10

Casco Township Board of Trustees  
Regular Meeting of January 11, 2010

Supervisor Allan Overhiser called the meeting to order at 7:01 pm, and led in the pledge of allegiance. Present: Overhiser, Lu Winfrey, Judy Graff, Eldon Ridley, Julie Cowie, and approximately 12 interested persons. Also, Bobby Bendzinski (Bendzinski & Co, Municipal Finance Advisors) and Terence Donnelly, of Dickinson Wright PLC were present as guest advisors regarding the bond project.

Overhiser stated that we would conduct regular business until 7:30 p.m., when South Haven Township would join us in a joint meeting regarding water/sewer refinancing.

Overhiser invited public comment; there was none.

Cowie presented minutes of December 14, 2009, amended to show that the original easement of the First Street Road ROW was 40'. Graff moved approval with this change, seconded by Winfrey; MSC.

Cowie explained that with the hiring of Pam Blough as Parks & Recreation consultant, the budget should be amended to reflect compensation. Cowie moved to amend the budget and add a \$15,000 line item for Parks & Recreation Consultant, seconded by Graff; MSC.

Cowie presented expenditures for the Fire Station Construction Project, Resolution #100111 and moved approval, seconded by Winfrey; Ridley, Winfrey, Graff, Cowie, and Overhiser voted yes in a roll call vote.

Winfrey presented account balances as of December 31, 2009:

General Fund	\$411,467.11
Parks	\$ 84,685.83
Senior Services	\$ 27,800.04
Fire Department	\$322,315.60
Road Fund	\$ 67,915.30
Cemetery Care	\$ 22,166.56
12 month CD	\$104,638.42
Collected Tax Account	\$772,242.13

Winfrey moved approval of the following: General Fund orders #19937-20002 in amount of \$32,820.55; Collected Tax orders #2482-2493 in amount of \$182,945.22; Fire Fund orders #3857-3858 in amount of \$96,993.53; Cemetery Fund order #1021 in amount of \$174.75, second by Ridley; MSC.

The Zoning Clerk, Ruth Hewitt, needs a computer update capable of managing BSA software. Allan Overhiser will look into options.

**Reports:**

ZBA: No report

Planning Commission: Reviewed a Special Land Use (SLU) Request from SHARP (Recreational Park) to develop phase 1 of the project including a 5k trail for walking, running, x-country skiing, with limited parking.

SHAES: Ron Wise provided an update on the Fire Station Construction. Floor heat is turned on; BCI is paying for the propane and electric during the construction phase. The outside portion is completed.

Two change orders were presented: #12, changing propane piping and substituting grass for hydromulch; and change order #10, painting to be done by the firefighters; Ridley moved approval with Winfrey supporting, MSC.

Fennville District Library: Robert Sherwood reported that citizens and the library will feel effect of 40% cut in state funding, cooperative-wide.

A Resolution to establish a Planning Commission was presented. This will allow us to comply with the enabling act. The Zoning Board of Appeals will have to create its own bylaws. Graff moved to approve the Planning Commission Establishment Ordinance Resolution 10111B, seconded by Cowie. Winfrey, Graff, Cowie, Overhiser, and Ridley approved in a roll call vote.

Overhiser announced that the February meeting agenda will include talking about the First Street Beach and Roads priorities.

There will be a special meeting of the Board to address Parks & Recreation matters next Monday, January 18, at 7:00 p.m.

Overhiser again invited public comment; there was none.

A recess was called from 7:25 to 7:31 p.m.

Ross Stein called the Water/Sewer Authority to order at 7:32 p.m. The purpose of this joint meeting is to approve contracts for bonding to meet financial obligations each Township faces regarding the Water/Sewer debt.

Bobby Bendzinski presented a review of the proposed Bond project. The cost of the bond is \$14 million, which is a “not to exceed” figure. Various scenarios were reviewed, including a “no growth” for five years scenario, a one percent growth for entire bond period, and other options for the first five years of the bond, assuming this current market will improve. A bond cannot be structured with zero growth in municipal finance.

Norm Fouts asked a question about the Fire Hydrant rental income; this revenue stream was clarified in the funding proposal.

Terry Donnelly reiterated the purpose of the meeting and this bond proposal. Due to these bonds already being refinanced once (refunded), this proposal has the Townships issuing the bonds. The bondholders of outstanding bonds must be given 30 days notice. This proposal falls under Act 233 (compared to the County Bonds being issued under Act 185); Act 233 includes a Right of Referendum.

Because the County’s credit is not pledged in this proposal, the Townships and the Authority must pledge their credit. Donnelly explained exhibit C, the Percentage Shares for each Township.

Discussion ensued. In public comment, Rich Dutkowski expressed concern about 1% growth. A member of the Water/Sewer Authority offered an amendment to page 16, stating that the committee should be comprised of the Chairman OR VICE CHAIR of the Authority, as the Chair of the Authority is also the Supervisor of South Haven Township. Donnelly will make that edit in the document. Donnelly also stated that if there isn’t 1% growth this year, the Authority would have to do something else to make the payments.

Donnelly reviewed the time frame, that if tonight the resolution is adopted, a notice to the public will be

published. Currently the Townships have qualifying status. The Authority would adopt a Resolution to authorize the bonds and authorize Ross Stein to sign a contract with a bank in Chicago. The bonds would be priced in early to mid-March and delivered at the end of March.

Donnelly presented Bond Resolution #1011C. Overhiser stated that Mr. Donnelly has been working on behalf of the Townships and the Authority to fix the cash flow problem faced by the Authority. There are other problems to fix, but the bond project is an important piece to get us through this environment of decreased State Revenue sharing and decreased revenue to the Townships.

Graff questioned what would happen if the 1% growth is not achieved. The annual charge of \$150,000 would need to be paid. Graff urged that a marketing game plan be developed to increase connections in the Water/Sewer district. She also stated that from a Board perspective, she would like to receive numbers from the Authority every month.

Mr. Bendzinski commended Overhiser and Stein for tracking Water/Sewer Authority Finances and not coming in at the 11<sup>th</sup> hour with the need to address cash flow. Legislation to address financial matters affecting Townships had been introduced in 2008 but not acted upon.

Louis Adamson responded to Ms. Graff by stating that Planning Commissions need to be involved in addressing water/sewer financial health and allow growth. He further stated that the Water/Sewer Authority cannot control planning and where growth is allowed in the townships.

It was clarified that existing customers will not have to pay more for this bond project.

Cowie moved to adopt Resolution #1011C, seconded by Winfrey. In a roll call vote, Graff, Cowie, Overhiser, Ridley, and Winfrey voted yes; there were no Nays and no abstentions. The Resolution was declared adopted.

[The other boards participating in the joint meeting passed resolutions].

Ridley moved to adjourn the Township Board meeting at 8:52 p.m., seconded by Winfrey; adjourned.

Julie M. Cowie  
Clerk

Attachments:

Fire Station Change Orders #10 and #12

Planning Commission Establishment Ordinance Resolution 100111B

Bendzinski & Co. Schedule of Debt Service

1998/2000 Casco-South Haven Wastewater Treatment System and Water Supply system Improvement Contract (and exhibits A, B, & C)

Resolution #100111C

**PLANNING COMMISSION ESTABLISHMENT ORDINANCE**

ORDINANCE NO. 100111B

AN ORDINANCE TO CONFIRM THE ESTABLISHMENT UNDER THE MICHIGAN PLANNING ENABLING ACT, PUBLIC ACT 33 OF 2008, MCL 125.3801, ET SEQ., OF THE CASCO TOWNSHIP PLANNING COMMISSION; PROVIDE FOR THE COMPOSITION OF THAT PLANNING COMMISSION; PROVIDE FOR THE POWERS, DUTIES AND LIMITATIONS OF THAT PLANNING COMMISSION; AND REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE.

THE TOWNSHIP OF CASCO, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Section 1. Scope, Purpose and Intent. This Ordinance is adopted pursuant to the authority granted the Casco Township Board (the "Township Board") under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish the Casco Township Planning Commission (the "Planning Commission") with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this Ordinance and any future amendments to this Ordinance.

The purpose of this Ordinance is to provide that the Township Board shall confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.; to establish the appointments, terms and memberships of the Planning Commission; to identify the officers and the minimum number of meetings per year of the Planning Commission; and to prescribe the authority, powers and duties of the Planning Commission.

Section 2. Establishment. The Township Board confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. The Planning Commission shall have seven members. Members of the Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the Planning Commission shall be limited to that member's term on the Township Board, continue to serve for the remainder of their existing terms so long as they continue to meet all of

the eligibility requirements for Planning Commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 3. Appointments and Terms. The Township Supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all Planning Commission members, including the ex officio member.

The Planning Commission members, other than an ex officio member, shall serve for terms of three years each.

A Planning Commission member shall hold office until the member's successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning Commission members shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Township to the extent practicable.

One member of the Township Board shall be appointed to the Planning Commission as an ex officio member.

An ex officio member has full voting rights. An ex officio member's term on the Planning Commission shall expire with that member's term on the Township Board.

No other elected officer or employee of the Township is eligible to be a member of the Planning Commission.

Section 4. Removal. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 5. Conflict of Interest. Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this Ordinance constitutes malfeasance in office.

For the purposes of this section, the Planning Commission shall define conflict of interest in its Bylaws.

Section 6. Compensation. The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

Section 7. Officers and Committees. The Planning Commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be one year, with opportunity for reelection as specified in the Planning Commission Bylaws.

The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

Section 8. Bylaws, Meetings and Records. The Planning Commission shall adopt Bylaws for the transaction of business.

The Planning Commission shall hold at least four regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the Planning Commission's Bylaws, a special meeting of the Planning Commission may be called by the chairperson or by two other members, upon written request to the secretary. Unless the Bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting.

The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Section 9. Annual Report. The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development.

Section 10. Authority to Make Master Plan. Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the Township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission unless the Township Board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the Township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 11. Zoning Powers. The Township Board confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act

110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.

Any existing Zoning Ordinance shall remain in full force and effect except as otherwise amended or repealed by the Township Board.

Section 12. Capital Improvements Program. To further the desirable future development of the Township under the master plan, the Township Board, after the master plan is adopted, shall prepare or cause to be prepared by the Township Supervisor or by a designated nonelected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following six year period. The prepared capital improvements program, if prepared by someone other than the Township Board, shall be subject to final approval by the Township Board. The Planning Commission is exempted from preparing a capital improvements plan.

Section 13. Subdivision and Land Division Recommendations. The Planning Commission may recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the Planning Commission shall hold a public hearing on the proposed ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the Township.

The Planning Commission shall review and make recommendations on a proposed plat before action is taken by the Township Board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the Township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

Section 14. Severability. The provisions of this Ordinance are severable. If any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

Section 15. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are repealed. The resolution or ordinance establishing the Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is repealed.

Section 16. Effective Date. This Ordinance was approved and adopted by the Township Board of Casco Township, Allegan County, Michigan, at a regular meeting held on \_\_\_\_\_, 2009, and it is ordered to take effect 30 days after publication in the \_\_\_\_\_, a newspaper with general circulation in the Township.

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Allan W. Overhiser, Supervisor

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Julie M. Cowie, Clerk

**CERTIFICATE**

I, Julie M. Cowie, the Clerk for the Township of Casco, Allegan County, Michigan, certify that the foregoing Casco Township Planning Commission Establishment Ordinance was adopted at a regular meeting of the Casco Township Board of Trustees held on January 11, 2010. The following members of the Township Board were present at that meeting: Overhiser, Cowie, Winfrey, Graff, and Ridley; and the following members of the Township Board were absent: none. The Ordinance was adopted by the Township Board with members of the Township Board: Winfrey, Graff, Ridley, Cowie, and Overhiser voting in favor and no members of the Township Board voting in opposition. The full text or a summary of the Ordinance was published in the \_\_\_\_\_ on \_\_\_\_\_, 2010. A certified copy of the Ordinance was sent to the Allegan County Clerk, by first-class mail with postage pre-paid on \_\_\_\_\_, 2010.

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Julie M. Cowie, Clerk

1998/2000 CASCO-SOUTH HAVEN  
WASTEWATER TREATMENT SYSTEM AND  
WATER SUPPLY SYSTEM IMPROVEMENTS CONTRACT

THIS CONTRACT, is entered into as of January 1, 2010, by and among the SOUTH HAVEN TOWNSHIP AND CASCO TOWNSHIP WATER AND SEWAGE TREATMENT AUTHORITY (the "Authority"), a public corporation established by the Township of Casco and the Charter Township of South Haven under the provisions of Act 233, Public Acts of Michigan, 1955, as amended ("Act 233"), and the TOWNSHIP OF CASCO ("Casco Township"), a general law township located in the County of Allegan, Michigan, and the CHARTER TOWNSHIP OF SOUTH HAVEN ("South Haven Charter Township" and with Casco Township, individually, a "Township" and collectively, the "Townships"), a charter township located in the County of Van Buren, Michigan.

WITNESSETH:

WHEREAS, pursuant to Act 185, Public Acts of Michigan, 1957, as amended ("Act 185"), the County of Allegan ("Allegan County"), by a resolution adopted by its Board of Commissioners on July 27, 1995, established the Casco-South Haven Wastewater Treatment System (the "Wastewater Treatment System"), which consists of sewage disposal system facilities in Casco Township and South Haven Charter Township, and designated the area to be served thereby as the Casco-South Haven Wastewater Treatment District (the "Wastewater Treatment District"), which includes all of Casco Township and all of South Haven Charter Township; and

WHEREAS, pursuant to Act 185, Allegan County, by a resolution adopted by its Board of Commissioners on December 19, 1996, established the Casco-South Haven Water Supply

System (the “Water Supply System” and together with the Wastewater Treatment System, the “System”), which consists of water supply system improvements and facilities in Casco Township and South Haven Charter Township, and designated the area to be served thereby as the Casco-South Haven Water Supply District (the “Water Supply District” and together with the Wastewater Treatment District, the “District”), which includes all of Casco Township and all of South Haven Charter Township; and

WHEREAS, pursuant to Act 185, Allegan County issued bonds in 1995 in the aggregate principal amount of \$3,525,000 (the “1995 Bonds”) to finance certain improvements to the Wastewater Treatment System in anticipation of payments to be made by the Townships to Allegan County pursuant to a contract among Allegan County, the Townships and the Authority; and

WHEREAS, pursuant to Act 185, Allegan County (i) issued bonds in 1997 in the aggregate principal amount of \$1,140,000 (the “1997 Bonds”) to finance certain improvements to the Water Supply System in anticipation of payments to be made by the Townships to Allegan County pursuant to a contract among Allegan County, the Townships and the Authority, and (ii) issued bonds in 2004 (the “2004 Allegan Bonds”) to refund the 1995 Bonds and the 1997 Bonds; and

WHEREAS, pursuant to Act 185, the County of Van Buren (“Van Buren County”) issued bonds in 1998 in the aggregate principal amount of \$6,335,000 (the “1998 Bonds”) to finance certain improvements to the Wastewater Treatment System and the Water Supply System (the “1998 Improvements”) in anticipation of payments to be made by the Townships to Van Buren County pursuant to a contract among Van Buren County, the Townships and the Authority; and

WHEREAS, pursuant to Act 185, Van Buren County (i) issued bonds in 1999 in the aggregate principal amount of \$5,930,000 (the “1999 Bonds”) to finance certain improvements to the Wastewater Treatment System and the Water Supply System in anticipation of payments

to be made by South Haven Charter Township to Van Buren County pursuant to a contract among Van Buren County, South Haven Charter Township and the Authority, and (ii) issued bonds in 2004 (the “2004 Van Buren Bonds”) to refund the 1999 Bonds; and

WHEREAS, pursuant to Act 185, Van Buren County issued bonds in 2000 in the aggregate principal amount of \$10,390,000 (the “2000 Bonds” and together with the 1998 Bonds, the “1998/2000 Bonds”) to finance certain improvements to the Wastewater Treatment System and the Water Supply System (the “2000 Improvements” and together with the 1998 Improvements, the “1998/2000 Improvements”) in anticipation of payments to be made by the Townships to Van Buren County pursuant to a contract among Van Buren County, the Townships and the Authority; and

WHEREAS, Act 233 authorizes an authority established thereunder to acquire sewage disposal systems and water supply systems as defined therein and to improve, enlarge, extend, finance and operate such systems; and

WHEREAS, by the terms of Act 233, the Authority and the Townships are authorized to enter into a contract for the acquisition, financing and operation of the 1998/2000 Improvements and for the payment of the cost thereof by the Townships, with interest, over a period of not exceeding forty (40) years, and the Authority is then authorized, pursuant to appropriate action of its Commission, to issue its bonds to provide the funds for the 1998/2000 Improvements to be paid for and used by the Townships, secured by the full faith and credit contractual obligations of the Townships; and

WHEREAS, Act 233 provides, in the opinion of the Townships and the Authority, the most efficient means of acquiring the 1998/2000 Improvements and in connection therewith providing funds to refund the 1998/2000 Bonds to enable the Townships to better manage their outstanding debt service obligations with respect to the System; and

WHEREAS, a description of the 1998/2000 Improvements is set forth in attached Exhibit A and an estimate of cost and period of usefulness of the 1998/2000 Improvements are set forth in attached Exhibit B; and

WHEREAS, in order to finance the acquisition of the 1998/2000 Improvements and to issue such bonds, it is necessary that the Authority and the Townships enter into this Contract; and

WHEREAS, it is also necessary for the Authority and the Townships to contract relative to the operation and maintenance of the 1998/2000 Improvements and the use thereof to serve residents and customers of the Townships.

In consideration of the covenants of each other, the Authority and the Townships agree as follows:

1. The Authority and the Townships approve the acquisition of the 1998/2000 Improvements for the Townships under the provisions of Act 233, the purposes for which are to dispose of sanitary sewage originating in the District and to supply water throughout the District. The 1998/2000 Improvements are hereby designated "1998/2000 Casco-South Haven Wastewater Treatment System and Water Supply System Improvements."

2. The 1998/2000 Improvements shall consist of sanitary sewer lines, sewer service leads, force mains, water lines, mains, valves, hydrants and other facilities substantially as indicated in Exhibit A attached hereto.

3. The Authority and the Townships approve the estimate of cost of the 1998/2000 Improvements consisting of the items set forth in Exhibit B attached hereto and the estimate of 30 years and upwards as the period of usefulness thereof, as certified by Midwest Civil Engineers, the consulting engineers for the System.

4. After the execution of this Contract by the Authority and the Townships, the

Authority shall take or cause to be taken all actions required or necessary, in accordance with Act 233, to procure the issuance and sale of bonds by the Authority, in one or more series (the "2010 Bonds"), as more fully provided in paragraph 6 of this Contract. The 2010 Bonds shall be issued in anticipation of and be payable from the payments to be made to the Authority by the Townships as provided in this Contract, and the 2010 Bonds shall be payable in annual maturities the last of which shall be not more than 30 years from the date thereof.

5. It is understood and agreed by the parties that the 1998/2000 Improvements are to serve each Township and that the responsibility of serving the individual users connected to the 1998/2000 Improvements shall be that of each Township, which shall bill and collect, or provide for the billing and collection of, all charges in connection therewith and shall operate and maintain the 1998/2000 Improvements as herein provided or cause such operation and maintenance to be carried out on their behalf. The Townships represent that they have entered into a Franchise and Wastewater Service Agreement dated December 28, 1994, with the City of South Haven (the "City") which provides, among other things, that the City will bill and collect the charges for use of the 1998/2000 Improvements, will operate and maintain the 1998/2000 Improvements and will remit charges imposed by either or both Townships over and above operation, maintenance and replacement charges to the Authority. The Authority shall not be obligated by this Contract to serve any area outside the District, or to acquire any facilities other than those designated in paragraph 2 hereof, and neither Township shall provide such service outside the District or extend or enlarge the 1998/2000 Improvements without the express written consent of the Authority in the form of an amendment to this Contract. The Authority shall not serve individual users directly, unless by agreement among the Authority and the Townships.

6. The cost of the 1998/2000 Improvements is to be financed by the issuance of the 2010 Bonds and the principal of and interest on the 2010 Bonds shall be charged to and paid by the Townships. The term "cost" as used herein shall include all items of cost of the type set

forth in Exhibit B attached hereto, including all costs necessary to refund the 1998/2000 Bonds, and any other items of cost of a similar nature incurred by the Authority in acquiring the 1998/2000 Improvements, as may be set forth in any revision of Exhibit B and agreed to by the parties hereto. The aggregate principal amount of the 2010 Bonds shall not exceed the estimated cost of the 1998/2000 Improvements, as set forth in attached Exhibit B, unless each Township, by resolution of its legislative body, (i) approves the increased cost and (ii) agrees to pay the increased amount in cash or by specifically authorizing the maximum principal amount of 2010 Bonds to be issued to be increased to an amount which will provide sufficient funds to meet the increased cost and a similar increase in its installment obligation pledged under the terms of this Contract to the payment of the 2010 Bonds.

If a grant, advance or payment becomes available with respect to the 1998/2000 Improvements from the State or Federal government or any other source and the Townships each determine that it is in the best interest of the System to accept such grant, advance or payment, then each Townships agrees to adopt such resolutions or ordinances as may be required by State or Federal laws, regulations or orders to make the Authority, the 1998/2000 Improvements, the System and the District eligible to accept and receive the grant, advance or payment. If the terms of the grant, advance or payment require a local contribution, each Township agrees to raise and contribute its share thereof.

7. After payment of all costs of acquiring the 1998/2000 Improvements, any surplus remaining from the sale of the 2010 Bonds shall be retained by the Authority and used for the payment of the principal of or interest on the 2010 Bonds next falling due, and in such event, the contractual obligation of the Townships with respect to such maturities shall be reduced by the amount so retained and used. In the alternative, the surplus funds may be used to improve, enlarge and extend the System on the approval by resolution of the legislative body of each Township and of the Commission of the Authority.

8. No change in the jurisdiction over any territory in either Township shall in any manner impair the obligations of this Contract based on the full faith and credit of the Townships. In the event all or any part of the territory of either Township which is in the District is incorporated as a new city or is annexed to or becomes a part of the territory of another municipality, the municipality into which such territory is incorporated or to which such territory is annexed shall assume the proper proportionate share of the contractual obligation and capacity in the 1998/2000 Improvements of the Township from which such territory is taken, based upon a division determined by the Authority, which shall make such determination after taking into consideration all factors necessary to make the division equitable, and in addition shall, prior to such determination, receive a written recommendation as to the proper division from a committee composed of one representative designated by the governing body of the Township from which the territory is taken, one designated by the governing body of the new municipality or the municipality annexing such territory, and one independent registered engineer appointed by the Authority. Such Township and such municipality shall each appoint its representative within thirty (30) days after being notified to do so by the Authority and within a like time the Authority shall appoint the engineer third member. If such Township or such municipality shall fail to appoint its representative within the time above provided, then the Authority may proceed without such appointment. If the committee shall not make its recommendation within forty-five (45) days after its appointment or within any extension thereof by the Authority, then the Authority may proceed without a recommendation from the committee. In the consideration of the matters herein provided, including the designation of the third member of the committee, any member of the Authority who is also an official of the Township from which the territory is taken or the new or annexing municipality shall be disqualified to act or vote.

9. As used in this Contract, "Percentage Share" shall mean for each Township, that portion of the principal of and interest on the 2010 Bonds and bond service charges for which it

is responsible, as set forth in Exhibit C attached hereto. Each Township shall each pay its Percentage Share of the principal of and interest on the 2010 Bonds and all paying agent fees and other expenses and charges, including the administrative expenses of the Authority (“bond service charges”), which are payable on account of the 2010 Bonds.

It is understood and agreed that each Township has imposed and/or will impose connection charges, debt service charges and special assessments with respect to certain parcels of land within the District, all of which connection charges and special assessments shall be forwarded to the Authority and received for deposit in the Common Fund as described below. Debt service charges imposed by either or both Townships shall be billed and collected by the City and remitted to the Authority for deposit in the Common Fund.

A single common fund (the “Common Fund”) to be held by the Authority has been created, and within such Fund there has been established a Debt Service Account and a Renewal, Replacement and Improvement Account. All collections of special assessments, connection charges and debt services charges in respect of the System shall be deposited and used as follows:

- (a) Debt Service Account. All collections of special assessments, connection charges and debt service charges, and any other payments in respect of the System, if any, shall be deposited in the Debt Service Account and within such Account the Authority shall account separately for special assessments collected within and debt service charges and connection charges imposed by Casco Township and for special assessments collected within and debt service charges and connection charges imposed by South Haven Charter Township. Amounts in the Debt Service Account shall be used by the Authority to pay the principal of and interest and bond service charges on the 2004 Allegan Bonds, the 2004 Van Buren Bonds and the 2010 Bonds. Any surplus remaining in the Debt Service Account after payment in full of the principal of and interest and bond service charges on the 2004 Allegan Bonds, the 2004 Van Buren Bonds and the 2010 Bonds, or provision

therefor, shall be used as determined by the Authority for any lawful purpose relating to the System.

- (b) Renewal, Replacement and Improvement Account. Except as otherwise provided in the preceding paragraph, all collections of connection charges shall be deposited in the Renewal, Replacement and Improvement Account and used to pay the costs of improvements, enlargements or extensions to the System or for any other lawful purpose relating to the System, as determined by the Authority.

Principal of and interest and bond service charges on the 2010 Bonds will be paid as follows. At least forty-five (45) days before any payment on the 2010 Bonds is due, the Authority shall immediately determine whether or not the balance in the Debt Service Account is sufficient to pay the amount due. If the balance exceeds the amount of such billings, the Authority shall withdraw from the Debt Service Account sufficient amounts to pay such billings and shall set aside such withdrawal for transmittal to the bond registrar and paying agent for the 2010 Bonds when due.

If such amount due shall exceed the balance in the Debt Service Account, the Authority shall satisfy such shortfall first from the Renewal, Replacement and Improvement Account to the extent that moneys are on deposit in the Renewal, Replacement and Improvement Account and available therefor and then from moneys paid by each Township, as hereinafter provided. Moneys to be paid by each Township shall be paid first by such Township to the extent that it has not collected and forwarded to the Authority all of its special assessments levied to date and then, to the extent necessary, by the Townships according to their Percentage Shares. Following a determination by the Authority as to the amounts to be paid by each Township to satisfy the shortfall, the Authority shall promptly and by certified mail notify each Township of the amount due, and each Township, within fifteen (15) days after receipt of such notice, shall each remit the additional moneys required to the Authority. The Authority shall then set aside for transmittal to the bond registrar and paying agent for the 2010 Bonds all such debt

service and bond service charges for the 2010 Bonds when due from moneys in the Debt Service Account and the Renewal, Replacement and Improvement Account, if any, and moneys provided by the Townships.

The Authority and the Townships agree that the Percentage Shares will remain fixed for the life of the 2010 Bonds, regardless of any arrangements between the Townships for transfer of capacity rights, or otherwise, and that the Townships shall each remain primarily responsible for prompt and proper payment of their respective Percentage Shares of such charges. The Authority will keep each Township informed of the status of all funds held by it, so that each Township may be made aware as early as possible of any potential deficiencies in the Debt Service Account which might require them to make available additional debt service and bond service charge amounts to the Authority or to levy ad valorem taxes.

The Authority shall, within thirty (30) days after delivery of the 2010 Bonds, furnish each Township with a complete schedule of maturities of principal and interest thereon.

Each Township covenants and agrees, not less than thirty (30) days prior to the due date of any principal or interest and bond service charges on the 2010 Bonds, to remit or cause to be remitted to the Authority sufficient funds to meet its Percentage Share of such principal, interest and bond service charges.

If either Township shall fail to pay its Percentage Share of any principal or interest or any bond service charges when due, the amount not so paid shall be subject to a penalty in addition to interest of one percent (1%) for each month or fraction thereof that the same remains unpaid after the due date. Each Township may pay in advance of maturity all or any part of an annual installment due to the Authority, by surrendering to the Authority 2010 Bonds of a like principal amount maturing in the same calendar year. Failure of the Authority to furnish the schedule or give the notice as above required shall not excuse the Townships from their respective obligations to make payment when due. It is specifically recognized by the

Townships that the payments required to be made by them pursuant to the terms of this Contract are to be pledged for the payment of the principal of and interest on the 2010 Bonds and each Township covenants and agrees that it will make its required payments to the Authority promptly and at the times herein specified so long as this Contract remains in effect, without regard to whether the 1998/2000 Improvements are operational.

The Authority agrees that upon the written request of either or both Townships, it shall take all necessary steps to call for redemption those 2010 Bonds designated in such request, provided that either or both Townships, as the case may be, shall have furnished the Authority with sufficient funds to effect such redemption on or before the date notice of such redemption is to be given.

10. Each Township, pursuant to the authorization in Section 12a of Act 233, pledges for the prompt and timely payment of its obligations expressed in this Contract, not to exceed 25% of the money derived from the State sales tax levied pursuant to law and from time to time returned to it under Section 10 of Article 9 of the Michigan Constitution of 1963. In the event that either or both Townships shall fail for any reason to pay to the Authority at the times specified, the amounts required to be paid, the Authority shall immediately notify, in writing, the Treasurer of the State of Michigan, the County Treasurers of Allegan County and Van Buren County, and the governing body of whichever or both of the Townships is in default, of such default and the amount thereof, and if such default is not corrected within ten (10) days after such notification, the County Treasurer of Allegan County and/or the County Treasurer of Van Buren County, as the case may be, or any other official charged with disbursement of such money to either or both Townships, as the case may be, is specifically authorized by either or both Townships, as the case may be, to withhold sufficient funds from such money returnable to either or both Townships, as the case may be, and to pay the sums so withheld to the Authority to apply on the obligation of either or both Townships, as the case may be, to the extent permitted by law. Any such moneys so withheld and paid shall be considered to have

been returned to either or both Townships, as the case may be, within the meaning of the Michigan Constitution of 1963, the purpose of this provision being solely to authorize voluntarily the use of such funds to meet past due obligations of the Townships, if any. In addition to the foregoing, the Authority shall have all other rights and remedies provided by law to enforce the obligations of the Townships to make payments in the manner and at the times required by this Contract. Neither Township will take any action to reduce the right of the Authority to receive money derived from the state sales tax in the event of default.

11. The parties hereto agree that the costs and expenses of any lawsuits arising directly or indirectly out of this Contract or the construction or financing of the 1998/2000 Improvements, to the extent that such costs and expenses are chargeable against the Authority, shall be deemed to constitute a part of the cost of the 1998/2000 Improvements and shall be paid to the Authority in the same manner as herein provided with respect to other costs of the 1998/2000 Improvements. In the event of such litigation, the Townships shall consult with the Authority and shall retain legal counsel agreeable to the Authority to represent the Authority; provided that if the Authority cannot agree with the Townships as to such representation within a reasonable time, the Authority shall exercise its discretion as to the retention of such counsel. This paragraph 11 shall not apply to a lawsuit instituted by either Township to enforce its rights under this Contract.

12. Each Township, pursuant to the authorization of subsection (1) of Section 7 of Act 233, pledges its full faith and credit for the prompt and timely payment of its obligations expressed in this Contract. If other funds are not available, each Township shall pay such obligations from its general funds as a first budget obligation and shall each year, commencing with the year 2010, levy an ad valorem tax on all taxable property in its unincorporated area, in an amount which, taking into consideration estimated delinquencies in tax collections, will be sufficient to pay its obligations under this Contract becoming due before the time of the following year's tax collections; provided, however, that if, at the time of making such annual

tax levy, there shall be other funds on hand earmarked and set aside for the payment of such contractual obligations falling due prior to the next tax collection period, then the annual tax levy may be reduced by such amount; provided, further, that the annual tax levy is understood and agreed to be subject to applicable constitutional and statutory limitations as to rate and amount inasmuch as this Contract has not been approved by a vote of the electors of either Township. Such other funds may be raised in the manner provided in paragraph (1), Section 7 of Act 233, it being specifically understood that, to provide all or part of such other funds, each Township has imposed and/or will impose and collect a combination of connection charges, debt service charges and special assessments with respect to certain parcels of land within the District.

13. This Contract is contingent upon the Authority issuing its 2010 Bonds as set forth in paragraphs 4 and 6 of this Contract, to pay the estimated cost of the 1998/2000 Improvements, which 2010 Bonds shall be issued pursuant to Act 233. If the 2010 Bonds are not sold to finance the cost of the acquisition of the 1998/2000 Improvements within three years from the date of this Contract through no fault of the Authority, each Township shall pay on a pro rata basis (determined consistent with the allocation of costs of the 1998/2000 Improvements between the Townships as set forth in Exhibit C) all engineering, legal, financial and other costs and expenses incurred by the Authority in connection with the proposed acquisition of the 1998/2000 Improvements.

14. Each Township consents to the establishment and location of the 1998/2000 Improvements as described in Exhibit A and permits and licenses the Authority to use the streets, highways, alleys and public ways and places in the Township in which to locate, establish, maintain and operate the 1998/2000 Improvements and the facilities thereof. Following the acquisition of the 1998/2000 Improvements, all necessary easements, rights of way and other interests in land for the 1998/2000 Improvements shall be transferred to and held in the name of the Authority.

15. Upon acquisition of the 1998/2000 Improvements, the 1998/2000 Improvements shall continue to be operated and maintained upon the following terms and conditions:

- (a) The 1998/2000 Improvements shall be used only to serve the area in the District.
- (b) The 1998/2000 Improvements shall be operated by qualified personnel, all in accordance with the standards and regulations from time to time promulgated by the Authority and so as to keep the 1998/2000 Improvements in good condition and repair.
- (c) Neither Township nor the Authority shall permit the discharge into the Wastewater Treatment System of any sewage in violation of the standards and regulations controlling the discharge of industrial and/or commercial type waste into the Wastewater Treatment System as the standards and regulations may be promulgated from time to time by the Authority, the State of Michigan or the Environmental Protection Agency.
- (d) The parties shall make and collect, or cause to be made and collected, from the individual users of the 1998/2000 Improvements such charges for sewage disposal services and water supply services as shall be sufficient at least to pay the charges to be made for sewage disposal services and water supply services, the cost of operating and maintaining the 1998/2000 Improvements, and to establish a fund for replacements, improvements and major maintenance of the 1998/2000 Improvements. In addition, each Township may make and collect, or cause to be made and collected, such charges to individual users as shall be necessary to pay the operating and collection costs of such Township and to provide such other funds for sewage disposal purposes and water supply purposes as are deemed desirable. Each Township shall adopt ordinances and regulations to enforce prompt payment of all such charges as the same shall become due.

- (e) Each Township shall establish by ordinance such charges as specified in subparagraph (d), to be paid to such Township.
  
- (f) The Authority shall make an annual written report to the Townships showing in reasonable detail, the expenses and receipts of operating and maintaining the 1998/2000 Improvements and showing the results of an annual inspection of all of the 1998/2000 Improvements by a qualified engineer employed by the parties, and furnish proof of the maintenance of the insurance as hereinafter provided.
  
- (g) During the term of this Contract, the parties shall maintain, or cause to be maintained, insurance on the facilities of the 1998/2000 Improvements, and with respect to its operation, maintenance and use which insurance shall be in such amounts and shall cover such risks, liabilities and occasions as is usual and customary with respect thereto. The insurance shall be maintained for the benefit and protection of the Authority and the Townships.

16. The Authority and the Townships each recognize that the holders from time to time of the 2010 Bonds to be issued by the Authority under the provisions of Act 233 and secured by the full faith and credit pledge of each Township to the making of its payments as set forth in this Contract, will have contractual rights in this Contract and it is therefore covenanted and agreed by all of them that so long as any of the 2010 Bonds shall remain outstanding and unpaid, the provisions of this Contract shall not be subject to any alteration or revision which would adversely affect either the security of the 2010 Bonds or the prompt payment of principal of or interest on the 2010 Bonds. The Authority and each Township further covenant and agree that they will comply with their respective duties and obligations under the terms of this Contract promptly, at the times and in the manner herein set forth, and will not suffer to be done any act which would in any way impair the 2010 Bonds, the security therefor, or the prompt payment of principal of and interest on the 2010 Bonds. It is declared

that the terms of this Contract insofar as they pertain to the security of any 2010 Bonds, shall be deemed to be for the benefit of the holders of the 2010 Bonds.

17. This Contract shall become effective upon approval by the legislative bodies of each Township and by the Commission of the Authority, and when duly executed by the authorized officers of each Township and the Authority. This Contract shall terminate forty (40) years from the date of this Contract, or upon such earlier date when all 2010 Bonds issued by the Authority pursuant to this Contract and interest thereon are paid and fully discharged or provision has been made therefor and the Townships are not in any manner or amount in default hereunder. This Contract may be executed in several counterparts.

18. All notices required or permitted by this Agreement shall be in writing and shall be delivered personally or sent by certified mail, return receipt requested, postage prepaid, to the following addresses:

If to the Authority:

c/o South Haven Township  
09761 Blue Star Highway  
South Haven, Michigan 49090  
Attention: Authority Secretary

If to the Casco Township:

7104 107th Avenue  
South Haven, Michigan 49090  
Attention: Supervisor

If to the South Haven Charter Township:

09761 Blue Star Highway

South Haven, Michigan 49090

Attention: Supervisor

19. All disputes arising under this Contract shall first be referred to a committee to consist of the Chairman of the Authority and the Supervisors of each Township. The Committee shall meet in an effort to resolve the dispute. If deemed necessary, the committee shall draft for consideration by respective parties hereto appropriate amendments to this Contract to clarify any item or to address additional matters. If the dispute cannot be resolved, the parties may use any other appropriate legal remedy.

The provisions of this Contract shall be in full force and effect and binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed and delivered by their respective duly authorized officers, all as of the day and year first written above.

SOUTH HAVEN TOWNSHIP AND CASCO  
TOWNSHIP WATER AND SEWAGE  
TREATMENT AUTHORITY

By: \_\_\_\_\_

Its: Chairman

And: \_\_\_\_\_

Its: Secretary

TOWNSHIP OF CASCO

By: \_\_\_\_\_

Its: Supervisor

And: \_\_\_\_\_

Its: Township Clerk

CHARTER TOWNSHIP OF SOUTH HAVEN

By: \_\_\_\_\_

Its: Supervisor

And: \_\_\_\_\_

Its: Township Clerk

## EXHIBIT A

### DESCRIPTION OF 1998/2000 CASCO-SOUTH HAVEN WASTEWATER TREATMENT SYSTEM AND WATER SUPPLY SYSTEM IMPROVEMENTS

#### 1998 IMPROVEMENTS

##### SOUTH HAVEN PROJECT

The South Haven Project of the 1998 Improvements consists of 12" and 8" water mains; 8" sanitary sewer; 6" sewer service leads; 4" and 6" force mains; fire hydrants; valves; 1", 2" and 4" service lines and appurtenances to residential and commercial property owners. The South Haven Project also consisted of site restoration and drives/roadway repair. Included within this project's boundary are the following properties:

##### Contract #1:

All properties adjacent to and along 73<sup>rd</sup> Street between Highway M-43 and 8<sup>th</sup> Avenue, excluding Lots 175, 175-B, 179, 181-B, 181-B2, and 181-C; all properties along Highway M-43 between Highway I-196 and 12<sup>th</sup> Avenue, including Lot 380 and excluding Lot 189-A; the properties adjacent to 12<sup>th</sup> Avenue starting at CR 689 and extending West approximately 1,800 feet, with the westernmost properties being Lots 17 and 340-B; and the properties along the west side of CR 689 starting at 12<sup>th</sup> Avenue and extending North approximately 1,900 feet, including Lots 149 and 149-B, which are located on the eastern side of CR 689.

##### Contract #2:

All the properties along and adjacent to the south side of Phoenix Road between 73<sup>rd</sup> Street and CR 689; the following properties along the north side of Phoenix Road: Lots 36-A, 25-B2, 25-B, 25-B3, and 25-B1; all the properties adjacent to CR 689 between Phoenix Road and 8<sup>th</sup> Avenue; and all properties along and adjacent to 6<sup>th</sup> Avenue starting at CR 689 and extending West approximately 1,300 feet, with the westernmost properties being Lots 1 and 141-A.

##### Contract #3:

All properties adjacent to and along 76<sup>th</sup> Street between 12<sup>th</sup> Avenue and Evergreen Bluff, including Lot 295-B; the following property on 12<sup>th</sup> Avenue: 327-B; and all properties adjacent to and along 11<sup>th</sup> Avenue and Auvergne Drive.

##### CASCO PROJECT

The Casco Project of the 1998 Improvements consists of 12" and 8" water mains; 8" and 10" sanitary sewers; 6" sewer service leads; 1½", 3", 4" and 6" force main; fire hydrants; valves; 1", 2" and 4" service lines and appurtenances to residential and commercial property owners. The Casco Project will also consisted of site restoration and drives/roadway repair. Included within this project's boundary are the following properties:

##### Contract #4:

All properties adjacent to and along the entire length of 74<sup>th</sup> Street; and all properties along Lake Ridge Road between 74<sup>th</sup> Street and Blue Star Highway are to receive water and sewer service. All properties adjacent to Blue Star Highway between Lake Ridge Road and 4<sup>th</sup> Avenue, excluding Scotsonia Park; and all properties along 4<sup>th</sup> Avenue and within the Pinnacles development are to receive sewer

service only.

Change Order:

All properties adjacent to Northshore Drive starting at Blue Star Highway and extending West 1,700 feet, with the westernmost properties being Lots 1457 and 1464, shall receive water service only.

## 2000 IMPROVEMENTS

The 2000 Improvements consist of 8" and 12" water mains; 8" sanitary sewer; 6" sewer leads; 4" and 6" force mains; fire hydrants; valves; 1" and 2" water service lines and appurtenances to residential and commercial property owners. The 2000 Improvements also consisted of site restoration and drives/roadway repair. Included within the Project's boundary are the following properties:

All that property located along and within 250 feet of right-of-way of the following streets:

### SOUTH HAVEN PROJECT

#### WATER & SEWER

77<sup>th</sup> Street from 18<sup>th</sup> Avenue to 14<sup>th</sup> Avenue (excluding parcels described as Map Nos. 285, 285A, 285B, 286, 289, 297, 297A, 475-K, 475-A1, 475-F, 472-D), 16<sup>th</sup> Ave. from 76<sup>th</sup> St. to 77<sup>th</sup> St., (excluding Map Nos. 288, 478-F) the north side of 14<sup>th</sup> Ave. from 77<sup>th</sup> St. to the east edge of the parcel described as Map No. 281-C, Thornhouse Court from 14<sup>th</sup> Ave. northerly to the end, all of the lots in Marwood Estates, all of the lots in Winding Creek Estates, and all of the lots in Pinewood Lane, also including Map No. 638-A-2.

South side of Baseline Road from 820 feet west of Blue Star Hwy. to the east edge of the parcel described as map no. 42, also parcels described as map nos. 61, 42-A, 42-I, 42-G, and 42-H, Phoenix Road (CR 388) from 71 1/2 St. east to the east edge of the parcel described as Map No. 25 on the north side and the east edge of the parcel described as Map No. 119 on the south side, (excluding Map Nos. 127 and 127-C).

### CASCO PROJECT

#### WATER

North of Baseline Road from 820 feet west of Blue Star Hwy. to the east end at Interstate Highway 196, Blue Star Hwy. from Baseline Road to Lakeridge Road, Euclid Ave. from 200 feet south of North Shore Drive to Adams St., Pershing Ave. from 200 feet south of North Shore Drive to Adams St., Adams St. and Washington St. westerly from Euclid Ave. to North Shore Dr., 101<sup>st</sup> St. from 74<sup>th</sup> Ave. to Blue Star Hwy.

#### SEWER

North of Baseline Road from 500 feet west of Blue Star Hwy. to the east end at Interstate Highway 196, Blue Star Hwy. from Baseline Road to North Shore Drive (East side only), 101<sup>st</sup> St. from 74<sup>th</sup> Ave. to Blue Star Hwy.

Mount Pleasant Subdivision, Sunset Shores Subdivision Lakeshore Dr., and Blue Star Hwy.:

#### WATER

Blue Star Hwy. from North Shore Dr. to Lake Ridge Road, Blue Star Hwy. from 700 feet north of Lake Ridge Road to 250 feet north of Beethoven St., all of the streets in the area commonly known as Mount Pleasant which is comprised of three separate subdivision (Mount Pleasant Manor, Mount Pleasant Lake Shores & Workman's Circle) and all of the streets in Sunset Shores Subdivision.

#### SEWER

Blue Star Hwy. from Center St. (formerly 4<sup>th</sup> St.) to 250 feet north of Beethoven St., all of the streets in the area commonly known as Mount Pleasant which is comprised of three separate subdivision (Mount Pleasant Manor, Mount Pleasant Lake Shores & Workman's Circle) and all of the streets in Sunset Shores Subdivision.

EXHIBIT B

1998/2000 CASCO-SOUTH HAVEN WASTEWATER TREATMENT SYSTEM  
AND WATER SUPPLY SYSTEM IMPROVEMENTS  
ESTIMATE OF COST

Acquisition of 1998/2000 Improvements*		\$13,725,000
Costs of Issuance:		
Bond Counsel	\$60,000	
Financial Advisor	45,000	
Official Statement	5,000	
Rating Fees	20,000	
Publishing Notices	2,700	
Filing fees	2,300	
Underwriting Discount	<u>140,000</u>	<u>275,000</u>
Total		\$14,000,000

\*Represents the amount necessary to refund the 1998/2000 Bonds.

The undersigned hereby estimates the period of usefulness for the 1998/2000 Casco-South Haven Wastewater Treatment System and Water Supply System Improvements in the Counties of Van Buren and Allegan to be thirty (30) years.

MIDWEST CIVIL ENGINEERS

By: \_\_\_\_\_

Its: \_\_\_\_\_

EXHIBIT C

PERCENTAGE SHARES

The Percentage Shares for the payment of principal of and interest and bond service charges on the 2010 Bonds are as follows:

Township of Casco	51.52%
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Charter Township of South Haven	48.48%
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At a regular meeting of the Township Board of the Township of Casco, Allegan County, Michigan, held on January 11, 2010.

PRESENT: Overhiser, Graff, Winfrey, Ridley, & Cowie

ABSENT: None

The Clerk presented to the Township Board a form of contract dated as of January 1, 2010, among the South Haven Township and Casco Township Water and Sewage Treatment Authority (the "Authority") and the Township of Casco ("Casco Township") and the Charter Township of South Haven ("South Haven Charter Township" and together with Casco Township, the "Townships") relative to the acquisition and financing of existing improvements to the Casco-South Haven Wastewater Treatment System and the Casco-South Haven Water Supply System (the "1998/2000 Improvements") that were originally financed by bonds issued by the County of Van Buren on behalf of the Townships in 1998 and 2000 (the "1998/2000 Bonds") and a form of notice.

After discussion of the contract and the notice, the following Resolution #100111C was offered by Cowie and seconded by Winfrey:

BE IT RESOLVED:

1. The Township Board hereby approves the 1998/2000 Casco-South Haven Wastewater Treatment System and Water Supply Improvements Contract to be dated as of January 1, 2010 (the "Contract"), among the Authority and the Townships, in respect to the acquisition and financing of the 1998/2000 Improvements, which contract provides, among other things, that the Authority will issue its bonds (the "2010 Bonds") to defray the cost of the 1998/2000 Improvements and in connection therewith cause the 1998/2000 Bonds to be refunded, in anticipation of payments to be made by the Townships which payments will be sufficient to pay the principal of and interest on the 2010 Bonds.

2. As set forth in the Contract, Casco Township hereby pledges its full faith and credit for the prompt and timely payment of its obligations to the Authority set forth in the Contract, and as additional security for the prompt and timely payment of its obligations to the Authority set forth in the Contract, hereby pledges 25% of the money derived from the State sales tax levied pursuant to law and from time to time returned to it under Section 10 of Article 9 of the Michigan Constitution of 1963. Taxes levied by Casco Township will be subject to applicable statutory and constitutional tax limitations.

3. The Supervisor and the Clerk are authorized and directed to execute and deliver the Contract for and on behalf of Casco Township (in such number of counterparts as may be desirable); PROVIDED, however, that the Contract shall not become effective until the expiration of 45 days after publication of the notice presented to this Township Board at this meeting. If within such 45-day period a petition requesting a referendum upon the Contract, signed by at least 10% or 15,000, whichever is the lesser, of the registered electors residing in Casco Township, shall have been filed with the Clerk, then the Contract shall not become effective until approved by a majority vote of the qualified electors of Casco Township voting thereon at a general or special election.

4. The Clerk is authorized and directed to publish the notice presented on this date in the South Haven Tribune so as to be prominently displayed therein. This Township Board finds and declares that such newspaper is a qualified newspaper of general circulation in Casco Township and that the notice contains information which is sufficient to inform adequately all interested persons as to the nature and extent of the obligations of Casco Township under the Contract and as to the right to petition for a referendum thereon and the consequences of failure to exercise such right. A copy of the notice shall be attached to the minutes of this meeting.

5. A copy of the Contract presented on this date and herein approved and authorized to be executed and delivered shall be attached to the minutes of this meeting and made a part thereof and shall be placed on file with the Clerk and made available for examination by any interested person during normal business hours.

6. The Supervisor is authorized and directed, if necessary, to file with the Michigan Department of Treasury an application for approval of the 2010 Bonds.

7. The Supervisor or the Clerk is authorized, if necessary, to approve the circulation of a preliminary and final official statement for the 2010 Bonds, to cause the preparation of those portions of the preliminary and final official statement that pertain to Casco Township, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"). The Supervisor or the Clerk is authorized to execute and deliver such certificates and to do all other things that are necessary to effectuate the sale and delivery of the 2010 Bonds.

8. The Supervisor or the Clerk is authorized to execute a certificate of Casco Township, constituting an undertaking to provide ongoing disclosure about Casco Township for the benefit of the holders of the 2010 Bonds as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). Casco Township covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

YEAS: Graff, Cowie, Overhiser, Ridley, Winfrey

NAYS: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN        )  
  )  
COUNTY OF ALLEGAN        )

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Casco, Allegan County, Michigan at a regular meeting duly called and held on January 11, 2010, the original of which resolution is on file in my office. I further certify that notice of said meeting was given in accordance with the open meetings act.

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Clerk  
Township of Casco

Approved 2/15/10

Special Meeting, Casco Township Board of Trustees  
**Monday, January 18, 2010, 7:00 p.m.**

Supervisor Overhiser called the meeting to order at 7:02 p.m., leading in the pledge of allegiance. The agenda was reviewed, namely focused on Parks & Recreation matters including organizational matters for the Parks & Recreation committee, progress on the Stefan acquisition and beach owned by the State of Michigan, and addressing SLU fees.

Overhiser invited public comment.

J. Patrick Lennon, Attorney from Miller Canfield, Paddock and Stone, PLC appeared to address matters concerning the First Street ROW. The Supervisor explained that this matter will be formally addressed at our February regular Board meeting, and Mr. Lennon chose not to speak further.

Overhiser introduced Pam Blough, a consultant with whom Casco Township has contracted. Her task will be to work with the Parks & Recreation committee on a variety of issues, including Parks & Recreation Committee tasks and operating rules, and development of the Stefan acquisition.

**Parks & Recreation Committee Bylaws:** Blough presented draft bylaws. Several items were discussed at length, with the following edits suggested:

- The committee shall, by motions, make recommendations to the Board of Trustees.
- A purpose of the committee includes expanding parks and recreation services for the Casco community.
- The membership shall include one Trustee and 3 members who are either full time or part time residents.
- The chair shall notice the date, time, place, and purpose of any special meeting at the Township Hall, and notify the Clerk of the special meeting.
- The Chair and Vice Chair will not be a member of the Board of Trustees.
- The secretary or recording secretary (who would serve the committee but not be a voting member) shall keep minutes of the meetings.

Blough will provide an edited version of these bylaws. Cowie moved to approve the by-laws as amended, seconded by Ridley; MSC.

**Parks & Recreation Committee Work Plan:** Blough presented a proposed work plan. She hopes to have the Stefan parcel open to the public by Memorial Day and her work plan schedule reflected that goal. Cowie will provide Blough a history of millage funds expended for parks and recreation so she can develop a budget. Blough also announced that new guidelines for MNRTF grant applications are available. Cowie will provide a copy of the agreement and the site plan to Blough regarding the Casco Township Nature Preserve Acquisition (the Stefan parcel).

Blough proposed written correspondence to taxpayers and the wider community regarding parks and recreation activity. Cowie suggested that a public dedication service be included in the plans to open the Stefan parcel as the Casco Township Nature Preserve.

Overhiser reported on the SHARP park. There is renewed interest on the City's part in creating an operational authority to run SHARP.

Brief discussion ensued about grant opportunities available to SHARP (which may be a competitor for development funds for the Stefan acquisition), and our ability to access grant funds from the coastal grant program since the Stefan parcel is along Lake Michigan. In kind gifts can be counted as matches and it is hoped in kind gifts will be utilized in developing the Nature Preserve.

Action Items:

**Stefan Acquisition:** Cowie provided an update. The attorney for the trust has forwarded draft closing documents to the MNRTF's accounting office and we await a response. Cowie distributed a list of items that need to be assembled to close on the project, most of which are handled by the Trust attorney.

**Special Land Use applications:** Overhiser proposed waiving fees for SLU requests that relate to public improvements, such as the SHARP park. The SLU permission process applies to home occupations, and our fee of \$500 seems out of sync with some recent requests that add a land use to an existing home or farm. Overhiser proposes lowering the fee for an SLU request to \$100 if it's an ancillary use to a home or existing land use, and takes place during a regular meeting.

Cowie recused herself from the discussion as she and her husband plan to apply for a SLU permit in the near future.

Graff concurred that the \$500 fee is extraordinarily burdensome and is interested in seeing that fee lowered when the SLU is an ancillary use rather than a primary use of the property.

Ridley moved to waive the fee for Special Land Use permit requests when the proposed use is a public improvement and to lower the fee to \$100 when the SLU is an ancillary use and the permit request is considered during a regularly scheduled meeting, seconded by Graff: in a roll call vote, Ridley, Overhiser, Winfrey, and Graff all voted yes with Cowie abstaining. It was understood that the Zoning Administrator reviews all SLU requests and will determine whether the request is a primary or ancillary use of any property.

Overhiser then proposed refunding all fee monies beyond \$100 to two parties who have applied for and received SLU permits under these guidelines, a day care provider in a private home, and a commercial kitchen on a farm. Graff moved to refund all but \$100 to these two parties, seconded by Cowie; MSC.

**Appointment of Additional Members to the Parks & Recreation Committee:** Overhiser stated that four persons have expressed interest in serving on the Parks & Recreation committee: Tom Storr, Paula Arendson, John Johnson, and Tamara Kick. There are only three positions available; Overhiser moved to name Tom Storr, Paula Arendson, and John Johnson to the committee, with the terms of service being staggered with those already on the committee (Bruce Brandon, Sandra Warren, and Samuel Fleming). Judy supported this motion; MSC. Judy Graff is the Trustee serving on the committee.

Discussion ensued about establishing a recording secretary for the Parks & Recreation committee. Cowie suggested Tamara Kick, as this would allow her to be present at all the meetings and be informed of all proceedings (though not having a vote). Cowie will contact Kick to see if she is interested.

The **next meeting of the Parks & Recreation Committee is Tuesday, February 9 at 7:00 p.m.** The committee was also invited to the February 6 annual joint meeting/workshop with the Board of Trustees, the Planning Commission, and the ZBA (hosted by the Planning Commission).

Allan Overhiser asked **Bruce Brandon to chair the committee**, given his tenure on the committee. He willingly accepted, though he will be out of town for the February 9 meeting.

Cowie explained the **status of the Maple Grove acquisition**, in that it was not funded by the MNRTF, but the MNRTF board thought favorably of the project and also scored it relatively high. It was skipped over and other projects were funded, and this was due to the MNRTF decision to fund the Denison property and then “spread the money around” the State (geographically) (in conversation with our grant coordinator).

Mr. Hanenburg is willing to make the Maple Grove parcel available for us to reapply for the grant; the Parks & Recreation committee should consider this opportunity and communicate with the Board of Trustees in time for the April 1 deadline.

**Acquisition of Miami Park Beach owned by the State of Michigan:** The Board of Trustees, approximately two years ago, contacted the State of Michigan about land the State owns along the beach in Miami Park. The State has recently contacted us about the possibility of selling this land (two parcels) to the Township. The price is being set through an appraisal process and it is in the ballpark of \$27,000.

It is a way for Casco Township to take title to the beach. There is room in the area available for parking. There are 40’ easements at the end of roads providing access to the Lake, and stairs could be put on the public right of way over the bluff. The length of the beach is 1100’. Consensus was to pursue the matter and Cowie will communicate that to Lansing.

**Other matters:**

Judy Graff announced that January is **School Board Recognition Month** and she asked that we express appreciation to the Boards of South Haven Public Schools and Fennville Schools for the work they do in the community, in public education. Graff moved approval of this endeavor, seconded by Ridley; MSC.

**Public Comment:**

Pam Blough was thanked for her organizational and leadership skills in bringing focus to the work of the Parks & Recreation committee.

Graff moved to adjourn the meeting at 8:30 p.m., seconded by Winfrey; adjourned.

Julie M. Cowie  
Clerk

Attachments: Parks & Recreation Committee Bylaws showing changes made in discussion on 1/18/2010

**Casco Township**  
**Parks and Recreation Committee**  
**By-Laws**

**1.0 Committee Name**

This Organization shall be known as the Casco Township Parks and Recreation Committee (CTPRC), Allegan County, Michigan, an advisory committee to the Township Board of Trustees.

**2.0 Purpose of the Committee**

The purpose of the CTPRC shall be to advise, support, advocate for and devote effort to planning, developing, expanding, retaining, enhancing, and improving Parks and Recreation services for the Casco Township community.

**3.0 Township Board of Trustees Approval**

The Township Board of Trustees shall approve and appoint all members of the CTPRC, park policies and rules, expenditure of funds, execution of contracts, proposed budgets, paid staffing, volunteer projects, fund raising efforts, development plans, master plans, materials for public distribution, and other items as deemed appropriate by the Township Board of Trustees. The CTPRC shall make recommendations to the Township Board of Trustees on these and other issues regarding parks and recreation. The Township Board of Trustees retains full authority over all proposed actions and can also initiate actions not first recommended by the CTPRC.

**4.0 Committee Members**

4.1 Voting Members. The CTPRC shall consist of seven voting members, all over the age of eighteen, appointed by the Township Board of Trustees. The seven voting members shall include: Not more than two (2) members of the Township Board of Trustees, one (1) full or part-time resident over the age of 60 years, one (1) full-time resident with a school age child(ren), one (1) full or part time resident of the business or farming community affiliated with a business located in Casco Township, and up to

three (3) members, (depending on the number of Township Board members), which are either full-time or part-time residents. The mix of full and part time residents will allow for a year round committee quorum to meet under normal circumstances.

4.2 Non-Voting Members. The Township Board of Trustees may also choose to appoint up to two high school students to the Committee to serve in a non-voting role. Other members of the community and associated groups may attend the public meetings in a non-voting capacity.

### **5.0 Terms of Office**

All members shall serve three year terms beginning January 1 and expiring on December 31 three years thereafter; except for the year 2010 in which the terms shall be as follows: three (3) years for one Township Board Member and the one resident, two (2) years for the resident with school age children and the business member, and one (1) year for the second resident and the resident over sixty years of age, and either the second Township Board member or the third resident. The first term of office shall be from the appointment date in 2010 through December 31, 2012. Members may be reappointed to the CTPRC to serve multiple terms. If a vacancy occurs, a new member shall be appointed to serve the remainder of the term. Student members shall serve a one-year term beginning September 1 and ending August 30.

### **6.0 Compensation**

Compensation to CTPRC members shall be determined yearly at the discretion of the Township Board of Trustees.

### **7.0 Meeting Dates, Times and Locations**

7.1 Regular Meetings. The regular meeting of the CTPRC shall be held monthly throughout the year. The day and time of the month will be established by the Committee members and reported to the Township Board. The CTPRC shall set a yearly calendar no later than the first meeting of the year. Meeting dates may be changed to accommodate unexpected conflicts and the Township Board of Trustees will

be notified of any changes to the meeting schedule. The meetings shall take place at the Casco Township Hall, unless the CTPRC members at a previous meeting designate an alternate publicly owned facility. The meetings will be governed by the "Open Meetings Act" (Public Act No. 267 of 1976).

7.2 Special Meetings. A special meeting may be called at the discretion of the Chairperson or by request to the Chairperson from not less than three members of the CTPRC. The Chairperson shall not less than three (3) days prior to the date of the special meeting, notice the date, time, place and purpose of any special meeting to all members of the CTPRC; post the notice at the Cosco Township Hall; and notify the Township Clerk.

## **8.0 Quorum**

A quorum will be required of the CTPRC for all actions taken in recommendation to the Township Board of Trustees. A quorum will be represented by not less than fifty percent (50%) of the appointed voting members, which is four (4) members if all appointed seats are filled. If vacancies exist, then it shall be by at least fifty percent (50%) of those filling appointed seats. Proxy votes will not be accepted. All voting will require a fifty percent majority of those making up the quorum for recommendation of actions to proceed to the Township Board of Trustees. If a quorum is not present, the meeting may continue for discussion purposes without voting taking place.

## **9.0 Officers**

9.1 Election of Officers. Officers of the CTPRC, the Chairperson, Vice-Chairperson, and Secretary, shall be nominated and elected by a quorum of the voting members of the CTPRC. All positions will serve a one year term with elections taking place at the first meeting in each calendar year. Persons may serve unlimited consecutive terms. All meetings shall be conducted in accordance with the latest edition of Roberts Rules of Order.

9.2 Chairperson. The Chairperson shall preside at all meetings and submit an agenda for the Committee approval.

9.3 Vice-Chairperson. The Vice-Chairperson shall act as the Chairperson whenever the Chairperson is unable to fulfill the required duties.

9.4 Secretary. The Secretary shall be any voting member of the CTPRC. The Secretary shall be responsible for keeping accurate and current minutes of all CTPRC meetings, which shall become the custody of Casco Township Clerk as per the Open Meetings Act of 1976. The Secretary, or the Recording Secretary at the discretion of the Township Board, will disperse draft meeting minutes within ten (10) business days of the meeting to the CTPRC members for approval at the meeting following the meeting that the minutes were recorded.

#### **10.0 Subcommittees**

Subcommittees can be formed by the Chairperson to aid in expediting business of the CTPRC. The structure and responsibilities of the Sub-Committee will be as determined by the Chairperson. The Sub-Committee can be disbanded by the Chairperson once the assigned responsibilities have been completed. The Sub-Committee will report to the CTPRC as to actions and business accomplished.

#### **11.0 Resignation/Removal from Office**

Any member may resign from the CTPRC by notifying the Chairperson and submitting a letter in writing to the Township Board. Any member of the CTPRC who, without cause or excuse, fails to attend three (3) consecutive meetings of the Committee may be removed by the Township Board of Trustees. Any member of the Committee who relocates their residence (full or part time) outside the limits of Casco Township shall advise the Committee of said relocation and shall forfeit membership.

## **12.0 Amendments**

Amendments to the By-Laws can be introduced by any member of the CTPRC at any regular meeting or any special meeting. Absent members shall be informed of all proposed amendments prior to the next regular meeting. Action must be taken on any proposed amendment at the next regular meeting of the CTPRC. However, no amendment to the By-Laws will be final until approved by the Township Board of Trustees. If the change is not approved by the Township Board of Trustees, the existing By-Laws will stand.

Approved 3/15/2010

Casco Township Board of Trustees  
Minutes of Regular Meeting of February 15, 2010, 7:00 p.m.

Supervisor Allan Overhiser called the meeting to order at 7:05 p.m. Approximately 25 interested persons were in attendance, along with Judy Graff, Trustee; Eldon Ridley, Trustee; Lu Winfrey, Treasurer; and Julie Cowie, Clerk. The pledge of allegiance was recited.

Clerk’s report: Cowie presented the minutes of January 11, 2010; Graff moved approval, supported by Ridley; MSC. Winfrey moved approval of the special meeting minutes of 1/18/2010, supported by Ridley; MSC.

Cowie moved to continue the relationship with Lake Michigan College to collect taxes on their behalf with the summer tax collection at a fee of \$1.50 per parcel, seconded by Winfrey; MSC.

Cowie presented a letter dated 1/19/2010 from Fairmount Minerals and moved to accept this as Technisand’s annual report (no mining activity has taken place); Winfrey seconded; MSC.

Cowie presented Fire Station Resolution 100215A outlining the bills related to the Fire Station Construction. Ridley seconded, with Ridley, Graff, Winfrey, Overhiser, & Cowie voting yes in a roll call vote. Resolution carried.

Treasurer’s report: Winfrey presented the following balances:

General Fund	\$407,074.03
Parks	\$ 83,793.33
Seniors	\$ 22,965.71
Fire Department	\$117,589.07
Road Fund	\$ 67,932.60
Cemetery Care	\$ 22,172.20
12 mo CD	\$104,857.93
Collected Tax Account	\$639,905.68

Winfrey moved payment of the following: General Fund Orders #20003-20066 in amount of \$41,388.01; Collected Tax orders #2494-2511 in amount of \$571,878.40; Fire Fund Orders #3859-3861 in amount of \$301,826.98; Ridley seconded; MSC.

Committee Reports:

ZBA has not met.

**Parks:** scheduled two public meetings to gather input about the expansion of the Casco Township Nature Preserve, to be held 2/20 at 10:00 a.m. and 3/9 at 7:00 p.m.

**Seniors:** The recent class was terrific in content and had great attendance. Participants want to meet Wednesday at 1 pm to figure out how to follow up on the good information shared.

**County Commissioner:** Tom Jessup presented highlights from his report. He thanked Judy Graff for her time on the ACCOA (Allegan County Council on Aging). He discussed retro-fitting the newly acquired Haworth Building to become the new jail, and issues with using an Indiana firm vs. a Kalamazoo-based firm (cost being only one issue in that matter).

**Fire Station Update:** Ron Wise reported that a certificate of substantial completion is in hand. Insurance has been secured. After wells are inspected, a temporary occupancy permit will be in place. There are no change orders to report.

**SHAES:** an Entergy Grant was used to purchase an emergency generator for Geneva Township Station's use.

**Old Business:**

Stefan Update: a conversation was held with two MNRTF (Michigan Natural Resource Trust Fund) staff who provided reactions to the proposed agreement. The trust is complicated and attorneys are now involved on behalf of Casco Township. The State of Michigan is committed to sticking with the project (as is the Township).

First Street Beach: Overhiser distributed a handout entitled "First Street Beach Access" (included with these minutes) and read it aloud. He discussed options to provide oversight to the beach access point and stated that a Regional Recreational Authority may be formed and could give additional options for managing First Street.

Cowie concurred with proposed language for signage and pursuit of options to monitor the access point. Overhiser suggested that Real Estate Agents and others who rent units could include First Street Beach Access rules in rental agreements, as Real Estate Agents have been in touch with Overhiser and seek to do the right thing.

Winfrey stated that Emil Wessling, Casco Sexton (currently on leave) has done a lot of picking up and trash clearing at the site.

Overhiser invited public comment:

Questions were asked about regular trash pickup and the merit of asking neighbors to self police. Overhiser proposed hiring someone to monitor the site on heavy vacation days, out of a desire to see the access site operated correctly.

Graff proposed launched an extra effort to start, with someone checking the site each hour and marking property lines clearly. She also favored signs on each side of the access point on the beach, especially to delineate private property adjacent to the access point.

Mrs. Rowe, the neighbor to the South, favored fencing that directs people to the proper areas. She said that signs installed to demark "no parking" areas have worked well. She also said she maintains grassy areas at the site. She noted that Fourth of July is a disaster, and Saturdays in July and August are always crowded. People selling drugs on the beach and the street are a problem.

Carleen Jones claimed that First Street is an illegal road end beach currently in public use.

Doug Callender, an attorney with Miller Canfield, was present on behalf of his client Pam Weiner. He favored efforts to improve signage and policing. He stated that the access is not a park, but rather an access point, and said the Parks & Recreation Plan erroneously refers to First Street as a Park. He cited a court case from 1992, in which Judge Corsiglia clarified how a road right of way can be used (to access water). Callender stated that a right of way allows access to water and the ability to walk along the beach below the high water mark. He claimed that beach fires, picnicking, sunbathing, sitting, or

watching fireworks are not included in permitted activities at this access point. He drew a distinction between beach access and lake access.

Supervisor Overhiser opened public comment:

Mr. Sallen of Washington Street expressed disagreement with Mr. Callender, citing an unpublished opinion in the Benninghoff matter.

Mr. Baker agreed with Mr. Sallen and disagreed with Mr. Callender and asked when and at what time the alleged offense occurred—on July 3, 4, 5? Was anyone arrested?

Mrs. Weiner stated that she has owned her home for 7 years, and said people who use the First Street stairs cannot stay on the beach, and this event occurred at 3:00 a.m.

Supervisor Overhiser said that the police report from July 4 stated the original complaint was of loud noise and that Officer William Green had filed the report.

Dennis McKinsey of 7441 Washington Street stated that if people litter at the site, they should be punished.

Fred Kick, 223 74<sup>th</sup> Street, reviewed history of residents near the First Street access and felt there had never been major incidents there; he encouraged us to model things after the City of South Haven. Kick further commented that problems have grown exponentially as Washington Street has become a haven for vacationers. He felt issues here were related to the closing of beach access at Variety Park. He urged that signage include a message that individuals swim at their own risk and that buoys should outline a safe swimming area.

Doug Harper, 7430 Washington Street, asked about police and asked if it is known where persons who appear on the beach have come from—from points further south, or where?

Mr. Callender asked if the intent of signs would be to define boundaries.

Overhiser said the Board's desire is to have the access point used as it has been, historically.

Tom Rosenhagen, of the corner of Washington & North Shore, expressed that it was unfortunate that only a few access point users who come by car affect things negatively for everyone. He affirmed that Ellen Rowe has been "a saint" and felt further restriction of parking might be helpful.

A comment was made that the Casco Township Recreation Plan defines access, and access implies use.

Peter Klan spoke; he is credited with cleaning up the beach, removing lawn waste, trimming trees, and sweeping stairs. He questioned the existence of any public trash can.

Tom Jessup said that installing "No Parking" signs near West Side Park and Pier Cove helped matters, and Ganges Township will have a Constable writing parking tickets this year.

Renee Langeland of Euclid wondered why more signs and fences were needed for those who follow rules.

Maureen Moravec felt that placing rules for access point use in rental agreement would be a waste of time. North Beach, South Beach, and Deerlick Park are all heavily patrolled.

Peter Klan felt that parking was a safety issue. When cars leave First Street they cannot see people crossing North Shore, and cars come around the North Shore curve at a high rate of speed.

Lottie Banner has spent 27 years using her cottage and the access point for sitting on the beach and sunbathing and never had any problems. She said that with Washington Street growing, it has new families and new kids, which she felt were positives.

Carleen A. Jones stated that while visiting someone on the beach in August, it seemed a trouble spot. She said that the Park Committee has not implemented policies to ward off fires, drinking, skinny dipping, etc. at Mount Pleasant or Glenn Shores.

Fred Kick urged more policing, including prohibition of alcoholic beverages.

Mr. Sallen suggested leaving a parking area only for elderly or handicapped. Lottie Banner said 99% of the time, use of the access is just fine.

Mrs. Rowe has owned since 1988. She stated that policing would be helpful every Saturday night from midnight to 6 a.m. She can hear cars pull up and people are on privately owned beach; she wants the property protected.

Judy Pollack wondered if security cameras might be useful—even non-working ones as a deterrent.

Paper was circulated and attendees were invited to record their name and contact information to organize into a “Friends of” group to address First Street matters.

Overhiser summarized the discussion by saying that sign changes would be proposed. He asked about the best way to mark the access boundaries on the beach—perhaps by a split rail fence. His hope was to develop a plan for the year that would include some type of monitoring. The management plan might include staffing—perhaps college students--using cell phones or other tools to enforce stated access use rules.

Two members of the public expressed disagreement over fencing on the beach and the use of personnel to patrol or monitor the access point.

**New Business:**

Miami Park Beach Property: We are in conversation with the State of Michigan (DNR) to purchase State-owned beach property, mainly lots that have washed over the bluff, west of Lakeshore Drive. There is no requirement to develop it. The parcels include the beach, the bluff to the center of the road, for a total cost of \$27,080. The local unit of government has first right to purchase. This creates potential for beach. The Township used to have stairs in Miami Park. Parking would be an issue. Eight acres of beach for \$27,000 seems like a great deal. The Township is waiting to hear the next steps.

Roads: We don't yet know the cost of the drainage structure that is proposed for Lakeview Drive at the corner of Beach Ave (a tube going through the bluff to the beach). Overhiser is also awaiting a quote for Adams Road, and a fog and sealcoat bid.

**Old Business:**

**Board of Review:**

Resolution #100215B

**To permit written protests to be submitted to the Board of Review**

Whereas, the Casco Tax Board of Review will meet to hear appeals on March 9 and March 11, 2010; and Whereas, the Board of Trustees recognizes that not every property owner can be present in person,

THEREFORE BE IT RESOLVED that property owners may submit a written protest to the Casco Township Board of Review by 5:00 p.m. on Thursday, March 11, 2010 (by letter, email, or fax), and their comments will be considered. Cowie moved approval of this resolution, seconded by Winfrey, with Ridley, Graff, Winfrey, Overhiser, and Cowie voting yes in a roll call vote. Resolution adopted.

Overhiser distributed **Federal Poverty Guidelines** for 2010. Cowie moved to adopt these poverty guidelines established by the Department of Health and Human Services, seconded by Ridley; MSC.

Overhiser moved to **establish the asset test for BOR for 2010** by approving an asset level of \$25,000 excluding home and automobile, seconded by Winfrey; MSC.

Resolution #100215C

**Establishing Nathan Brousseau Assessor as Casco Township's Employee:**

WHEREAS, Casco Township is required by Statute to establish assessed values for all real and personal property; and

WHEREAS, the Township directs the Assessor to certify and execute the Assessment roll; and

WHEREAS, currently these services are contracted with Brousseau Appraisal Services;

THEREFORE, be it resolved that Nathan Brousseau will be employed as Casco Township Assessor to certify and execute the Roll of Casco Township at the wages of \$100 per month, and the assessing contract with Brousseau Appraisal Services Inc. will decrease by \$100 per month, effective January 2010.

Moved by Cowie, supported by Graff; with Ridley, Graff, Winfrey, Overhiser, and Cowie voting yes. Resolution adopted.

Overhiser moved that the above resolution be made retroactive to January 1, 2010, supported by Graff; MSC.

**Parks & Recreation Committee Terms of Appointment:** Overhiser moved that Samuel Fleming be reappointed to serve on the Parks & Recreation Committee through 2012, seconded by Cowie; MSC.

The persons who had been appointed in January did not have terms established. Overhiser moved that Paula Arendsen and Tom Storr serve through 2011, and John Johnson serve through 2010, seconded by Cowie; MSC.

**Senior Drivers Update:** Cowie requested that the Board formalize a relationship with volunteer drivers driving seniors through the ACCOA (Allegan County Council on Aging) Volunteer Transportation Program. She moved that **drivers be paid \$20 stipend per trip as wages, from the Casco Senior Care Program, in addition to the mileage reimbursement provided by ACCOA (.46 per mile), retroactive to**

**January 2010;** Graff seconded; MSC. Paying drivers as waged employees also brings them under the workmen's compensation coverage.

Cowie and Winfrey discussed current **computer needs**, in that the Zoning Department's computer needs upgrading to run BS&A Assessing software. Cowie has identified a local trustworthy firm to provide a CPU at \$650. A laptop and projector could be purchased for general Township use. Graff moved to authorize Cowie to make these computer purchases (CPU, Laptop, Projector, and software), not to exceed \$2000, seconded by Ridley; MSC.

The **Resolution to establish a Planning Commission** was reintroduced after not being published in a timely manner the previous month. Cowie moved approval of Resolution 100215D, Planning Commission Establishment Ordinance, seconded by Winfrey; Cowie, Ridley, Graff, Winfrey, and Overhiser voted yes in a roll call vote.

**Grant opportunities** were presented. The MNRTF application to acquire a grant to purchase the Hanenburg parcel to expand the Casco Township Nature Preserve is due April 1. Cowie moved to **reapply to the MNRTF for acquisition of the Hanenburg parcel**, supported by Ridley; MSC.

Winfrey moved **to apply to the MNRTF by April 1 for development funds for the Stefan Parcel**, seconded by Graff; MSC.

**Public Comment:** Tom Jessup announced that an opening exists on the County Parks & Recreation Committee. Trino Perez was recently appointed to the Seniors Committee (but an opening exists there, too). He commended Julie Cowie for her work on grants.

Mrs. Ellen Rowe urged the board to delineate the 18' area of the access at First Street, and to monitor things July 4<sup>th</sup> weekend.

Fred Kick asked the Board to enforce a decision made by the ZBA in June of 2007 related to Singing Sands' permit. They were required to create a 12' buffer of trees; denied parking of trailers on a yearly basis; address road congestion; limit use of the park to five months, and have no on street parking and no animals. Allan Overhiser will follow up with Alfred Ellingsen.

Maureen Moravec felt it was a good meeting with good listening offered to homeowners with concerns. She affirmed the opportunity for the recreational authority (when formed) to provide policing resources for parks.

Ridley **moved to adjourn at 9:32 p.m.**, seconded by Winfrey; adjourned.

Julie M. Cowie, Clerk

Attachments:

Fire Station Resolution 100215A

Correspondence from Fairmount Minerals dated January 19, 2010

First Street Beach Access (two page handout)

Federal Poverty Guidelines for 2010

Resolution 100215D, Planning Commission Establishment Ordinance #100111B

Listing of potential "Friends of" First Street

**PLANNING COMMISSION ESTABLISHMENT ORDINANCE**

ORDINANCE NO. #100215D (originally numbered #100111B)

AN ORDINANCE TO CONFIRM THE ESTABLISHMENT UNDER THE MICHIGAN PLANNING ENABLING ACT, PUBLIC ACT 33 OF 2008, MCL 125.3801, ET SEQ., OF THE CASCO TOWNSHIP PLANNING COMMISSION; PROVIDE FOR THE COMPOSITION OF THAT PLANNING COMMISSION; PROVIDE FOR THE POWERS, DUTIES AND LIMITATIONS OF THAT PLANNING COMMISSION; AND REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE.

THE TOWNSHIP OF CASCO, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Section 1. Scope, Purpose and Intent. This Ordinance is adopted pursuant to the authority granted the Casco Township Board (the "Township Board") under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish the Casco Township Planning Commission (the "Planning Commission") with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this Ordinance and any future amendments to this Ordinance.

The purpose of this Ordinance is to provide that the Township Board shall confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.; to establish the appointments, terms and memberships of the Planning Commission; to identify the officers and the minimum number of meetings per year of the Planning Commission; and to prescribe the authority, powers and duties of the Planning Commission.

Section 2. Establishment. The Township Board confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. The Planning Commission shall have seven members. Members of the Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the Planning Commission shall be limited to that member's term on the Township Board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for Planning Commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 3. Appointments and Terms. The Township Supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all Planning Commission members, including the ex officio member.

The Planning Commission members, other than an ex officio member, shall serve for terms of three years each.

A Planning Commission member shall hold office until the member's successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning Commission members shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Township to the extent practicable.

One member of the Township Board shall be appointed to the Planning Commission as an ex officio member.

An ex officio member has full voting rights. An ex officio member's term on the Planning Commission shall expire with that member's term on the Township Board.

No other elected officer or employee of the Township is eligible to be a member of the Planning Commission.

Section 4. Removal. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 5. Conflict of Interest. Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this Ordinance constitutes malfeasance in office.

For the purposes of this section, the Planning Commission shall define conflict of interest in its Bylaws.

Section 6. Compensation. The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

Section 7. Officers and Committees. The Planning Commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be one year, with opportunity for reelection as specified in the Planning Commission Bylaws.

The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

Section 8. Bylaws, Meetings and Records. The Planning Commission shall adopt Bylaws for the transaction of business.

The Planning Commission shall hold at least four regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the Planning Commission's Bylaws, a special meeting of the Planning Commission may be called by the chairperson or by two other members, upon written request to the secretary. Unless the Bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting.

The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Section 9. Annual Report. The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development.

Section 10. Authority to Make Master Plan. Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the Township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission unless the Township Board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the Township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 11. Zoning Powers. The Township Board confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.

Any existing Zoning Ordinance shall remain in full force and effect except as otherwise amended or repealed by the Township Board.

Section 12. Capital Improvements Program. To further the desirable future development of the Township under the master plan, the Township Board, after the master plan is adopted, shall prepare or cause to be prepared by the Township Supervisor or by a designated nonelected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following six year period. The prepared capital improvements program, if prepared by someone other than the Township Board,

shall be subject to final approval by the Township Board. The Planning Commission is exempted from preparing a capital improvements plan.

Section 13. Subdivision and Land Division Recommendations. The Planning Commission may recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the Planning Commission shall hold a public hearing on the proposed ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the Township.

The Planning Commission shall review and make recommendations on a proposed plat before action is taken by the Township Board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the Township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

Section 14. Severability. The provisions of this Ordinance are severable. If any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

Section 15. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are repealed. The resolution or ordinance establishing the Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is repealed.

Section 16. Effective Date. This Ordinance was approved and adopted by the Township Board of Casco Township, Allegan County, Michigan, at a regular meeting held on February 15, 2010, and it is ordered to take effect 30 days after publication in the South Haven Tribune, a newspaper with general circulation in the Township.

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Allan W. Overhiser, Supervisor

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Julie M. Cowie, Clerk

**CERTIFICATE**

I, Julie M. Cowie, the Clerk for the Township of Casco, Allegan County, Michigan, certify that the foregoing Casco Township Planning Commission Establishment Ordinance was adopted at a regular meeting of the Casco Township Board of Trustees held on February 15, 2010. The following members of the Township Board were present at that meeting: Overhiser, Cowie, Winfrey, Ridley and Graff; and the following members of the Township Board were absent: none. The Ordinance was adopted by the Township Board with members of the Township Board: Cowie, Ridley, Graff, Winfrey, and Overhiser voting in favor and no members of the Township Board voting in opposition. A summary of the Ordinance was published in the South Haven Tribune on February 21, 2010. A certified copy of the Ordinance was sent to the Allegan County Clerk, by first-class mail with postage pre-paid on March 4, 2010.

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Julie M. Cowie, Clerk

Approved 4/19/10

Casco Township Board of Trustees  
Regular meeting of March 15, 2010

Supervisor Overhiser called the meeting to order at 7:00 p.m. Present: Overhiser, Graff, Winfrey, Ridley, Cowie and approximately 14 interested persons. The pledge was recited.

Officer Steve Rau, of the Wayland post, (State Police) discussed staffing matters. Two officers will continue to use Casco Township Hall as an office. The public was given the opportunity to ask questions of the State Police.

Clerk’s Report: Graff moved to approve the February 15, 2010 minutes as presented, seconded by Ridley; MSC.

General fund	\$414,132.26
Parks	\$ 79,916.68
Senior Services	\$ 20,129.23
Fire Dept	\$280,965.08
Road Fund	\$ 67,948.23
Cemetery Care	\$ 23,086.84
12 mo CD	\$105,077.90
Collected Tax Acct	\$959,536.50

Winfrey moved payment of general orders #20067-20126 in the amount of \$39,140.46; Collected tax orders #2512-2524 in the amount of \$796,427.71; Fire Fund orders #3862-3866 in the amount of \$42,709.72, and Cemetery order #1022 in the amount of \$191.00, seconded by Ridley; MSC.

Tax collection has been completed, with 16% delinquent (compared to 19% last year).

No reports from ZBA, Planning Commission

Fennville District Library: Bob VandeVusse distributed copies of the annual report. The Library Millage will expire next year. There have been several updates to the 20 year old building. Circulation continues to grow; it’s up 13% this past fiscal year. Public access computers are used extensively. The Fennville District Library is a resource site for Census forms (and questions). The Michicard program being honored between Fennville District library and South Haven Public Library is working well. Acquisition budget for books is \$50,000.

Fire Station: The original agreement was monthly payments; SHAES now wants to make just two payments annually. A month before each payment is due to the USDA, SHAES will deposit approximately \$36,000 into the Fire Fund so Casco won’t be short any funds. SHAES plans to pay off the new Fire Station in 15 years.

A Temporary Occupancy Permit is in hand. Chief Wise moved the truck from 107<sup>th</sup> and also moved two trucks from Township Hall site. The new wells were used to fight a fire in Ganges. SHAES will replace automatic external defibrillators and cardiac monitors and will donate old equipment (defibrillators) to State Police.

David Diny asked questions about whether funds from Homeland Security were put to good use with equipment purchases (they have been); he also praised SHAES for quick response when he had an accident occur in front of his property.

Casco Senior Services: Plans to hold a senior appreciation luncheon in May; perhaps a class on dementia will be offered next.

David Diny complained about the outdated website and urged the Township to apply for grants for communications. He inquired about the monthly Casco Senior Committee meeting and suggested programs need to be better suited to men's interests (perhaps card games, computer classes). He also thought people might be interested in a barter system for useful items like food. Cowie noted that the Allegan county transportation program doesn't include advertising dollars.

Old Business:

Miami Park: Casco has the opportunity to purchase two parcels on the beach in Miami Park. The Township attorney has reviewed documents and approves with the suggestion to seek title insurance. Title insurance cost would be below \$1000. The parcels must be open to the public; cannot be sold or developed. Discussion ensued about purchasing this out of general fund or Parks & Recreation millage funds. Cowie moved to spend \$22,000 from the Parks & Recreation millage to acquire the beachfront parcels in Miami Park, with balance coming from general fund, up to \$30,000, for acquisition fees, title insurance and attorney's fees, with the entire project contingent upon securing title insurance; supported by Ridley; Roll call vote: Ridley, Graff, Winfrey, Overhiser, and Cowie voted yes; no nays and no abstentions.

The parcels border public roads in Miami Park; stairs could be built to access these parcels. Cowie reported that the State said the deal could take 4-5 months to complete.

Acquisition of Stefan parcel: A Property law attorney working for Casco Township, Tom Sobol, has been in contact with Vance Fisher, the trust attorney for Stefan family. Three issues remain open:

- 1) State has a problem with the "step" transaction, (i.e., State selling property to Conservancy, Conservancy selling to Township;)
- 2) Deed restriction on property devalues the price of land;
- 3) Concerns over the Township's legality in financing the \$1.5 million necessary to close the deal.

Regarding this third point, our bond attorney has informed us that under Act 99, we can borrow money to acquire land for public use as long as we don't exceed \$2.5 million. We have also learned of other claims adding up to approximately \$120,000 in fees and expenses related to the Trust. The first two items mentioned above are being handled by the attorneys and may involve Probate Court decisions.

Water and sewer bond update: a prospectus is complete and the bonds will be priced on March 18, selling and closing by March 31<sup>st</sup>. Casco and South Haven Townships received A+ ratings. This time frame means funds will be in hand for the next Water Sewer Bond payment due April 1, 2010.

New business:

Public Hearing: Stefan Development Grant and Maple Grove Acquisition Grant

Supervisor Overhiser opened a public hearing on the MNRTF Grant applications at 8:01 p.m.

Bruce Brandon provided a narrative of what has occurred so far. On Saturday, February 20, the Parks & Recreation committee held a public meeting, attended by 15 people. Consultant Pam Blough facilitated the meeting and recorded comments, most of which were about managing the two parcels as parks, not whether or not we should apply.

The Parks & Recreation committee then met on Tuesday, March 2, reviewing the draft site plan, and discussed comments made by the public. By unanimous vote, the committee recommended to the board to pursue both the MNRTF development grant, and also to pursue acquisition of the Maple Grove property.

On March 9, the Casco Township Parks & Recreation Committee held another Special Meeting; only 1 person attended. They discussed matters that might need to be micromanaged. On March 11, Thursday, the Parks & Recreation Consultant and the Chair of the Parks & Recreation committee met with Lucia Rios of Disability Network. She was pleased with site plan, and commended the committee on its forward thinking, designing the site so all people could use facility. She suggested ways to make it better and her suggestions have been incorporated into the final draft. None of the Disability Consultant's suggestions changed the layout of the site; they had more to do with signage and other experiential matters related to the Nature Preserve.

Clerk Julie Cowie discussed requirements of the grant application. Copies of the proposed site plan were distributed to all in attendance, along with a sign-in sheet.

Questions and comments:

Ben Barton asked is we would be requesting a development grant without stairs? Probably yes. The stairs will be located on the northern part of the proposed 20 acre site, but this application will be focused on developing the Stefan parcel only. Ben Barton also asked if more cars wish to use the site beyond parking spaces, will they park along Blue Star? This is not desirable. Discussion ensued about the number of parking spaces. There is a formula for the number of handicapped spaces required for those which are not ADA-compliant (and the site conforms to this ratio). The parking is designed to be expanded in phases if necessary. Some parking on the Stefan site is needed as that portion will be opened first.

David Diny asked if potential use could be factored into the site—how many people will make 20 acres feel “crowded” and not like a Nature Preserve?

Questions were raised about dogs on the site. Bruce Brandon said this had been discussed, and certainly dogs would need to be leashed, but they were considered generally not compatible with the proposed use of the land. Lu Winfrey stated that people traveling with dogs might stop and walk them anyway, and a strategy for owners to clean up after their dogs would be needed.

The location of toilet facilities was mentioned, and David Campbell felt the toilet facilities should be close to the beach so people could easily change into swim suits and use the bathroom. He wondered if the Township faced additional liability issues. The Supervisor answered that there is liability insurance for public lands. Stairs will need to be built to code, but the Lake access did not raise huge liability concerns for the Township.

Judy Graff read a memo from Sam Rovit and Abby MacKenzie (included with these minutes). Graff said she preferred that parking be located closer to the highway. She also stated that she preferred this simpler design.

Bob Sherwood suggested that bicyclists should not bike on the trails, but leave bikes in the bike rack sited at the park entrance. He felt these would conflict with pedestrian use of the trails.

Julia Sherwood noted that there isn't much "nature" in the Maple Grove segment, as the grass is kept mown and the trees are planted in a grid. The Parks & Recreation committee has discussed reestablishing natural plantings or letting portions of the site revert to a natural state. Julia advocated turning part of it into a sugarbush operation, which she felt would bring people into the area.

Max Van Zoeren said if the goal was to get access to Lake Michigan, then Stefan should be developed, as well as the Miami Park beach sites and the Township-owned parcel in Miami Park, and the Maple Grove site was unnecessary.

Ben Barton felt that the community's interest was in accessing the beach. He felt that the Township needed a site with adequate parking, as people drive, park, and go to the beach. He said the beach lots in Miami Park offer no room for cars to park anywhere, no access for fire trucks, and no ability to patrol. He urged that there be enough parking spots to accommodate Casco residents. Discussion ensued about local use of the beach, with concerns expressed that Maple Grove and Stefan will be open to everyone, with an obligation that Casco Township operate it. It is expected that it will be well used by the public from July 4<sup>th</sup> to Labor Day, and the other months, Casco Township residents get it more "to themselves."

Julie Cowie explained that the site is designed so that any user, regardless of physical ability, can enjoy everything about the park (except beach stairs). She said separate parking, marked for handicapped use only, is not ideal. The goal is that everyone has the same access to all parts of the Nature Preserve (which is the concept of "universal access.") Cowie also felt that people who may not even get out of the car could at least view the Lake from the ingress road and favored keeping the site the way it is.

David Campbell questioned whether there was any need for Lake access on the southern part of the site. Bruce Brandon said the hope was to acquire the Maple Grove segment and channel the more beach-going crowd along that northern part of the site where parking is closer to the beach stairs. Concerns were expressed about people climbing down the bluff if stairs are not in place. Bob Sherwood said he hoped the split-rail fence would be across the entire bluff edge to discourage people from climbing on the bluff.

Allan Overhiser said he has waited 50 years for beach access (and is still waiting) and there is a need for patience. Julie Cowie said that we would know the outcome of both grant applications on the same day, and if we are successful with both, we could post a sign that says "beach stairs, coming soon." Cowie also suggested that the bathrooms be unisex and family-sized, and Bruce Brandon said this is what the Parks & Recreation committee had in mind. Cowie said the application received a rather high score in 2009; Overhiser said with the Denison land being funded, our project was not selected so that funds could be shared with other regions.

Overhiser said that a survey of residents revealed that Beach Access is the #1 goal of residents, with #2 being views of Lake Michigan. Cowie wondered if winter recreation areas should be noted on the site

plan, but the public felt the site was not large enough for cross-country skiing or snowshoeing. Ben Barton wondered if the trail or parking lot would be plowed in the winter. The stairs and beach may be impassable with snow and ice during the winter months.

Cowie spoke of the vertical fen located on the bluff face, an ecological environment limited to just 8 miles of Lake Michigan shoreline. Perhaps the bluff could be restored with native plantings to preserve this environment. She was pleased that the wetlands are marked on the plan.

Max Van Zoeren asked about the price of the Maple Grove parcel. Overhiser reviewed factors that are weighed in valuing lakefront, and the recent changes in value of lake frontage. Overhiser agreed that another appraisal would be in order. Overhiser moved to get another appraisal done of the Maple Grove site, at a cost of up to \$3000 (though it was expected to be much less than that), seconded by Winfrey; MSC.

Cowie presented Resolution 10035A and read it aloud:

Resolution 100315A,

Development Grant application to the Michigan Natural Resources Trust Fund

WHEREAS, Providing public access to the Lake Michigan shoreline is the #1 goal listed in the Casco Township Parks & Recreation Plan (2007-2011); and

WHEREAS, the Stefan parcel is cited as the #3 issue in the Parks & Recreation Plan; and

WHEREAS, Casco Township is in the process of completing acquisition of the Stefan parcel, by means of an approved MNRTF Acquisition grant, to establish a public Nature Preserve along the shoreline; and

WHEREAS, two specially scheduled public input meetings attended by a variety of constituents have been held to gather input on development of the Nature Preserve; and

WHEREAS, additional input provided by residents via regular parks/recreation meetings, print communication, and phone conversations has been considered; and

WHEREAS, the site plan has been reviewed carefully and approved by the Casco Parks & Recreation Committee; and

WHEREAS, the site plan has been amended to emphasize ADA compliance after consultation with Disability Network-Lakeshore; and

WHEREAS, the draft site plan has been further examined by the public during a properly noticed public hearing; and

WHEREAS, the Township Board of Trustees has carefully considered the process and the outcome of the proposed site plan for the Casco Township Nature Preserve; and

WHEREAS, the Township has a voted-in .25 millage for Parks & Recreation development and operation;  
and

WHEREAS, the Township has contracted with a Recreation Consultant to organize interested and willing  
volunteers to develop parks and recreation; and

WHEREAS, the Township has properly maintained public properties including beach stairs and grassy  
areas at existing Road ends and Right of Ways along the shoreline; and

WHEREAS, the Township is participating in an effort to organize a public, cooperative Regional  
Recreational Authority to leverage resources for parks such as the Nature Preserve; and

WHEREAS, the Township is committed to establishing and enforcing rules of operation, property  
security, and maintenance of the Nature Preserve; and

WHEREAS, the Township is committed to engaging a licensed engineer, architect, or landscape architect  
in the development of the Nature Preserve; and

WHEREAS, the site plan cost estimate is knowledgeably prepared; and

WHEREAS, the Township's timeline for completing the Nature Preserve development is more aggressive  
than that required by the MNRTF; and

WHEREAS, the Township is prepared to provide at least 25% of the required funds (in donated goods  
and services, staffing, and/or cash) to develop the proposed site plan into a public Casco  
Township Nature Preserve; and

WHEREAS, the Casco Parks and Recreation Committee unanimously supports applying for a  
development grant to develop the Casco Township Nature Preserve,

THEREFORE be it resolved that Casco Township shall apply to the Michigan Natural Resources Trust Fund  
for a development grant by the April 1, 2010 deadline to cover not more than 75% of the estimated  
project costs.

Moved by Cowie; supported by Ridley;

Ayes: Graff, Winfrey, Overhiser, Cowie, Ridley; Nays: none Abstentions: none

The Supervisor declared the Resolution adopted.

Cowie then presented Resolution #100315B and read it aloud:

Resolution 100315B, Acquisition Grant

Application to the Michigan Natural Resources Trust Fund

WHEREAS, Providing public access to the Lake Michigan shoreline is the #1 goal listed in the Casco Township Parks & Recreation Plan (2007-2011); and

WHEREAS, the Township lacks appropriate public access points to Lake Michigan at this time; and

WHEREAS, a parcel directly adjacent to a proposed Nature Preserve is being made available to the Township for purchase by a willing seller; and

WHEREAS, the 2009 application to acquire this parcel received an excellent score; and

WHEREAS, the adjacent parcel will more than double the size of the Nature Preserve and the shoreline (to approximately 20 acres and 700 feet of frontage); and

WHEREAS, a public hearing has been conducted to gather input on pursuit of this parcel; and

WHEREAS, the concept of expanding the proposed Nature Preserve through this additional acquisition is supported by the public and the Parks & Recreation Committee; and

WHEREAS, the Township Board of Trustees has carefully considered the opportunity to expand the Casco Township Nature Preserve through this additional acquisition; and

WHEREAS, the Township has a voted-in .25 millage for Parks & Recreation development and operation; and

WHEREAS, the Township has contracted with a Recreation Consultant to organize interested and willing volunteers to develop parks and recreation; and

WHEREAS, the Township has properly maintained public properties including beach stairs and grassy areas at existing Road ends and Right of Ways along the shoreline; and

WHEREAS, the Township is participating in an effort to organize a public, cooperative Regional Recreational Authority to leverage resources for parks such as the Nature Preserve; and

WHEREAS, the Township is committed to establishing and enforcing rules of operation, property security, and maintenance of the Nature Preserve; and

WHEREAS, the Township is prepared to provide at least 25% of the required funds to purchase the Casco Township Nature Preserve Expansion; and

WHEREAS, the Casco Parks and Recreation Committee unanimously supports applying for an acquisition grant to expand the Casco Township Nature Preserve,

THEREFORE be it resolved that Casco Township shall apply to the Michigan Natural Resources Trust Fund for an acquisition grant by the April 1, 2010 deadline to cover not more than 75% of the estimated project costs to expand the Casco Township Nature Preserve.

Moved by Cowie; supported by Winfrey;

Ayes: Winfrey, Overhiser, Cowie, Ridley, and Graff; Nays: none; Abstentions: none.

Overhiser declared the resolution adopted. There being no further comment, the Public Hearing ended at 9:10 p.m.

Roads: A bid of \$36,000 has been received to repair the drain in Miami Park, which is below the estimate. Overhiser moved to accept the bid of \$36,000 to construct a storm water outlet in Miami Park, seconded by Ridley; MSC.

Road budget: Overhiser presented the road budget for summer of 2010. It includes 3 applications of dust layer at \$ 44,000; mowing at \$ 5,000; Paving Adams Road at \$200,000; and fixing the Miami Park drain (mentioned above) for \$36,000. The contingency fund will be higher than \$15,000 because the amount collected will be approximately \$250,000. Overhiser said Adams Road offers lake views and is well-suited to being a natural turnout for bikes off of Blue Star Highway.

Bob Sherwood expressed his appreciation for this decision, saying Winter has torn up the road and it is frequently used by walkers in the area.

Overhiser said many culverts will probably have to be replaced soon. Ridley asked about the County finishing 60<sup>th</sup> Street; it will be finished next year, and 66<sup>th</sup> Street is on the County agenda for 2011 or 2012.

Ridley moved acceptance of the road budget as presented, seconded by Cowie; MSC.

Public comment: there was none

Overhiser thanked people for coming to the meeting.

Ridley moved to adjourn at 9:18 p.m. , seconded by Winfrey; adjourned.

Respectfully submitted,

Julie M. Cowie, Clerk  
Casco Township Board of Trustees

Attached: Correspondence from Mackenzie and Rovit

## COMMENTS FOR MARCH 15 2010 CASCO TOWNSHIP MEETING

It is encouraging that the new draft site plan for Maple Grove is somewhat less complex. However, the plan would improve further if **designed less for recreation and more for preservation**. If the township's intent is to make this land an extension of the Stefan Nature Preserve, it would be wise to look at Wau-Ke-Na, a true preserve just to the north of Casco in Ganges Township. **We believe funding would be more likely for both Stefan and Maple Grove if they were modeled on the profile of Wau-Ke-Na.** A true preserve does not allow use of motorized vehicles or even bicycles onto the land.

To improve the current site plan for Maple Grove, **parking** should be removed from the interior bluff edge of the park, and **situated next to the entrance**. The purpose of the park is to preserve the land and for people to experience and enjoy nature. There will be no deer or wildlife to view if the land is developed to focus on vehicular traffic. Parking sited closer to the entrance would allow **visitors to actually walk through the grove on curving pathways** designed to take advantage of this expensive, unique land and more seamlessly connect with and honor the intent of the Stefan Nature Preserve. **Parking** to the NE side, where the current Maple Grove entrance exists, is **away from wetlands**.

Does handicap parking really need to be closer to the bluff? Since an elevator down to the beach is unlikely, park enjoyment for handicap persons will be an experience of nature, wildlife and an undeveloped view of the lake, not seeing a busy parking lot and latrine. **A handicap accessible path could be designed into the site plan.** Perhaps this pathway could connect to one in the Stefan Nature Preserve. At the very least, consider having only the handicap spots in the park's interior, keeping main parking by the road.

If they must exist, **toilets and an interpretive signage area should remain close to the bluff**. We want the people who are actually visiting and walking through the park to use these facilities, not any random driver looking for an easy rest stop.

The **number of parking spaces is too generous** for an experience with nature. A large number of visitors will negatively impact both Maple Grove and the Stefan Preserve. Parking open to the public should be staged to evaluate the effects on these lands.

The current **draft plan** for these parks **continues to lack table of costs, an itemized budget, an outline of rules and regulations, a determination of hours, and there appears to be no plan for oversight, maintenance and enforcement.**

Thank you for your consideration of these comments at Casco Township's March 15 meeting,

Sam Rovit and Abigail Mackenzie

746 Blue Star Highway

South Haven, MI 49090

Approved 5/17/2010

Casco Township Board of Trustees  
Meeting of April 19, 2010

Supervisor Overhiser called the meeting to order at 7:08 p.m. Present: Eldon Ridley, Julie Cowie, Judy Graff, Lu Winfrey, and Allan Overhiser, and approximately 5 persons from the public.

Two guests addressed those gathered:

Judge Bill Baillargeon celebrated the 175<sup>th</sup> year of the Allegan County Sheriff's department; promoted a DVD on meth diversion program; announced national crime victims' rights week; described his court in school program; and explained the showing to high school students of an HBO program called "Smashed" focused on what happens after a drunk driving accident.

Marge Bakker, Chief Assistant Prosecutor is running for Circuit Court Judge; oatmeal raisin cookies were given to Tom Jessup and shared with those in attendance; she is running for Judge Corsiglia's seat, which is an open seat. She urged those present to question if candidates have the experience, if they are tough on crime, and if they have a passion for their community. She is interested in cost containment and more access to the judiciary.

Public comment: none

Cowie present the March 15, 2010 regular meeting minutes; Ridley moved approval, seconded by Cowie; MSC.

Cowie reported that acknowledgement of the MNRTF grant applications (requesting \$2,250,000 to acquire the parcel owned by Mr. Edward Hanenberg; and requesting \$154,900 to develop the Stefan parcel) were received; one additional document is needed for the development grant.

An audit was conducted for SHAES. Federal reports have been filed for the Fire Station grant/loan; 5 jobs were created.

Treasurer's report:

General fund,	\$542,149.00
parks	\$114,679.77
senior services	\$ 55,147.38
Fire Department	\$643,845.63
Road Fund	\$296,700.32
Cemetery Care Fund	\$ 23,802.88
12 month CD	\$105,277.00
Collected Tax Account	\$ 311.86

Winfrey moved approval of payment of the following:

General Fund Orders #20127-20195 in the amount of \$45,352.35; Collected Tax Orders #2531-2540 in the amount of \$294,489.17; Cemetery Fund Order #1023 in the amount of \$389.23, seconded by Ridley; MSC.

Graff asked that attorney fees spent on park development would come from the Parks & Recreation millage. This can be billed retroactively when the park project is completed.

The 2010-2011 budget can reflect more detail in attorney fees. Historically, most legal expenditures have gone toward planning and zoning matters.

Lu Winfrey announced that the cemetery CD is coming due soon; this fund is general fund money (discretionary). Overhiser moved to put the CD into cash, into the cemetery fund. Winfrey, seconded; MSC.

Overhiser reported that the bank is willing to help us and Terry Donnelly, our Bond Counsel, has advised that we can borrow to purchase the Stefan parcel (and then receive reimbursement by the State).

**County report:** Tom Jessup reported that an 8% cut in the County budget is projected. Services will likely be cut. Tom distributed his newsletter and talked about the jail--\$19.5 million for a 400 bed jail. Graff asked why the jail would be built to a capacity of 400+ beds at an added cost of \$4-5 million in this economy. Cost to the taxpayers will be approximately \$25 per household, with perhaps a .18 millage (Tom Jessup will confirm this). This will be placed on the August millage. (The County will also have the senior millage on the August ballot).

Overhiser spoke to the State budget--86% of the budget goes toward Corrections (and a couple of other areas); Michigan is #2 in the nation for prison expenditures and is the toughest State on sentencing guidelines. Jessup reported that it is cheaper to hold people in a County jail than in a State prison. The County purchased the building with a fund saved up for the jail.

ZBA: there's a meeting coming up in May.

**Planning Commission:** A Special Land use permit was granted to Will Hart for a Farm Market. A Special meeting for Manors PUD is scheduled for May 12; the PC is delaying an update on the master plan until this summer.

**Parks & Recreation:** the committee met April 13; there was an "after action" report on the submission of develop and acquisition grants; the committee is considering a Regional Recreation Authority (involving Casco, South Haven Township; and the City of South Haven). The Commission is also working on a budget for operating park; rules, maintenance; and timing after the acquisition is completed. Thanks to Pam Blough and Julie Cowie for their coordinated work on the grant applications.

**Casco Senior Care Program:** Continue with exercises, twice a week; mosaics as a craft; on four Mondays in May, the CSC Program will offer a new workshop on Dementia, put on by Evergreen Commons. It will be similar to the previous course, but a totally new program. The Senior Appreciation Lunch will be on Wednesday May 12; open to all persons over age 60, at the Casco United Methodist Church. The Annual Senior Fest, "Frontier Days," sponsored by Allegan Senior Services, will be the first Thursday in May.

**Boundary Line Adjustment:** Overhiser moved ahead on the agenda to address a boundary line adjustment applied for by Roman Rydecki, property address 439 Blue Star Highway, South Haven MI. The boundary line to be adjusted is to split lot #11 and adjoin the northern part to lots 7,8,9,10 of South Haven Highlands Block 37 Section 24 T1N R17W (which have parcel #0302-737-005-00); this is shown as

“A” on the attachments. The southern part of lot #11 will adjoin lots 1, 2, 3, 4, (parcel 02-737-002-00) of South Haven Highlands Section 24 T1NR17W (93); lots 5 & 6, formerly included in the northern parcel of 02-737-005-00 will also be transferred to be included in the southern parcel, and combined with the legal description applying to lots 1,2,3,4, and the southern portion of lot 11 (as shown on attachment as “B”).

The entire proposal is an improvement and aligns with the zoning ordinance. Cowie moved approval of the boundary adjustment as presented; seconded by Ridley; Ridley, Graff, Winfrey, Overhiser, and Cowie all voted yes in a roll call vote.

#### **Old Business:**

**SHAES Lease agreement, Fire Station:** The lease agreement, distributed at an earlier meeting, was brought for action. This addresses SHAES’ intention to pay the lease in two annual installments of \$36,926, continuing until the loan to construct the Fire Station on 66<sup>th</sup> Street is paid in full. Casco is indemnified from liability. Cowie moved to approve the lease agreement, seconded by Winfrey; Graff, Winfrey, Overhiser, Cowie, and Ridley all voted yes.

**An Addendum to the Lease Agreement** was presented. It states that SHAES will pay back the loan over a 15 year period rather than the 30 year term established by the USDA Loan. Cowie moved to approve the Addendum to the lease agreement, supported by Winfrey; Winfrey, Overhiser, Cowie, Ridley, and Graff all voted yes. Both the Lease and the Addendum to the Lease were declared adopted.

**Water/sewer update:** Overhiser reported that we were very successful selling bonds, with interest in the 4.67% range; at 1% growth, we’re projected to always have a balance. The Authority has money in the bank and is now creating a capital replacement fund, with the funding level to be determined. Terry Donnelly was commended for his work on the Bond project. Now the Water/Sewer authority is looking at mandatory hookups; the new option is to offer a longer contract to people who have not yet hooked up. Mandatory hookup for water could be required now, but it is probably not necessary.

Graff asked why the Authority wouldn’t go after mandatory hookups now; Overhiser responded that the impetus has changed, because cash is not needed as much as reduction of the debt retirement rate. Graff expressed concern about letting the 15% who might fall into the poverty reduction category as driving the whole problem (or the inaction). The Authority has the latitude to look differently at the mandatory hookup issue. Through March 10 (from January 1), Casco had 3 hookups, and SH Township had .6. The goal for the year is 15 (1% growth).

**Mount Pleasant:** A letter is going to Mount Pleasant residents reporting that infiltration has been found in the system. Approximately 1/3 of the homes in Mount Pleasant showed evidence of infiltration. Drain and Road Commissions have been contacted. Homeowners need to fix the issue and allow for inspection; if they don’t allow an inspection, they will have a surcharge on their bill.

#### **New Business:**

Resolution 100419, Commitment to provide matching grant funds

WHEREAS, residents of Casco Township have named Lake Michigan lakefront park acquisition and development as a top community priority, and  
WHEREAS, grant opportunities provide opportunity to acquire land and develop parks; and

WHEREAS, a .25 voted-in Casco Township Parks & Recreation millage (5 years) allows for funds to be put toward park acquisition and development; and

WHEREAS, Michigan Natural Resources Trust Fund (MNRTF) grant applications require Casco Township to provide at least 25% of total project cost;

THEREFORE, BE IT RESOLVED THAT

Casco Township shall commit \$51,700 as a 25% match for a 2010 MNRTF Development Grant to develop the Casco Township Nature Preserve.

Moved by Graff, supported by Winfrey: Overhiser, Cowie, Ridley, Graff, and Winfrey voted yes in a roll call vote. No nays and no abstentions.

**Parks Recreation Authority:** Graff reported on two meetings involving the City, South Haven Schools, South Haven Township, and members of SHARC, (Dennis Fitzgibbon, Mark McClendon, and Scott Smith). There is a need to develop a memo of understanding; the group will meet again on April 28. It is good that Casco Township is involved from the inception of the concept, but there is not enough detail to react to yet.

Graff reported that Consultant Pam Blough’s perspective on the project was that this large parcel-- 90 acres—brings maintenance issues and staffing needs. Blough noted that Casco will have just one vote out of 7; the City of South Haven is realizing the scope of the project, and likely can’t handle the whole development project itself. Concern was expressed about doing anything that will jeopardize the renewal of the Parks & Recreation millage.

There is some interest in this group about pursuing this as a private project; perhaps funding could come from participant fees and donations (rather than operating it as a municipal park, where the municipality would pay to operate the park).

**First Street:** Overhiser reported that some access to police is his goal; the “no parking” area can be expanded as a way of keeping carloads of people out of the area. There is a need to address operation matters on big weekends.

**Miami Park beach update:** Casco is looking to buy 8 acres of beachfront in Miami Park. Overhiser has ordered title insurance. Cowie will inform Bill Schmidt of the DNRE about this status.

**Street light request:** The Superintendent Bob Black would like to have a street light installed on Blue Star Highway. He is requesting that Casco pay the installation, and the school district would pay for the lighting. The installation cost is estimated at \$200. Cowie moved to authorize the Supervisor to enter into an agreement with South Haven Public Schools, up to \$500, to put up a street light in front of North Shore Elementary, seconded by Ridley; MSC.

Adams Road paving will be started after Labor Day. The first dustlayer will be out the first of May.

**Other business/public comment:**

- Someone asked about the house that is falling down on 107<sup>th</sup>; the ownership of this house is in dispute in Probate court;
- The Supervisor is aware of blight at the corner of 62nd & Baseline;
- In Miami Park, a renter and landlord are in dispute; the owner needs to have some inspections;
- 60<sup>th</sup> and 109<sup>th</sup> is another area of concern;

- Tom Latchaw's house will be torn down according to sources at the Board of Review.

Someone asked if the plan for the Township Hall (once the Fire Department moves out) can become an agenda item.

The Fire Department move will not take place until a well issue is resolved; Midwest Development, BCI the contractor, and the subcontractor are figuring out who will pay for the well to bring up fire suppression to code; Paul Bristol has been notified and Casco Township's attorney has been involved.

There was no further comment.

Winfrey moved to adjourn, seconded by Graff; adjourned at 9:30 p.m.

Respectfully,

Julie M. Cowie, Clerk  
Casco Township

Attachment:

Rydecki application for Review and Approval of a Boundary Line Adjustment

Lease Agreement (dated February 10, 2010)

Addendum to Lease Agreement (dated February 10, 2010)

Approved 5/17/10

Casco Township Board of Trustees

Special Meeting, May 7, 2010, noon

Supervisor Allan Overhiser called the special meeting to order at 12 noon. Lu Winfrey was absent (on vacation), with Overhiser, Judy Graff, Eldon Ridley, and Julie Cowie present. No members of the public were present.

The agenda of the Special Meeting was to appoint an additional member to the Zoning Board of Appeals. Overhiser moved to appoint Louis Adamson to the ZBA to serve a regular 3 year term as an alternate, through December of 2012, supported by Cowie; MSC.

Ridley asked if Lou would attend the next meeting as a voting member. (yes)

Water/Sewer update: up to 11 hookups this year, and moving ahead with mandatory hookups. The Authority is allowing people to take time to pay for the hookups.

SHARP update: Recreational Authority to operate the SHARP Park

An upcoming joint meeting with the City and South Haven Township focused on the proposed Recreational Authority is scheduled for the evening of May 24. Graff prefers that no board decisions be made at this special meeting. Graff also urged that the Parks & Recreation Committee review the Recreation Authority bylaws and plans, and perhaps a public discussion can be planned to allow for ample communication.

Graff moved to adjourn at 12:32, seconded by Ridley.

Adjourned

Julie M. Cowie

Clerk

DRAFT

Casco Township Board of Trustees  
Regular meeting of May 17, 2010, 7:00 p.m.

Called to order at 7:05 p.m. with Overhiser, Winfrey, Graff, and Cowie present. Ridley was absent. The pledge was recited. Approximately 7 people from the public were in attendance.

Supervisor Overhiser led in a moment of silence in honor of Emil Wessling, who passed away in the last month. He was a lifelong resident of Casco Township and was a firefighter/emergency responder, sexton for the Township, and a very helpful person to so many in both a professional and personal context.

Overhiser also noted that the Township has received a \$1000 donation in honor of Emil Wessling from an anonymous donor. This gift is to support and celebrate voluntarism in Casco Township.

Overhiser invited public comment:

Doug Murdoch noted that in public comment of last month, the request for a plan for the Township Hall was to be on tonight's agenda. Overhiser explained that SHAES has not yet vacated the building due to a well situation at the new fire station (the well/fire suppression did not pass inspection); this issue is being addressed by the contractor and the civil engineer. Overhiser also said we don't yet know how much we'll spend closing on the Stefan parcel (in fees for Trust attorneys). Doug Murdoch supposed that volunteers would be ready to be helpful without waiting for grant funds. Doug thought the purchase of the Miami Park beach (a deal which is not yet closed) deserved headline news.

Dave Campbell asked about the fire suppression.

Eleanor Jordan asked who would respond if there was a fire at her house. (The answer was, all SHAES stations).

Graff asked about attorney fees for the Stefan parcel. The response is that while fees spent so far have been relatively low, we anticipate that there will be fees related to the Trust transaction, and these are not covered by allowable Grant expenses. We anticipate that the fees could be \$120,000 or so, and these were not known at the start of the project (due to initial involvement with the Southwest Michigan Land Conservancy who originally negotiated with the Stefan family).

There being no further public comment at this time, minutes were presented.

Cowie moved approval of the April 19, 2010 Regular meeting minutes, supported by Winfrey; MSC.

Cowie moved approval of the May 7, 2010 Special Meeting, noting the correct spelling of Lewis Adamson's name; Graff seconded; MSC.

Cowie thanked people for working the May 4 election, where turnout was 19 votes, just 8 walk-ins. The annual budget for fiscal year 2010-2011 is forthcoming.

Winfrey presented the Treasurer's report:

Account balances:

General fund balance	\$533,398.32
Parks	\$112,573.61
Seniors	\$ 49,812.40
Fire Department Fund	\$589,168.79
Road Fund	\$296,773.48
Cemetery Care Fund	\$129,306.70
Collected Tax account	\$ 1,040.37

Winfrey moved and Cowie seconded payment of General fund Orders #20196-20254 in the amount of \$40,823.56; and Fire Fund orders #3867-3869 in the amount of \$91,766.44.

Newsletter material is needed by first of June. Allegan County health department will collect hazardous waste and tires at the Transfer Station on Saturday July 31.

Parks & Recreation: Pam Blough reported that the committee discussed development of the Stefan parcel and felt that the MNRTF grant was the strongest way to make this happen. Over the next six months, the committee plans to take site plan to Planning commission. If the early planning can be done now, construction can occur next summer with the park opening in 2011. The committee requests up to \$7500 to move the site plan to the Planning Commission.

Recommendations for next year's recreation budget:

- 1) \$51,700 for grant match;
- 2) \$22,000 toward purchase of Miami Park beach parcels;
- 3) \$18,000 to continue to have consultant work with committee;
- 4) \$7,500 for early planning for Nature preserve.

The next task is to develop sample park rules and ordinances, creating a uniform umbrella for all parks. The Committee also feels that the Parks & Recreation .25 millage should not be for acquisition, but more for operations. (Note was made that some acquisition has been necessary, to purchase park land for Township enjoyment).

On Monday May 24 at 7 pm at the South Haven Township Hall, there will be a special Board meeting about the proposed SHARP park authority to operate and maintain the SHARP park. Allan and Judy have been meeting with the SHARP leaders since February. That authority will have a budget to work with, including per capita contributions from townships and city. Any additional money would have to be agreed upon by the board(s); it is proposed that the SHARP park will function on user fees, concessions, etc.

Public comment:

Eleanor Jordan asked if there could be a millage. A) Casco is not promoting a millage for SHARP. Jordan: where do the schools enter in? A) SHPS provides operational expertise, staff, and they would be a member of the authority. The proposed SHARA does not receive compensation. It is formed under the Urban Cooperation Act. State law has requirements about passing a millage—each municipality would have to approve. We've had requests since 1991 to have soccer fields. If we built

fields it would cost us far more than \$3000, the \$1-per-head fee (for Casco Township's population) that has been established for maintenance.

The proposal gives us (and the taxpayers) enough control so that the dollars would only be raised through very compelling reasons. This entity will need to raise its own money.

Graff expressed that many people think it should be a private project. Graff said she recommended that Casco have its own public hearing about the SHARP matter.

There are merits for Casco to be at the table, especially since the park is located within Casco Township.

Murdoch asked when the public discussion would be, he favors using this 40 acres for soccer field. Trees were planted around perimeter of the Township Hall parcel to make it more attractive.

Dan Fleming proposed that fees should come out of a parks millage and not the general fund. He felt that the Regional Authority is a good idea but may bring a lot of headaches. He wondered if SHARP is too big, and perhaps there is a need for more people to help pay for things. He also noted the Township's decision to purchase beach in Miami Park, and wondered how much is too much.

SHARP is owned by the City. The South Haven Industrial Fund has donated money to provide an attorney for the SHARP park development process. Casco used to have a joint group that would run recreation for the community (CREC) that lasted for about 20 years, but Casco has had nothing in the past 20 years.

Planning Commission is reviewing a Planned Unit Development (PUD), 10 acres on the Lake. The developer is asking for zoning exemptions; a special meeting is scheduled for this Wednesday at 6:00 p.m.

Seniors: Senior exercises continue; Senior luncheon was held May 12 with 100 seniors; 10 volunteer drivers provide rides to Seniors through the ACCOA program. Ellen Applehans is a dedicated volunteer who has helped with driving and tax filing, and was recognized for her voluntarism. A Dementia class has been held on Mondays in May (attendance of 15-20 people); a mosaics class begins on Wednesday May 19; the Outreach program continues to grow, thanks to Rachel Brenner's talent, care, and leadership.

Old Business:

First Street signs: New signs have been made based on beach rules; "no camping" is a new rule. The other sign marking the boundary of the access point, was recommended by our attorney. The signage will be at each side of the stairs. Additional no parking signs will be installed on North Shore, 300' on either side of First Street. Joe Dubas has agreed to be a beach access monitor, patrolling First Street Beach Access on weekends, and try to stop any alcohol use (which is prohibited by beach rules). The goal is to educate people about what is permitted. There will be a meeting scheduled on the Friday before Memorial Day, Friday the 28<sup>th</sup> at 1 pm at the top of the First Street stairs for Friends of First Street.

Overhiser proposed budgeting \$1000 in this fiscal year for Joe Dubas' beach monitoring at \$15/hour. He can also provide information to the Township that could be useful in developing policies. We anticipate highest use of the beach patrol is July through Labor Day.

Pam Blough, Casco Parks Consultant, supported the idea of the Beach monitor, who could distribute beach rules on paper, monitor vehicular traffic, and remind people to leave when they're supposed to leave, ½ hour before park closes

Graff moved to support the budget for the attendant and the signage as proposed, out of the Parks & Recreation millage, as a recreation expense, seconded by Winfrey; MSC.

Water/Sewer: The Authority is pushing toward mandatory hookups. There is no need for Township subsidies any more. The next step is to lower rates by getting more customers through mandatory hookups, offering 20 year payment terms. Poverty exemptions are also being offered, along with low-interest home ownership loans (income related, not age related) through the Rural housing program.

New business:

63<sup>rd</sup> Street drain: There is a bad ditch on the West side of 63<sup>rd</sup> Street and Baseline Road. The proposed solution is to put an 80' long tube in and drain the water below the surface. Casco would pay half and the homeowner would pay the other half. Cowie moved to do this, at a cost of \$600 to the Township, seconded by Winfrey, MSC.

Planning commission resignation: Fred Kick's work has taken him out of Casco for an extended period and he is unable to fulfill duties on the Planning Commission. Tamara Kick has expressed interest in serving the Township. Overhiser moved to accept Fred Kick's resignation, seconded by Winfrey; MSC. Overhiser moved to appoint Tammy Kick to fill Fred Kick's term on the Planning Commission, seconded by Graff; MSC.

Insurance: Overhiser distributed a proposal for Michigan Municipal Insurance Coverage from EMC Insurance Companies. It's cheaper and offers comparable coverage, improved from the proposal submitted (and not accepted) last year. A decision should be made at the next meeting.

Cemetery Sexton: Joe Dubas has been acting Sexton since December 2009. He has helped Emil over the years, substituting and helping when Emil was sick. He has expressed interest in learning things; he has agreed to assume the Sexton role at the same terms as Emil Wessling. The Township is not required to post this position. Overhiser moved to appoint Joe Dubas Sexton, seconded by Winfrey; Graff, Winfrey, Overhiser, and Cowie all voted yes in a roll call vote.

Elected Officials Salaries:

Cowie presented a resolution to Establish Township Officers Salary (attached to these minutes), and proposed that the Treasurer's salary reflect additional compensation for the printing of tax bills for Fiscal Year 2010-2011. This would mean the Treasurer would receive current Treasurer's salary, \$18,145, plus the current compensation for printing both summer and winter tax bills, \$3500, for a total of \$21,645. Cowie moved approval, seconded by Graff, with Cowie, Overhiser, Winfrey, and Graff all voting yes in a roll call vote. Ridley was absent.

Further, Cowie moved that the Supervisor Salary be \$19,700 (as it is currently), supported by Winfrey; Overhiser, Winfrey, Graff, and Cowie voted yes; Ridley was absent.

Cowie moved that Trustee compensation remain \$2075/annually, supported by Overhiser; Cowie, Overhiser, Winfrey, and Graff voted yes, with Ridley absent.

Cowie moved that the Clerk's salary remain \$18,145, seconded by Overhiser, with Winfrey, Graff, Cowie, and Overhiser voting yes; Ridley was absent.

Delinquent Water/Sewer Bills: Cowie moved that we put delinquent water/sewer bills onto the winter tax bills, Overhiser supported, MSC. This applies to very few parcels, and has been done in the past.

Change order for fire station: Cowie moved approval of Change Order #13, increasing the contract by \$435 related to landscaping stone and switching Norway Spruce for white pine; Winfrey seconded; MSC.

Public comment:

Bruce Brandon reminded the Board to take action on authorizing \$7500 for site development. Cowie moved that the Parks & Recreation Fiscal Year 2010-2011 budget include \$7500 for site development of the Stefan parcel for consideration by the Planning Commission, supported by Winfrey; MSC.

There being no further public comment, Winfrey moved to adjourn at 9:05 p.m., supported by Cowie.

Adjourned at 9:05 p.m.

Respectfully,

Julie M. Cowie  
Clerk

Attachments: Resolutions to establish Township Officers Salary  
USDA Contract Change Order 9012-13

Approved 6/21/10

Casco Township Board of Trustees Joint Meeting  
Special meeting of May 24, 2010, 7:00 p.m.

Overhiser called the Casco Board to order at 7:03 p.m. at the South Haven Township Hall for a special meeting focused on the proposed South Haven Area Recreational Authority (SHARA). All board members were present for a joint meeting with South Haven Township and representatives from the City and SHPS about the proposed South Haven Area Recreational Authority.

The South Haven Area Resource Council has provided funding for an attorney, Scott Smith, who has prepared by-laws for review.

The Brickman Foundation is revising drawings to eliminate major earthmoving.

Scott Smith presented the by-laws and answered questions.

Judy Graff asked what problems are schools having that require SHARP? A) Not enough fields; overuse of existing fields; and after school athletics and community recreation need space.

Dorothy Appleyard expressed concern that the general public is not served by SHARP after organized sports' interests are considered. She is concerned that City parks wouldn't be used without Council & SHARA approval.

Trails could fall under the auspices of SHARA, as trails through the community are shared by all.

Discussion ensued about initial money for the park; private donations are being pursued, with the initial focus on youth sports. The land has been purchased already. It is hoped Entergy might make a significant contribution. Other uses include a dog park, a bmx track, and x-country practice. Adult soccer, baseball, and softball are other uses.

SHARA could own the land or hold a long term lease.

SHARP is seen as an economic benefit as a host to tournaments which would put players in overnight accommodations, using area restaurants, and a concession stand at SHARP.

A Land and Water Conservation grant has been applied for. The construction is to be phased in to be affordable. DeBest Inc. has offered 3 years of maintenance.

Part time staff for the first five years is anticipated (as opposed to full time staff). Belief that volunteers who have been involved in the project will stay involved as volunteers.

Casco Township expressed a desire to have more time to involve citizen input and consideration by the Parks & Recreation committee.

South Haven Township expressed a need to get it done. Bryan Lewis, speaking on behalf of the schools, said SHPS is generally supportive. Mayor Burr said the City is open to public comment by citizens.

Final action within 30 days is the goal, after a sample local document is crafted. The hope is to have the Authority in place by July 1.

No further discussion, Winfrey moved to adjourn at 8:04 p.m., seconded by Ridley; MSC.

Respectfully submitted,

Julie M. Cowie, Clerk

Approved 6/21/10

Casco Township Board of Trustees, Special Meeting

June 1, 2010

Supervisor Overhiser Called the special meeting to order at 11:03 a.m. Present: Overhiser, Winfrey, Graff, Ridley, and Cowie. Although several items were posted on a brief agenda, the primary purpose of the special meeting is to address a request by McIntosh Orchards & Winery to add a small distiller license and Micro Brewer License. The liquor control commission grants the approval, but requests that the board considers the application.

Following discussion, Winfrey moved approval of the resolution that recommends issuance, seconded by Graff; Ridley, Winfrey, Graff, and Cowie voted yes, with Overhiser abstaining as he rents orchards to McIntosh. Cowie explained that she uses McIntosh's facility for her business but felt able to vote on this matter.

Bills for T and S Letter & Graphics were presented for payment. These cover beach signs for First Street and magnetic signs for use by Joe Dubas and the Supervisor when they check on the area (beach patrol). Cowie moved approval of payment in amount of \$96.46, seconded by Graff; MSC.

Overhiser reported on activity at First Street Beach, following a 90 minute meeting with neighbors at the top of the First Street Beach stairs the Friday of Memorial Day weekend. Nothing unusual occurred at the access point.

A competitive insurance plan was presented and Overhiser encouraged the Board to consider it. Changes in coverage are noted. The new proposal is significantly cheaper than the current program with Par-Plan (which is over \$7000).

Update on SHARA: Overhiser has planned to invite the Mayor and the City Manager to Casco's next Board meeting to answer questions about SHARA. The final draft of bylaws has been received. Discussion ensued about this matter. Ridley asked who owns SHARP since the city has been reimbursed for the purchase (the City). The bylaws provide an initial framework to operate the park. Ownership is not part of the agreement, but it could be. The owning municipality (the City) would have to agree to give it up, and the SHARA Board would have to agree to accept it. Liability currently resides with the City.

Graff expressed concern about the parks & recreation millage and timing of the SHARA concept in that light. She suggested that Pam Blough give a report about the SHARA concept to the Parks & Recreation committee, and a joint meeting was proposed for 6:00 p.m. before the June 21 board meeting. Judy Graff left at 11:32 a.m.

An ice cream social is scheduled for Casco on Sunday August 1 at 2:00 p.m. This will be an informational event to inform the public about many things underway, especially regarding recreation, but including seniors and other interests also. The Casco Band will hopefully play at 3:00 p.m.

Further discussion continued about whether to enter into the SHARA; if Casco doesn't participate, Casco won't have a seat at the table regarding the large park in the Township. Ridley asked if the land will drain well for fields. Overhiser noted that Casco has not spent money on youth in twenty years, though approximately \$100,000 per year is spent on Seniors. He noted that if the five year timeframe for withdrawing from SHARA is too long, a two year timeframe might be proposed.

It was also noted that many cooperative authorities have worked well in the past; CREC was a cooperative recreation authority that disbanded some time ago but worked well while it existed.

Cowie moved to adjourn at 11:46 a.m., seconded by Winfrey; adjourned.

Julie M. Cowie, Clerk

Attachment: Resolution pertaining to Small Distiller License & Micro Brewer License

Approved 9/20/10

Casco Township Board of Trustees Regular Meeting of June 21, 2010

Supervisor Overhiser called the meeting to order at 7:00 p.m. and led in the pledge of allegiance. Present: Overhiser, Winfrey, Graff, Ridley, and Cowie.

Public comment: Patrick McKearnan, of 100 North shore drive N, complained about the signs along North Shore Drive. He asked the Board to ask the County to remove the no parking, stating that they are unnecessary, ugly, and cost money.

Overhiser responded that the recently installed signs are part of a strategy to mitigate issues at First Street Beach Access. The goal is to limit parking close to the access point so the neighborhood will use it (as opposed to strangers who drive there). Neighbors were in favor of encouraging a larger no parking area. McKearnan feels the strategy is wrong, and never sees more than 4 or 5 cars parked there; he asked the Board to consider if signs are really needed.

Overhiser responded that this strategy will be monitored. We were requested to put up a fence, but we did not. Renters coming out of Washington Street are increasing use of the Access point. We are monitoring the road end.

Minutes: The May 17 minutes were recently distributed, so the board will hold off on acting on them.

The May 24 Special meeting minutes regarding SHARA were presented; no decisions were made at that meeting. Cowie moved approval of the May 24 special joint meeting, seconded by Ridley; MSC.

Cowie moved approval of the June 1 special meeting minutes, seconded by Graff; MSC.

Cowie announced the hiring of Kyla Bare to be a Clerk's assistant and help with the website. This also makes it possible for us to be open one more morning a week.

Lu presented the Treasurer's report, with the following balances:

General Fund	\$516,807.42
Parks	\$109,681.68
Seniors	\$ 47,163.88
Fire Department	\$589,043.73
Road Fund	\$296,849.10
Cemetery Care	\$129,265.85
Collected Tax	\$ 3,482.92

Winfrey moved payment of the following: General Fund orders #20256-20317 in the amount of \$41,327.16; Cemetery fund order #1027 in the amount of \$71; and Fire Fund Orders #3870-3871 in the amount of \$285.00, seconded by Ridley, MSC.

Summer tax bills will be mailed July 2 or 3.

Zoning Board of Appeals: two requests; Will Hart requested a variance for a farm market at 991 62<sup>nd</sup> street, to use existing single lane driveway and spare a 120 year old tree. The driveway will have light use and maintains the rural character; variance was granted.

Norman Siegal, 62 North Shore Drive, in Eaton Park, requested a variance on lot measuring 100 x 260 feet; he wished to connect two existing decks by stairs; variance was granted.

Planning commission has held a couple of meetings on the Manors project, a PUD on 10 acres. At the meeting last Wednesday, the developer asked for 60 to 90 days to take public input into consideration. No more action on this matter until August.

Commissioner Jessup: presented his newsletter and discussed jail funding and mentioned the county senior millage renewal which is on the August ballot. Graff asked if this was the first of two millages—a construction millage, to be followed by an operating millage. County revenue is also down and cuts are anticipated. Current jail was built for 60 but has 173 beds. Discussion ensued, including:

Do demographics suggest that we need this capacity—are we growing? State is cutting back prison population and placing inmates back into county.

Where they are now is not a safe environment—a better number would be 130 or so.

A resident asked about the relationship between the Commissioners and Allegan County Senior Services. ACCOA reports to the board of commissioners. David Diny commented that Meals on Wheels is in violation of federal law—as meals are delivered with no instructions for adequate cooking and food labels do not identify ingredients in products. Jessup said he would check into the question.

Seniors: Susan Katt reported that Casco Senior Care Program has kept busy with a May luncheon; a Dementia class ran on 4 Mondays in May; and the CSC has had over 250 books donated and needs bookcases. The CSC also hosted a mosaics class with 15 participants with a picture in Sunday's paper. Continue with exercise on Monday & Thursday at 10 a.m. We have different people going to different activities.

David Diny asked why there isn't a board involved; with the end of the SHASS contract, Casco residents lost computer training, computer access, doctors coming to the center, and the commodities program.

Overhiser responded that the Board hasn't chosen to replace the original CSC Board, whose interests changed. Mr. Diny complained that his requests for better communication, including an internet-based bulletin board, were dismissed out of hand.

Parks & Recreation: The committee would like to pursue a survey of the Casco Township Nature Preserve. They have received quotes and the committee recommends that the bid be awarded to Midwest Civil Engineering in South Haven. The survey will record trees 6" or greater, property corners, placement of in ground corners, etc. Cowie moved approval of the P&R recommendation to go with Midwest Civil Engineers; Winfrey supported; MSC.

Next tasks for the Preserve include developing rules for the park, and a park ordinance. The Goal is to set rules for all Township parks.

Eileen Mead and Jeanne Van Zoeren made a presentation on the Saugatuck/South Haven Blue Star Trail Plan. The Parks & Recreation Committee unanimously supported the resolution and recommends that the Board support it also. The Trail is a 23.6 mile non-motorized facility which starts at Baseline and goes to Douglas to join further points north. It will also link US interstate bike highway #35, one day connecting Natchez Mississippi to Sault Ste Marie.

The Blue Star Trail group is seeking resolutions from all affected communities, and hopes to enter into a relationship with Allegan County Community Foundation to have endowment funds. The trail is a high priority for an MDOT Enhancement grant; the local match required is 20 to 35% .

Allegan owns all the property rights; there are no eminent domain issues. Based on federal guidelines, the trail needs to be 10 feet wide and located 10 feet from the highway. We tried to improve things by paving shoulders, but that hasn't worked well. An endowment fund at ACCF will maintain the trail. It's hoped that maintenance funds wouldn't be needed for 10 years.

How much will this cost the Township? Currently the Blue Star Bike Trail group is not asking for funding, but might at a future point. Township dollars teamed with private support makes a strong grant application. Joining the Friends of the Trail would be a way of keeping informed. Discussion ensued about how many mature trees would be removed for this project; residents were upset about Consumers Energy cutting trees down in their easement; comments also made about the ability to plant new trees, and the frustration residents feel when overgrown trees cause power lines to fail.

Funding seems available for bike paths from both MDOT and the MNRTF. Cowie thanked Eileen and Jeanne for their efforts and stated that bike paths are a wonderful asset for a community.

Graff moved to approve Resolution 100621 Endorsing the Saugatuck-South Haven Blue Star Trail Plan, supported by Winfrey; Graff, Winfrey, Overhiser, Cowie and Ridley voted yes in a roll call vote with no absences and no absentions.

Pam Blough announced that the committee will host a tour of all park properties beginning at 5 pm on July 13; anyone interested should meet at the Township Hall parking lot.

Library: patrons can no longer get audio/visual materials through interlibrary loan, or new materials (less than 6 months old). The millage rate will stay the same as last year, but revenue will decrease because of falling property tax values.

SHARA report: Pam had been asked to complete a review of SHARA—a proposed agreement for Townships to review. Pam reviewed her memo dated June 4, 2010. The Agreement would move ownership to the Authority (SHARA) from the City of South Haven. The goal is to create more fields for community use. Discussion ensued.

The need for an Authority is to ensure that the park is developed to meet a wide variety of needs and to alleviate the burden of management falling on one municipality. The SHARA group has

been meeting since February, holding at least 4 meetings. The Industrial fund paid for an attorney. A lot of the document is boilerplate.

The Parks Committee hasn't dealt with the issue of youth recreation in the Parks & Recreation Master plan. Casco hasn't taken time to figure out the Township's role in SHARP. We need to look at organized youth recreation in the area and figure out Casco's role. SHARP was mentioned in the Parks & Recreation plan, but only mentioned. The Trustees passed a resolution to support SHARP at a dollar per head. Pam Blough's report has many good points to consider. The City of Allegan funds their facility at \$50,000/annually.

The SHARA will need to come before the Planning Commission for a special land use permit. A plan has to be permitted. It is not permitted by right; it is permitted by special use. Land has historically been zoned for a park (either Ag or residential R1)

Overhiser's concern is that SHARA not overbuild something that cannot be maintained; the Authority would regulate the plan; otherwise you'd have a group of sports fans leading the effort, and they cannot get a bond. Graff supports SHARP as a privately funded project. She felt more study and information was needed. She doesn't support Township participation in the SHARA authority. No public hearings have been conducted. She feels we are too busy with our own parks projects and face costs to acquire Stefan.

Overhiser responded that SHARP has been in development for 8 years at least. Casco is not required to participate in SHARA. The SHARA Authority is set up just like SHAES with a focus on youth sports. Casco would be 1 of 7 members, which is perceived as a disadvantage.

Overhiser spoke about CREC, the cooperative recreation program that existed 15 or 20 years ago, that enabled lots of kids to participate in sports. We have invested no money in youth since then.

Dave Campbell asked if the Authority would have the ability to issue bonds with the backing of the township (yes).

Cowie spoke at length about overuse of existing fields, the need for a park and the location in Casco because our Township has the open space. She stated that SHARP came to Casco probably back in 2005, and urged people to think regionally about serving the youth of the community.

Overhiser stated that people are at different places on the issue; they don't have the same familiarity with the issues.

Eleanor Jordan expressed concerns about traffic and water/sewer issues related to SHARP.

Samuel Fleming asked why schools won't be contributing money. It was surmised that the school system would provide "in kind" support—with staffing or office space or maintenance issues. It would be good to have this quantified.

Old Business

Stefan trust attorney has agreed to the State of Michigan's terms. Though we may need to pay approximately \$150,000 in Trust fees, we are getting a lot of value for that expenditure.

Recreation millage renewal: we are able to collect the millage this winter. We could put it on the ballot this November to renew it for 2011 and beyond. Winfrey moved to place the Parks & Recreation millage on the November ballot as a renewal, seconded by Cowie; Winfrey, Overhiser, Cowie, Ridley, and Graff voted yes in a roll call vote. This timing allows us to get organized to educate voters including absent voters.

Insurance proposal: Last year when we reviewed this issue, EMC was a claims made policy, and we carried an occurrence policy. This year EMC is offering an occurrence policy at a much lower rate. Cowie moved to go with EMC insurance company, seconded by Graff; Overhiser, Cowie, Ridley, Graff, and Winfrey voted yes in a roll call vote.

Township hall renovation: it is hoped that within two weeks we'll have a final conclusion to the 66<sup>th</sup> St Fire Station. SHAES will continue in this building until then.

July board of review: It is necessary to change the date for the July Board of Review meeting, given that Brousseau Appraisal Services works for several Townships, so a resolution (100621B) was offered:

WHEREAS, Casco Township is served by an Assessor who serves several municipalities, and

WHEREAS, the Board of Trustees is empowered to adjust the required July Board of Review meeting if necessary,

THEREFORE BE IT RESOLVED that the Casco Township Board of Review July meeting will take place on Monday, July 19 at 2:00 p.m.

Winfrey moved and Graff seconded, with Cowie, Ridley, Graff, Winfrey, and Overhiser voting yes.

July 31 is the date for household hazardous waste and tire collection at the transfer station. The next day will be an Ice cream Social (August 1), to allow Township residents to learn about various things of interest in the community (parks, seniors, etc.) The Casco Community Band will play at 3 p.m.

There is need to establish a Construction board of Appeals. Supervisor Overhiser appointed John Brush, Josh Hallgren, Rob Pirsein, and an alternate, Mike Dopp and established a per diem of \$50 per meeting, with the application for the Appeal fee to be \$300 to cover costs. Casco will supply a secretary for the meeting. Graff supported Overhiser's motion, with Ridley, Cowie, Overhiser, Winfrey, and Graff all voting yes.

Cowie acknowledged correspondence received from Barb Houlberg, who asked the Board to consider developing an historical society (and area) when renovating the Township Hall.

Judy Graff read a letter from Dan Fleming, in which he expressed concern about the hidden costs of a decreased tax base when developing parks.

A memo from Randall Bartels was also read. (Both items of correspondence are included with these minutes in lieu of public comment).

Cowie moved to adjourn at 9:45 p.m. Adjourned.

Julie M. Cowie, Clerk

Attachments:

Resolution 100621, Saugatuck-South Haven Blue Star Trail  
Correspondence—Dan Fleming, Randall Bartels

DRAFT

Annual meeting, June 28, 2010, 7:00 pm

Supervisor Overhiser called the meeting to order at 7:02 p.m. and led in the pledge of allegiance.

Present: Eldon Ridley, Julie Cowie, Allan Overhiser, Lu Winfrey, and Judy Graff and about 11 members of the public.

Clerk Cowie presented minutes of the June 22, 2009 Annual Meeting; Judy Graff moved approval, seconded by Lu Winfrey; MSC.

County Commission Tom Jessup presented a report: a Jail millage and Senior millage renewal are on the August ballots. Allegan is off about \$2.5 million this year, with cuts to the sheriff's department likely. All Commissioners are up for re-election this year.

Fennville District Library: [www.fennvillelibrary.org](http://www.fennvillelibrary.org); downloads for electronic devices are available; 397 new patrons; circulation increased by 13% this past year; annual operating budget for most recent fiscal year was \$392,000.

Airport: Capt. Ren Wright presented a report; Runway 22 is available for use now that the tree cutting litigation is resolved. No funding is required from Casco Township to operate the Regional Airport this year.

SHAES: 3 full time persons have retired and have been replaced by 3 new full time hires. Ron Ridley was promoted to Captain; Tony Marsala has been promoted to Deputy Chief Fire Marshall. Graduated 4 firefighters from the academy. Work is finishing up on the 66<sup>th</sup> Street Fire Station. SHAES has written almost \$800,000 in federal grants. Albemarle also gave grants for cutters to cut through boron in vehicles. Entergy also provided a \$7,000 grant to purchase a generator for Geneva Township. Another grant purchased ice rescue suits.

Casco Senior Care Program: Susan Katt, Director, and Rachel Brenner, Outreach Coordinator, were in attendance. Rachel visits and calls seniors; from August to May, she conducted 673 calls and 180 home visits, plus made 30 referrals to other agencies. No recent information available about the van grant through Dan Wedge at the County. Graff spoke to the importance of the stipend provided to volunteer drivers that keeps the drivers involved in the program. Appreciation expressed to Susan and Rachel for their leadership and dedication.

Parks & Recreation: Bruce Brandon, Chair, reported that in the past year, the Parks & Recreation Committee has been reconstituted with by-laws. Pam Blough, a consultant, has been a tremendous asset in keeping things moving forward. Currently the committee is moving ahead with Stefan Nature Preserve plans. The committee is also dealing with the South Haven Area Recreational Authority (SHARA); the Township hall renovation (after the Fire Station moves out); acquisition of Maple Grove parcel; acquisition of beach front in Miami Park; developing a park ordinance for the Township; and studying how young people are being served (i.e., by schools, or does the Township need to do

something?) The committee (together with the township Board) has made a commitment to support the Blue Star non-motorized facility (bike path), not necessarily with funding.

In public comment, Greg Haas requested that no organic matter be removed from the Nature Preserve; if trees are removed, Haas urged that wood chips be left on site.

Planning Commission: Bruce Barker presented a written report, highlights of which include adopting organizational bylaws, hiring Patrick Hudson to update master plan, and conducting a training on wind energy.

Zoning Board of Appeals: The ZBA addressed two requests in May, and held meetings only in December and October.

Water/Sewer: over the course of the year, bonds were refinanced and the Authority now has a very workable cash flow, dependent on approximately 15 hookups a year combined in Casco & South Haven Township. Terry Donnelly and Mr. Bendzinski were given credit for the project. Tom Jessup complimented the Board on taking action, which has solved a most difficult problem. Next issue to tackle is to lower the debt fees by a mandatory hookup process. Judy Graff commended Ross Stein and Allan Overhiser on all the time they put into a complicated process. The Authority is also addressing infiltration issues in Mount Pleasant, and will address other areas after that.

At 8:38 p.m., Supervisor Overhiser opened a Public Hearing on the Special Assessments for Streetlighting.

No changes are expected in Streetlighting. Assessments are made to cover the costs of lighting provided by Consumers Energy. Hearing no comment from affected homeowners, the rates will be unchanged.

Discussion turned to the proposed budget, a draft of which was provided to those in attendance. It has been available for at least 30 days in the Township Hall.

The draft budget was discussed, with the following amendments proposed:

Increasing 101.265.75100 Building Department Propane from \$2000 to \$4000

Increasing 101.265.92200 Building Department electricity from \$1600 to \$3200

Increasing 101.850.91500 Other Activities—Insurance & Bonds from \$5000 to \$6500

Increasing 101.850.96000 Other Activities—Association Dues from \$3000 to \$6000

Decreasing 101.850.96903 Other Activities—Airport from \$18,000 to 0

Adding a line to the Revenue side to show amount to be taken from General Fund Reserves to achieve a balanced budget.

Overhiser closed the public hearing at 8:42 p.m.

Authorizing the board to buy and sell real property: Ren Wright moved to authorize the board to buy and sell real property, seconded by Tom Jessup; the public voted yes.

There being no further public comment, Winfrey moved to adjourn at 8:44 p.m., seconded by Ridley; adjourned.

Julie M. Cowie, Clerk, Casco Township

Attachments: Various written reports presented by Committee Chairs & Representatives

Approved 9/20/10

Special Meeting to Act on the Proposed 10/11 Fiscal Year Budget

June 28, 2010, immediately following the Annual Meeting

Supervisor Overhiser called the special meeting to order at 8:45 p.m. The agenda of the Special Meeting is to take action on the proposed 2010/2011 Fiscal Year Budget.

Winfrey moved to approve the budget with the changes proposed at the annual meeting, as listed below:

Increasing 101.265.75100 Building Department Propane from \$2000 to \$4000

Increasing 101.265.92200 Building Department electricity from \$1600 to \$3200

Increasing 101.850.91500 Other Activities—Insurance & Bonds from \$5000 to \$6500

Increasing 101.850.96000 Other Activities—Association Dues from \$3000 to \$6000

Decreasing 101.850.96903 Other Activities—Airport from \$18,000 to 0

Adding a line to the Revenue side to show amount to be taken from General Fund Reserves to achieve a balanced budget.

Cowie supported the motion. There being no further discussion, Trustees Ridley, Cowie, Overhiser, Winfrey, and Graff voted to approve the 2010/2011 Fiscal Year Budgets in a roll call vote. There were no nays and no abstentions.

There being no further discussion or public comment, Ridley moved to adjourn, supported by Winfrey, at 8:46 p.m.

Julie M. Cowie, Clerk

Casco Township

Approved 9/20/10

Casco Township Board of Trustees Regular meeting of July 19, 2010

Supervisor Overhiser called the meeting to order at 7:00 p.m. and led in the pledge of allegiance.

Present: Overhiser, Winfrey, Graff, Ridley, Cowie, and approximately 5 interested persons.

Marge Bakker, candidate for Allegan County Circuit Court Judge, distributed literature.

Chief Ron Wise provided an update on the Fire Station construction and talked about a training exercise on the beach.

There was no further Public comment.

The May 17 minutes were presented, with Cowie moving approval and Winfrey supporting; MSC. June minutes will be provided later.

Cowie reminded all present to vote in the August 3 primary.

The Treasurer presented the following balances:

General Fund	\$500,668.56
Parks	\$111,032.58
Seniors	\$ 46,972.97
Fire Department	\$621,583.03
Road Fund	\$273,497.25
Cemetery Care	\$129,298.79
Collected Tax	\$ 2,756.64

Winfrey moved to pay the following: General fund orders #20318-20374 in the amount of \$41,591.12; Collected Tax orders #2541-2546 in the amount of \$22,739.01; and Road Fund #1057-1058 in the amount of \$44,015.00, supported by Ridley; MSC.

Planning Commission: Moran project: held a public hearing to consider waivers requested by Moran; the Planning commission took no action because the Manors project team decided to synthesize all feedback and return to Planning Commission in August. Township Attorney Ron Bultje was present to legitimize/validate the Township Zoning Ordinance. The Planning commission will start looking at Master Plan update in August/September.

ZBA: has one request for next month.

Water/Sewer: one new hookup in June (and one in May). Additional REUs based on evaluation of Village Market.

Parks & Recreation: Bruce Brandon, Chair, presented a report (included with these minutes), which raised several questions as a result of the recent tour of Park property owned by the Township. The parcel near 104<sup>th</sup> & 68<sup>th</sup> was planted with trees in 1946, to control blow sand. The 65 acre parcel was the Township dump. The committee is developing an info brochure and continuing the park ordinance review. No complaints about First Street in the past 50 days. Awareness is building to care for and respect the beach access.

In a meeting with the Southwest MI Planning Commission, a non-motorized facility for the lakeshore was the highest priority.

Overhiser stated that if we have questions of SHARA or SHARP, we should formulate our questions so they can respond, and perhaps representatives of SHARA or SHARP should come to a Parks & Recreation (or Board) meeting.

Stefan Acquisition: a conference call is scheduled for tomorrow at 2 pm. In response to a question about Trust fees, we expect fees to be \$120,000 to \$150,000; we hope it is not growing.

Township Hall renovation: the next step is a space utilization study, to be done by an architect. Pam Blough will connect with the Clerk about this the first week in August; Judy Graff has a referral to consider.

There are two buildings the Township needs to dispose of: The Community Hall on 107<sup>th</sup>, which is contiguous to Wayne Marr & Bruce McIntosh; and the cement block building across the street (used by SHAES), with two parcels contiguous to that. Allan will check into this matter.

Mt. Pleasant lawsuit: A September Hearing has been scheduled. The matter to be decided is if the park was accepted by public use. Materials were distributed to the Board. Laurie Honor, a resident of Mt. Pleasant, invited the Board to be open to negotiation. Overhiser responded that the Board is charged to protect public right of ways; the parcel in question is a public park that we have a fiduciary responsibility to preserve.

#### New Business

Miami Park Wastewater Agreement: Miami Park residents have an interest in hooking to the municipal system. An Agreement is to be considered at their annual meeting in September. A Draft is to be distributed to Board.

#### Public comment:

Judy Graff referred to an article in the South Haven Tribune stating that, effective July 1, water/sewer rates are changing: water will increase slightly, sewer will decrease slightly. Graff asked what would be communicated to Casco residents. Overhiser didn't have the precise numbers but will get them.

Dan Fleming thought we ought not to pursue the Maple Grove parcel that might have more costs to the Township.

Graff asked about Casco having any parcels available for Habitat for Humanity, and/or buying any parcels from tax sales that could be used for this purpose.

Given no other business and no further public comment, Ridley motioned to adjourn, supported by Winfrey; adjourned at 8:35 p.m.

Julie M. Cowie, Clerk

Attachment: Report to the Board concerning Parks & Recreation Committee Activity (Bruce Brandon)

Approved 9/20/10

Casco Township Board of Trustees

Regular meeting of August 16, 2010, 7:00 p.m.

Supervisor Allan Overhiser called the meeting to order at 7:05 p.m. and led in the pledge of allegiance. Present: Judy Graff, Lu Winfrey, Allan Overhiser, Julie Cowie, and Eldon Ridley.

Public comment:

Bob Baker, 52 Washington Street, spoke of disruptive late night parties of renters in nearby houses. He proposed “renting a cop” from South Haven to police Casco Township from June 15 to September 15. He proposed a bicycle cop, that could work nights, 6 pm to 2 a.m. for \$3000 to \$4000 a month. Mr. Baker complained that he never sees the Allegan county sheriff in the area. Overhiser said he would talk with the Township attorney about options regarding rental units.

Steve Sallen, 7434 Washington Street—informed the board of a broken step on the First Street stairs, six steps from the top; he complained about the proliferation of no trespassing and private beach signs. Overhiser responded that the Sheriff’s Deputy has explained that people may walk or stop and tie a shoe along the water’s edge, but otherwise, the beach is private property to the water.

Mrs. Sallen complained about the signage on the beach. Overhiser said he would check with the attorney about signage on the beach.

Deb Teslo, 7416 Washington, noted that women were sitting where they should not have been sitting on the beach. She said they were told by their B&B proprietor that they could sit on any open sand—which is not true. Deb regretted that this makes Washington Street residents who are following the rules appear in poor light.

Bob Baker stated that he did not feel the Board should make a demarcation line so close to the Lake.

Overhiser responded that it is not the goal to have the errant occasional resident (the renter) ruin matters for all residents.

Mr. Sallen reported flooding in his yard frequently this summer. Overhiser reported that the drainage around West Wing is being worked on.

Mr. Baker affirmed the Planning commission’s insistence on a detention pond for the West Wing development, which has been a good thing.

Laurie Honor expressed a willingness to negotiate with the Board of Trustees over the Mt. Pleasant/Workmen’s Circle lawsuit. She said Mt. Pleasant residents have always supported efforts to have a larger park for the Township with parking, facilities, viewing the lake, etc.

Carl Schwartz of Mt. Pleasant expressed frustration over silence from the Township regarding settling the lawsuit. He felt there were at least 6 overtures to settle the case (he reiterated the attempts to initiate the settlements). He wonders if the Township's response to Mt. Pleasant is in response to the Boardwalk Development.

Marcy Hays, 534 B Avenue, asked how much money has been spent on this lawsuit.

Gary Greenspan, past president of Mount Pleasant, stated that the Mt. Pleasant residents did not initiate this lawsuit; it was a protective measure related to a private party across the road that wanted to use the Mt. Pleasant beach access. He urged the parties to take the money that we'll both spend fighting and put the money toward something in the community. He feels the battle is not worth fighting.

Graff asked what Mount Pleasant was trying to gain by initiating the lawsuit.

Gary Greenspan responded that Lighthouse Estates was selling their parcels promoting beach access across the street. Mount Pleasant residents filed the suit to protect themselves from having the Township install stairs at the Mount Pleasant parcel. Greenspan said Norm Fouts also intended to build stairs at B St. and B Avenue.

Overhiser spoke that Casco is defending itself and this public asset in Workmen's circle, which is his role as Supervisor. Overhiser has not heard a settlement amount he's interested in (despite conversations with Norma Cohen and Carl Schwartz). He further stated that when the township gave up the stairs on Michigan (in Mount Pleasant), that was perceived negatively by some.

Marcy Hays asked if the police millage passed; (no it did not.) She stated that the Township has a fiduciary responsibility to defend the citizens.

Lois Schwartz asked if any private funds had been used, in addition to public funds, when defending the township in lawsuits? Overhiser responded that he didn't know of any private funds (with the exception of amicus briefs).

#### Treasurer's Report:

General Fund	\$520,458.75 (later corrected to show \$521,048.74)
Parks	\$108,671.81
Seniors	\$41,632.91
Fire Department	\$504,209.11
Road Fund	\$273,555.70
Cemetery Care	\$129,327.31
Collected Tax	\$192,108.92

Winfrey moved the following: payment of General Fund orders #20375-20431 in the amount of \$32,840.75; Collected Tax Orders #2547-2549 in the amount of \$187,018.13; Fire Fund Order #3872-3873 in the amount of \$117,506.75; seconded by Ridley; MSC.

The household hazardous waste collection went well; over 1200 tires were collected, including two semi-loads full.

Planning Commission: meets this Wednesday night, on the Manors project; starts reworking the Master Plan next month.

ZBA: Met Thursday August 5, to address a request by Lee Holbert, 1069 Blue Star Highway, to create a parcel south of the house, requiring 250' lot width and 2 ½ acres; the location is just north of Hollywood by the Lake on Blue Star Highway. Variance was granted.

Supervisor Overhiser announced that ZBA member Dean Boot passed away recently; he was an active and studied member of the ZBA.

Parks & Recreation: presented a written report (made part of these minutes) of their most recent Parks meeting.

Seniors: Rachel Brenner, Casco Senior Care Program Outreach Coordinator, reported that Judy Graff met with Susan and Rachel and asked Rachel to spend more time out in the community. Rachel will be increasing visits with seniors. Seniors want more social programs, educational programs, speakers, and card games. A goal is to involve more men in programs (as guest speakers at luncheons, for example). Susan was asked to create a plan for September through December, and Rachel was asked to increase time in the field.

Old Business

Stefan Update: still hope to close on this project by the end of September.

Township Hall Renovation: Pam Blough presented a proposal from Mary Whittaker Duncan, architect, with a proposed time frame of approximately 4 months. Cowie moved approval of Ms. Duncan's proposal (a use study), seconded by Ridley; all voted yes in a roll call vote. The proposed use study will accomplish the following:

- Document uses, with square footage
- Identify overlapping uses
- Provide a floor plan and a proposed floor plan
- Conceptual cost estimates

66<sup>th</sup> Street Fire Station: The occupancy permit has been delayed due to Fire Suppression matters. A mechanical inspector gave some mixed information on which standard to use; the system installed is better than national fire protection code 20. A solution may be sought from the Casco Construction board of appeals. The cost of redoing things would be \$30,000.

Workmen's Circle lawsuit: Ridley moved to adjourn to executive session at 8:45 p.m., seconded by Graff; MSC.

The Board returned from closed/executive session at 9:25 p.m., moved by Ridley, seconded by Graff; MSC.

USDA Grant/Loan: Overhiser moved to make a partial final payment to BCI, in the amount of \$34,706.60, with a balance of 35,063.40 on contract; seconded by Winfrey. MSC.

Parks & Recreation Millage Renewal: Cowie moved approval of the millage language for the Parks & Recreation millage renewal, contingent on the attorney's approval, seconded by Winfrey; Graff, Winfrey, Overhiser, Cowie, and Ridley voted yes in a roll call vote. (Final language is included with these minutes).

Mount Pleasant lawsuit: Overhiser reported that we have reviewed our attorney's opinion. Overhiser stated that in the eyes of Casco Township, the park has been public for 85 years; a lot of principle involved in this matter. An appraisal of the parcel would give a good starting point for settling the case. Graff concurred that an objective value is needed (through an appraisal).

Carl Schwartz stated that ownership of the park parcel is in question. He reported that the Mt. Pleasant attorney has a theory that in 1924 the founders didn't think they could dedicate the park to private use.

Norma Cohen asked about bring the settlement option back to a number; Cowie proposed appraised value plus attorney fees.

Lois Schwartz stated that the Mt. Pleasant residents are part of the public that needs to be protected by Casco. Discussion ensued about the value of the park in the Workmen's Circle plat.

The issues that surfaced included the timing of the Township losing the Woolsey case and Mt. Pleasant hiring the attorney, Ruth Skidmore, to fight on Workmen's Circles' behalf. The residents expressed concern that the Board took no action about stairs. Overhiser clarified that the matter was referred to the parks committee. The context of this lawsuit was that Lighthouse Estates was developing, and the Workmen's Circle residents wanted to protect themselves.

Cowie moved that we ask Appraisal Associates to appraise the parcel at a fee not to exceed \$2000; supported by Winfrey; Overhiser, Winfrey, Graff, Ridley, and Cowie voted yes in a roll call vote.

Graff moved to appoint Allan Overhiser, Supervisor, to negotiate in good faith with persons designated to negotiate on Mt. Pleasant/Workmen's Circle's behalf; supported by Cowie; Cowie, Ridley, Graff, Winfrey, and Overhiser voted yes.

Ridley moved to adjourn at 9:58, seconded by Winfrey; MSC. Adjourned.

Respectfully submitted,

Julie M. Cowie, Clerk

Attachments: Parks & Recreation millage renewal, P&R Report

## RESOLUTION

WHEREAS, the Board of Trustees of Casco Township, Allegan County, Michigan, has determined to submit to the electors of the Township at the November 2, 2010 Election a request for the renewal of the Parks and Recreation Millage Proposal;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. Pursuant to the Michigan Election Law, the Township Board of the Township of Casco determines to submit to the qualified electors of the Township the following proposal:

### **PARKS AND RECREATION MILLAGE RENEWAL PROPOSAL**

Shall the previously increased limitation on the total amount of taxes which may be assessed against property in Casco Township, Allegan County, Michigan, as provided in the Michigan Constitution of 1963, be renewed for five years, 2011 through 2015, inclusive, in the amount of .25 mills (\$.25 per \$1,000.00 of taxable value), for the purpose of providing funds to plan, construct, maintain and police parks and recreation facilities; and shall the Township be authorized to levy this tax?

(ESTIMATE OF REVENUE INCREASE: If approved by the voters, the Township estimates that it will receive \$\_\_\_\_\_ of additional revenues from this millage renewal in 2011.).

2. The foregoing ballot question shall be submitted to the qualified electors of Casco Township at the 2010 General Election, to be held on Tuesday, November 2, 2010.

3. The Township Clerk shall cause notice of registration for the Election referenced above to be published as required by law.

4. The Township Clerk shall cause notice of election for the Election to be published as required by law.

5. The Township Clerk shall submit this ballot question to the Allegan County Clerk by August 24, 2010.

6. All resolutions in conflict with this resolution are revoked to the extent of such conflict.

Approved 10/18/10

Casco Township Board of Trustees  
Special Meeting of August 31, 2010, 1:00 p.m.

Present: Allan Overhiser, Julie Cowie, Eldon Ridley, Judy Graff, Lu Winfrey; and Bruce Rissi, attorney from Scholten Fant. The agenda of this special meeting is to consider an offer to settle the Mount Pleasant/Workmen's Circle lawsuit.

The Supervisor called the meeting to order at 1:00 p.m. Graff motioned to adjourn into an executive session, seconded by Ridley; MSC, 1:01 p.m.

The Special meeting resumed at 1:38 p.m.

Overhiser recounted the various road ends, none of which exactly match the circumstances of the park and road ends in Mt Pleasant (Workmen's Circle plat):

- Miami Park, public access at Lakeview/Lakeshore Drive
- Sunset Shores, Hollywood by the Lake, Glenn Haven Shores, Cedar Bluff; all roads are private
- First Street, we already have stairs, Casco has accepted the road ROW, and the Township has a long history of active use
- Glenn Shores—the Road end doesn't reach the water; there are outlots at the end of Ferndale Road
- The Pinnacles, the Township abandoned a road end (from South Haven Highlands) and sold lots; Pinnacles had the roads vacated and Casco did not object. Mr. Sappanos sued Pinnacles to gain access, and lost.
- 107<sup>th</sup> Road end was exchanged for a lot now valued at approximately \$600,000; the Township did not object to the abandonment of the road end at 107<sup>th</sup>.

In 1991, the Casco Parks & Recreation committee analyzed used of stairs in Mount Pleasant in response to a request to have them fixed at Township expense. The Parks & Recreation committee was against fixing the stairs, choosing to put money toward something else perceived of greater value to more residents.

In 2008, a SWOT analysis was conducted by the Parks & Recreation committee; the Miami Park parcels and Glenn Shores were considered weak sites and lower priorities for investment of Township resources.

In Miami Park, with the pending acquisition of beach front, we don't have to rely on road ends. We have direct access to the bluff without using road ends, and we also have a 66' parcel next to Miami Park to access the beach.

Given the additional value of road ends sought by the parties bringing the suit, Cowie moved to offer \$100,000 to settle the Workmen's Circle lawsuit, which includes the Township vacating any claim of accepting the dedication to the public of the park in Workmen's Circle plat, and abandoning the road ends at Beethoven, Lincoln, and Longfellow, seconded by Graff; Graff, Winfrey, Ridley, Cowie, and Overhiser voted yes in a roll call vote.

Cowie moved to adjourn at 1:53 p.m., seconded by Winfrey; adjourned.

Approved 10/18/10

Casco Township Board of Trustees  
Special Meeting of September 2, 2010, 9:30 a.m.

The purpose of this special meeting is to continue negotiations to settle the Workmen's Circle Lawsuit. Present: Overhiser, Cowie, Ridley, Graff, and Winfrey. Overhiser called the special meeting to order at 9:35 p.m.

The Mount Pleasant Subdivision has discovered there is a glitch in the process of abandoning roads. Now the State gets involved, requiring the DEQ (DNRE) to approve the abandonment of road ends.

A road end cannot be adversely possessed.

The Woolsey case was different than this one, as Mr. Woolsey owned the entire subdivision. There were never any public roads into the Variety park subdivision, and, unlike the Park in Workmen's Circle, there was no public use of the park in Variety Park.

Road ends became a bargaining chip last Saturday.

Following discussion, the preference was to go back to the original lawsuit and offer \$80,000 to settle the Workmen's Circle lawsuit. Cowie moved to offer \$80,000 to settle the Workmen's Circle lawsuit by giving up rights to the public park dedicated in Workmen's Circle; furthermore, the Casco Township Board of Trustees withdraws the offer of \$100,000 and the abandonment of road ends made previously, choosing not to address road ends in Mt Pleasant at this time; seconded by Graff; Ridley, Graff, Winfrey, Overhiser, and Cowie all voted yes.

In the interest of time, given that the court date is September 13, this is an offer to settle the case. A sum of \$80,000 could be put toward the development of other matters for the good of the community in Casco Township.

If we go to court and lose, at least an important principle is defended.

Cowie moved to adjourn at 10:24 a.m., seconded by Winfrey; MSC. Adjourned.

Notes taken by Julie M. Cowie, Clerk

Supervisor Overhiser called the meeting to order at 6:05 p.m. Present: Overhiser, Winfrey, Graff, Ridley, Cowie, and Mary Whittaker Duncan, architect, along with some interested persons from the public. Mary introduced herself and talked about her approach to the building needs task regarding the Township Hall renovation.

Discussion ensued. Would project expand beyond the existing confines of the building? Need to look beyond the footprint if needed. The building seems very well built, with a straightforward layout; barrier free accessibility needs to be identified and dealt with. Duncan noted a long list of wishes and requested some idea of how to drive the project. She asked how best to orchestrate the gathering of input; there is both a questionnaire about needs we have here, as well as new uses of building, and a community meeting, where the general public could give input also can be scheduled.

Several groups may have a stake in this renovation, and there may be other groups that have a concern/interest in how this gets developed. Perhaps revenue could be secured if we have certain kinds of facilities; there is potential for this to become a hub of activity. A rental policy would need to be developed.

Duncan invited the board to consider needs of the community twenty years from now—ideas about technology; families; people using parks; people working here; band and instrument storage; etc.

Questions about energy efficiency, including wind generation, were raised, with a caution against overbuilding. It seems desirable to have an ecological design this close to lake.

The Senior program is in need of storage for chairs, exercise balls, etc. Doug Murdoch urged the first move to make, once fire engines are out, is to move seniors in.

Other issues raised: storage of equipment used by the sexton; the gravel parking lot surface needs to be improved; a separate entry for major events is needed; Library space/media use;

It was determined to hold a public meeting facilitated by Mary Whittaker Duncan on Oct 11 at 7 p.m.

Public comment:

- Ron Wise wondered if, 20-30 years out, would Casco have their own police department, with officers needing their own independent area (locker room, storage room, evidence room).
- David Diny questioned if a police office was really a priority.
- Doug Murdoch asked about the time frame. Construction needs to occur; we know what our needs are; we're not going to overbuild.
- Eleanor Jordan: all these things sound great but Casco doesn't need additional taxes right now.
- Overhiser responded that using volunteers and donated materials might not be easy to coordinate, given building codes, requirements, and grant opportunities. The goal is to make the building self-funding by design.

Graff moved to adjourn at 7:05 p.m., seconded by Ridley. Adjourned at 7:05 p.m.

Minutes taken by Julie M. Cowie, Clerk

Approved 12/13/10

Casco Township Regular Board meeting  
September 20, 2010, 7:00 p.m.

Present: Overhiser, Winfrey, Graff, Ridley, Cowie, and approximately 12 persons from the public. Overhiser called the meeting to order at 7:15 p.m. and led in the pledge of allegiance.

Overhiser invited public comment; there was none at this time.

Treasurer's report:

General Fund	\$492,269.55
Parks	\$100,566.72
Seniors	\$ 40,057.09
Fire Department	\$469,622.10
Road Fund	\$259,111.90
Cemetery Care	\$130,304.80
Collected Tax	\$635,985.82

Winfrey moved payment of the following: General Fund orders #20432-20439 in the amount of \$49,155.00; Collected tax orders #2550-2556 in the amount of \$452,590.94; Fire Fund order #3874 in the amount of \$34,706.60; Road Fund #1059 in the amount of \$14,500.00; supported by Ridley; MSC.

Treasurer must annually disclose where all the accounts are: Chemical Bank (according to Casco's investment policy). Cowie described the layout of the general fund income statement, which has been improved.

David Diny asked questions about audit. Casco is in compliance; we are able to borrow money.

Reports:

ZBA: no activity.

Planning Commission: The Moran meeting has been rescheduled from September to October 19 at 6 pm, pending getting a revised plan from The Manors. The PC has held its first meeting on updating our Master Plan; public hearings and public comment sessions will be scheduled in the next couple months.

SHAES: Still waiting for Final Approval on the building; a fire protection engineer will inspect/sign off on the system. The construction board of appeals is still an option. The Mechanical inspector wants a fire protection engineer to sign off on the system, which hinges on a "reliable water source."

Casco senior care program: Director Susan Katt was in a bicycling accident, so Rachel Brenner was present. The CSC is having a senior luncheon; will soon launch a book club on the first & third Monday of each month, led by Denise Meister, from 11 a.m. to 12 noon. The CSC recently held a Volunteer driver's course, a 10 or 15 minute talk about what to look for when driving someone. Of 11 or so drivers, 7 attended (with a potluck). There is some interest in Playing cards, 2x a month.

Parks & Recreation: the Committee considered two major items:

1. Draft of an ordinance for parks & recreation—this will be reviewed by the attorney for conformity, then the Committee will move forward with public hearings;

2. Participation in SHARA—recommendation that we do not join SHARA—though it is a worthy project, the committee felt that the feasibility study/business plan is not detailed enough; SHARP is a low priority on the Township recreation plan; and the demographics of our Township put us at very low usage.

Discussion ensued about the number of children (estimated between 80 and 90) from Casco attending school in SHPS. SHARA estimated that 11% of kids involved at SHARP were from Casco. Other estimates of youth population to use SHARP: City of South Haven, 28%; South Haven Township, 27%; Geneva Township, 19%; with the balance coming from other areas. Bob Baker wondered why we don't know the number of kids from Casco attending South Haven Public Schools.

Pam Blough stated that, in reference to the SHARA question, the Parks & Recreation Committee has done its job, and is turning things back to the board.

County Commissioner: Tom Jessup reported that the Jail millage will be back on the ballot in November. He described the changes in ballot language. District 8 (Casco's district) had the most "no" votes in August. Tom urged people to call for more information on the jail millage, to get correct information. He said the Commissioners put it on the general election ballot to spare the County from paying \$60,000 to hold another election.

Discussion ensued: Bob Baker asked if any alternative ways of funding the jail had been explored. Factors affecting the discussion about the jail include the economy, prison cutbacks and jail funding. Priorities are safety for the inmates and guards, and room for suicide watch. Extra beds can be rented out. There will be an informational meeting on Monday, October 25 at 7 pm at the Casco Township Hall, presented by architects, representatives from the sheriff's office, Max Thiele, and Tom Jessup.

Graff asked whether funds would be sought for operations, and stated that she resents new money being spent on criminals and resents overbuilding to 400 beds at taxpayer expense when the public is never going to benefit from that revenue (from renting out excess space). Bob Baker asked for a performance bond on the jail.

David Diny asked the County Commissioner how board members are named to the Committee on Aging (names are presented and the County Board approves them).

#### Old business

Adams Road Bid: The Adams road bid came in much lower than anticipated, with Brenner Excavating bidding \$108,650.00; the final cost will be different, with the total cost in the neighborhood of \$125,000 to \$130,000. Brenner Excavating is also doing the roundabout. Cowie moved to accept the bid from Brenner Excavating for rebuilding Adams Road, and authorize the Clerk and Treasurer to pay the bill when it comes in; seconded by Ridley; MSC.

Mount Pleasant/Workmen's Circle litigation update: the case appeared in Judge Corsiglia's court. It was a 2 day hearing and went as expected. Our attorney did a good job presenting our case; their attorney did a good job; we hope to hear from the judge in another week. Our attorneys will get a letter.

Stefan update: Tentatively scheduled to close on Monday, September 27, 2010.

Resolution #100920, To complete purchase of Stefan Parcel #03-02-063-009-00

for use as a Public Nature Preserve

The following resolution was offered by Cowie and supported by Winfrey:

WHEREAS, Casco Township agrees to enter into an Agreement for Sale and Purchase of Real Estate with Plante Moran Trust, a Michigan corporation, as Trustee of the Walter H. Stefan Living Trust dated July 2, 2001, and an Agreement for Transfer and Donation of Real Estate with Plante Moran Trust, a Michigan corporation, as Trustee of the Marie Stefan Living Trust dated July 2, 2001, as amended, for Real Estate Tax Parcel 03-02-063-009-00 ("the Premises") described as follows:

Beginning on the East line of Section 13, Town 1 North, Range 17 West, at a point 1442.96 feet North of the East one-quarter (E ¼) post of said Section 13, and running thence North 89 degrees 12 minutes West to Lake Michigan, thence Northerly on said Lake to a point 300.00 feet North of the South line of said parcel, thence South 89 degrees 12 minutes East to the East line of said Section, thence South 300.00 feet to beginning.

The above-described parcel is sometimes known and described as the North 300.00 feet of the South 1742.96 feet of the Northeast one-quarter (NE ¼) of Section 13, Town 1 North, Range 17 West.

WHEREAS, Casco Township authorizes Supervisor Allan W. Overhiser and Clerk Julie M. Cowie to execute on the Township's behalf all documents required to complete the purchase and donation of the Premises, and all documents required by the Michigan Department of Natural Resources for grant reimbursement; and

WHEREAS, the Township agrees to purchase one-half interest in the Premises owned by the Walter Stefan Living Trust dated July 2, 2001 for One Million Five Hundred Thousand Dollars (\$1,500,000.00); and

WHEREAS, the Township agrees to pay claims and administrative expenses of the Marie Stefan Living Trust totaling Ninety-Seven thousand Three Hundred Sixty-Four Dollars (\$97,364.00); and

WHEREAS, the Township agrees to accept a gift from the Marie Stefan Living Trust of an undivided one-half interest in the Premises; and

WHEREAS, Casco Township agrees to close on both the Walter Stefan Living Trust and the Marie Stefan Living Trust at the same location and date; and

WHEREAS, Casco Township shall be responsible for any State and County transfer taxes, recording fees, and title insurance premiums; and

WHEREAS, Casco Township agrees to accept the Premises at closing on an “as is,” “where is” and “with all faults” basis and condition; and

WHEREAS, the Premises shall be publicly owned and open to the public as a Nature Preserve; and

WHEREAS, the Township shall fund this transaction through a loan in the amount of \$1,653,000 (estimated); and

WHEREAS, the Township enters into this transaction only because it shall subsequently be reimbursed in the amount of \$1,449,000 (estimated) by the Michigan Natural Resources Trust Fund;

THEREFORE BE IT RESOLVED that Casco Township shall acquire through purchase and gift parcel 03-02-063-009-00 from the Walter Stefan Living Trust dated July 2, 2001, and the Marie Stefan Living Trust dated July 2, 2001, as amended, for use as a public Nature Preserve.

Ayes: Ridley, Graff, Winfrey, Overhiser, Cowie

Nays: none

Abstentions: none

The Supervisor declared the resolution adopted.

Overhiser reported on the bond financing to cover the funds needed to purchase the parcel ahead of reimbursement by the Michigan Natural Resources Trust Fund. Casco plans to borrow \$1,653,000 for a period of 7 years, to cover the following estimated expenses:

\$97,000 to pay Marie Stefan trust

\$51,000, the shortfall between ½ of the appraised value to make up the \$1.5 million

\$8,000 for the services of Terry Donnelly of Dickinson Wright PLLC (Bond Counsel)

\$25,000, the bank fee for borrowing this sum.

Graff asked for detailed numbers, which will be spelled out following bank decisions on the loan. A special meeting will be needed (probably on Friday). Overhiser’s approach is to seek funding for the maximum amount allowed on a 7 year loan, with an option to pay off early.

Casco is able to acquire a large amount of Lakefront land for \$200,000. Graff stated that she thought this sum was a surprise and that we didn’t have to pay a penny; Overhiser responded that we have known about the \$120,000 (approximate) owed to the Trust for some time. He explained that we were not in the driver’s seat at the beginning of the transaction; we were a third party until the Southwest Michigan Land Conservancy opted out of the deal because they did not want to pay any money. The \$51,000 shortfall has to do with the dropping real estate values that coincided with our grant application (and the State chooses the appraised value).

A Special meeting was scheduled for Friday September 24, at 11 a.m. to handle the financing decisions. Scheduling of a public dedication of the Stefan Parcel will also be handled at that special meeting.

Mandatory hookups: This topic will be addressed at a joint meeting of both townships; Townships are to decide whether to require hookups or not. The Water/Sewer Authority is working out poverty

exemptions similar to Board of Review. Overhiser anticipates a joint meeting with Townships and Ron Bultje in mid to late October.

2010 millage rates: Resolution No. 100920C, 2010/2011 Fiscal Year Millage Rates

Whereas, the Casco Township Board has carefully reviewed and evaluated the financial needs of the Township, and

Whereas, the proposed fiscal 2010-2011 budget was noticed and available for public review, and

Whereas, ballot issues regarding millages for Township Roads, Senior Services, and Parks & Recreation have been approved by Casco voters,

Now, therefore, be it resolved, the Casco Township Board of Trustees hereby authorizes the following rates to be placed on the 2010 Winter Tax Bill:

Operating	.4725
Roads	1.3012
Fire	1.7
Ambulance	.7625
Hospital	.2624
Senior	.25
Parks & Recreation	.2221
Recycling Fee:	\$20.00
Lighting District	
Special Assessments:	unchanged from prior year

Cowie moved approval of this resolution, seconded by Winfrey;

Ayes— Graff, Winfrey, Overhiser, Cowie, Ridley

Nays— none

Resolution declared adopted by Allan W. Overhiser, Supervisor.

The Recycling fee is going up to \$20 to cover the tire recycling fee. Free dump day will still be the third Saturday in October.

Fennville District Library: Supervisor Overhiser moved to reappoint Marilyn Jessup as library representative, seconded by Winfrey; MSC.

Minutes:

Cowie presented several sets of minutes for approval:

- Regular meeting of June 21, 2010, approval moved by Winfrey and seconded by Graff; MSC.
- Special meeting of June 28, 2010; Graff moved approval, seconded by Cowie; MSC.
- Regular meeting of July 19; Winfrey moved approval, seconded by Cowie; MSC.
- Regular meeting of August 16, 2010; Graff moved approval, seconded by Ridley; MSC.

Cowie moved to adjourn at 9:13 p.m., seconded by Winfrey. Adjourned.

Minutes prepared by

Julie M. Cowie, Clerk

Attachments: Parks & Recreation documents: Park ordinance & SHARA recommendation

Casco Township  
Allegan County, Michigan

Ordinance No. \_\_\_\_\_

Adopted: \_\_\_\_\_

**AN ORDINANCE TO ESTABLISH RULES AND REGULATIONS TO CONTROL AND GOVERN THE USE OF ANY PRESERVE, PARK, PUBLIC BEACH OR TOWNSHIP CONTROLLED ROAD END BEACHES, PARKS AND PRESERVES LOCATED IN CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF, AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH.**

**THE TOWNSHIP OF CASCO, ALLEGAN COUNTY, MICHIGAN ORDAINS:**

Section 1. This ordinance repeals any previous ordinances for any preserve, park, public beaches, road end beaches and other recreation properties. List any known ordinances\_\_\_\_\_. For this ordinance, the words "Public Park" shall mean all public preserves, parks, beaches, and Casco Township controlled road end beaches.

Section 2. This ordinance shall be enforced by all law enforcement officers. The following rules and regulations shall be applicable to, and shall govern the use of, the Public Parks owned and/or maintained by Casco Township.

Section 3. No person shall litter or dump in the Public Parks refuse matter of any kind including but not by way of limitation sacks, cans, papers, containers, cartons, garbage, food, food scrap, trash, rubbish, refuse, leaves, yard waste, construction materials, junk or waste material.

Section 4. No person shall be in possession of any bottle, receptacle or container made of glass in any Public Park.

Section 5. No person shall bring **tobacco**, alcoholic beverages or controlled substances, nor drink or use the same at any time, nor shall any person be under the influence of alcoholic beverages or controlled substances in a Public Park. ~~No person shall be in possession of any glass, can or open container containing alcoholic beverages in any public park.~~

Section 6. No person shall kindle, build, maintain or use a fire on any Public Park property except in authorized park grills provided by the Township.

Section 7. No person shall camp or stay overnight on any Public Park.

Section 8 No person shall permit any domestic animal to run at large in any public park. All domestic animals must be on a lease no greater than 6' in length. Horses and ponies are not allowed in any Public Park. Domestic **animals, including** dogs, are not allowed on beaches ~~and Township Owned road end beaches~~ from May 1 to September 30 each year. All dog and domestic animal litter shall be picked up, bagged, and ~~properly disposed~~ **of in a litter container or removed from the site.**

Section 9. No person~~s~~ shall operate any device which produces an excessive sound or noise, the same being louder than a normal conversational tone at a distance of 50 feet or more from its point of origin. **(This was discussed, I checked a few local ordinances and the distance is given in feet without decibel levels. The decibels must be set locally based on this standard. Also many did not include any distance in feet, only described noises as unreasonable).**

Section 10. The Public Parks shall be closed during the hours of 1/2 hour after sunset to 9:00 A.M. daily. All vehicles left unattended and parked **withi**n a public park during the closed hours

shall be towed away and impounded at the owner's expense. ~~In addition, any violation of this Section may also be prosecuted as provided in Section \_\_\_\_\_ of this Ordinance.~~

Section 11. No person shall block the entrance of any public park with an automobile or other vehicle nor shall any person double park a vehicle along the roads leading to an entrance to the public parks. All vehicles left unattended shall be towed away and impounded at the owner's expense.

Section 12. No person shall drive or operate an off-road vehicle, recreational vehicle, dune buggy, snowmobile, motorcycle, motorized trail bicycle, golf cart, or another vehicle of like or similar kind outside of the parking lot. Vehicles authorized by Casco Township and emergency vehicles responding to an emergency are exempt from this prohibition. **Combined with Section 12.**

~~Section 13~~ 13. Non-motorized bicycles shall be permitted on roads and parking lots only. No bicycle use on the trails or natural areas are permitted.

~~Section 13~~ 14. Persons may not launch motorized craft from a public park. Hand carried non-motorized canoes, kayaks, and small sailing craft are allowed to be hand placed in the water without the use of a trailer across the public park. No motorized craft shall beach on the public park from the water. No fueling of water craft is allowed in the Public Parks.

~~Section 14~~. **Combined with Section 12**

Section 15. No person, firm or corporation shall move construction machinery in, upon or across the Public Parks without first securing a written permit from Casco Township. Such permit shall be obtained during regular business hours by applying at the Casco Township Hall. Any violation of this permit requirement is ~~both~~ punishable and shall require full restitution of the Public Park to the satisfaction of Casco Township.

Section 16. No person shall engage in threatening, abusive, insulting, or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace on any Public Park. Additionally, no person shall interfere with or in any manner hinder any employee, contractor or agent of the **Public Park** ~~Board~~ or Casco Township in the performance of his or her duties.

Section 17. No person shall remove or disturb any new or natural plant life, material, or wildlife. This includes, but is not limited to, the removal of firewood, the harvesting of plants or the killing, hunting or trapping of animals.

**Section 18 relocated to Section 13.**

Section 19. No person shall at any time bring into or upon any public park, nor have in their possession, nor discharge or set off upon the public parks any air gun, water gun, paint ball gun, or bow that discharges projectiles either by air or mechanical forces. No person shall at any time fire, discharge or have in their possession any rocket, firecracker, torpedo, squib, fireworks, **firearms** or any substances of an explosive nature.

Section 20. No person shall deface or destroy any park property in any manner.

Section 21. No person shall peddle or solicit business of any nature whatever; distribute handbills or other advertising matter; post unauthorized signs on any lands, or use Public Park property as a base of commercial operations unless prior written permission is obtained from the Township. **No gambling, gaming, or illegal competitions are allowed on the Public Parks.**

Section 22. Fishing on Public Parks shall not be allowed from May 1 to September 30 of each year.

Section 23. No person shall trespass onto an adjacent property from a Public Park.

Section 24. Sledding, skiing, skating, and similar winter sports are not allowed on a Public Park unless specifically permitted or signed by the Township.

Section 25. Hot air balloons, any type of inflatable, helicopters, hang gliders, and parachute launchings and landings are not permitted on Public Park lands.

Section 26. No person under the age of 12 years of age shall be permitted on the Public Parks without a parent or guardian over the age of 18 years. Exception to this is a person under the age of 12 is permitted in the Public Parks without a parent if the person is attending with a school class or other adult supervised program.

Section 27. All ordinance and resolution or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 28. Any Allegan County Sherriff's Deputy, and any Agent or designee of the Township are authorized to issue and serve municipal civil infraction citations with respect to municipal civil infraction violations if the Deputy, Agent or Designee has reasonable cause to believe that a person has committed a municipal civil infraction violation of this Ordinance.

Section 29. Any person who violates any of the provisions of this Ordinance, in addition to the other provisions of this ordinance, is responsible for a municipal civil infraction, subject to the payment of a civil fine of not less than fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) dollars, plus costs and other sanctions for each infraction.

Repeat offenses shall be subject to an increased civil fine as follows:

(1) The fine for any offense which as a first repeat offense shall be not less than two hundred fifty (\$250.00) dollars, plus costs and other sanctions.

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than five hundred (\$500.00) dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance committed by a person with any six (6) month period and for which the person admits responsibility or is determined to be responsible. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject o penalties or sanctions as a separate offence. In addition, the Township specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this ordinance. As used herein "person" means any individual, partnership, association or corporation.

Section 30. This ordinance was adopted by the Casco Township Board at a regular meeting held in the Casco Township Hall on \_\_\_\_\_, and shall take effect the \_\_\_\_\_, the being more than thirty (30) days after the date of publication in a newspaper published or circulated in the township.

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**To: Casco Township Board Members**

**From: Parks and Recreation Advisory Committee**

**Date: September 14, 2010**

**Re: Parks and Recreation Advisory Committee Recommendation on South Haven Area Recreation Authority, (SHARA)**

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### **Background**

In June of 2010 the Parks and Recreation Committee was directed by the Township Board to review the proposed SHARA agreement and to provide a recommendation to the Township Board concerning whether or not the Township should join the newly forming SHARA. Since being assigned the task, the Committee has thoughtfully reviewed, researched, and discussed the proposed authority. This discussion has included the June (prior to the Board direction), July, August and September regular meetings as well as a Special Meeting held on August 24, 2010. A resolution was passed by the Committee at the September 14, 2010 meeting to transmit this memo to the Township Board.

### **Recommendation**

The Committee fully recognizes the overall positive effects that a successful public park with active sports facilities provides for the public enjoyment, health, and recreational activities. However, after much review, discussion, and reflection the Committee recommends that Casco Township does not join the SHARA. This recommendation was made after several important considerations which are summarized below:

#### **1. Lack of Feasibility Study and Business Plan**

The purpose of the SHARA is stated to develop, maintain and operate SHARP Park. However, prior to forming the authority and to this date, neither a feasibility study, business plan, nor any other type development and operation plan has been presented to the Casco Township Board or Committee. The *South Haven Area Recreational Complex Development Plan*, dated October 2, 2002, was prepared by the SHARP Park Committee as an initial planning document. The document, now eight years old, identified the fields that were currently utilized and the number of players in the league, but did not identify any specific deficiencies in the type or number of fields required to continue operation. Demonstrated need was not shown in this document.

The development and operation of a large sports park of this type takes considerable revenues and expenses to maintain viability. The Committee feels that it is important that the proposed park is shown to be financially viable to not only develop, but also to sustain the park. Examples of specific elements that could develop confidence include a break out of development costs, phasing plan, proposed site activities, expected revenue sources, staffing needs, maintenance plans and other pertinent information. Assuming that construction costs are raised, the revenues will need to indicate that the park will not only generate operation costs, but also maintenance/repair costs. Concern exists that if the park is not feasible, Casco township and other SHARA members will be responsible for development and operating costs to repair immediate health and safety concerns, crippling maintenance needs, or to cover the cost of closing the park. This lack of planning and many unanswered questions are the foundation of the Committee's concerns which prevent a positive recommendation for the Authority.

## **2. Casco Township Recreation Plan**

The adopted *Casco Township Recreation Plan* is driving the current top priorities for the development of recreation within the Township. These priorities include the development of beach access sites, securing and developing the Casco Township Nature Preserve, and development of the Township Hall Property. Additionally the development of a non-motorized bike path was also identified, but not supported by the Township Board because of the above priorities. As a result the pathway is being pursued by a private group called the Friends of the Blue Star Pathway. Based on the Action Plan recommendations, the Township has been pursuing the identification of beach access sites, and securing and developing the Nature Preserve. All of these recreation facilities are active projects for both the Parks and Recreation Advisory Committee and the Township Board.

### 3. Township Youth Demographics

The predominate users of the sports fields is expected to be persons under the age of eighteen participating in primarily soccer, football, baseball and softball leagues. Although adult leagues may form, the current pattern is a focus on youth leagues. Therefore the data primarily reflects youth use of the park.

#### Population Statistics

The 2000 U.S. Census states the population of Casco Township was 3,019 persons located in 1,083 households. 325 of the households, or 30%, had children under the age of 18 living with them. Approximately 780 persons, or 26% of the population were under the age of 18.

#### Player Statistics

Next it was desired to determine the number of township youth currently playing in youth leagues. The *Our Communities...Our Park...Our Future* brochure produced for SHARP Park contains a diagram with Athletic Participation Breakdown by Area. Within this chart the following data is provided for percentage breakdowns.

#### Athletic Participation Breakdown by Area:

City of South Haven	28%
South Haven Township	27%
Geneva Township	19%
Casco Township	11%
<u>Other Areas*</u>	<u>14%</u>
Total	100%

\*Arlington Township, Lee Township, Columbia Township, Ganges Township, Hager Township, as the municipalities of Bangor, Coloma, Covert, Fennville, and Hartford.

This data above does not provide a total number of Casco Township participants, but it does indicate that of all of the youth playing, 11% of them are from Casco Township, while 89% are from homes located outside of the Township. Current data on player numbers were not available from the SHARP Park Committee.

#### **4. Casco Township Zoning**

Casco Township will maintain an active role in the control of the SHARP Park development through existing Casco Township Ordinances even without joining SHARA. SHARP Park is located within Casco Township and will be subject to the Special Land Use submittal and review process by the Planning Commission and Township Board. This process will allow Casco Township the opportunity to review the proposed site plan, layout of the plan, and other development items which will maintain some oversight over the park development as it concerns the community ordinances. Operation of the sports complex will also be under the ordinances of the township regarding lighting levels, noise, dust control, etc.

#### **5. Agreement Concerns**

The Committee did not dwell on or fully evaluate the SHARA Agreement, but rather focused on the larger concept of the proposed SHARP Park. A more thorough review of the agreement was completed by P.M. Blough, the Township's Parks and Recreation Consultant. The comments of Pam Blough were recorded in a memo to the Township Board dated June 4, 2010 and presented at the June 21, 2010 Township Board Meeting. Concerns given in the memo include the following. Additional information for each of these comments can be found within the memo:

- Considerations of other options were not clarified
- The board member and voting ratios for the authority board.
- Independent Casco Township representative
- Limited yearly funding provided by City and Townships
- No guaranteed funding from School District nor other Board Member groups
- Lack of Business Plan/Operation Plan within agreement or support document
- Five Year withdrawal notice to leave SHARA

- Hours available for general public use may be limited
- Other facilities may be added to the SHARA in the future
- Concern over viability of volunteer board without staff support

**Parks and Recreation Advisory Committee**

This memo is respectfully submitted to the Township Board by the Parks and Recreation Advisory Committee Members:

Bruce Brandon-Chair

Judy Graff-Township Board Representative

Paula Arendsen

Samuel Fleming

John Johnson

Tom Storr

Sandra Warren



Approved as amended, 12/13/10

Casco Township Board of Trustees

Special Meeting of September 24, 2010, 11:00 a.m.

Supervisor Overhiser called the properly noticed meeting to order at 10:54 a.m. Overhiser, Winfrey, Graff, Ridley, and Cowie were present. The agenda is the following: a) Stefan parcel decisions; b) scope of Master Plan Review; c) Beatty litigation settlement; and d) Michigan Liquor Control Commission matter.

The closing of the Stefan parcel is stalled; Casco cannot put this property up as collateral. We will not be able to acquire the parcel with an installment purchase. The banker (Chemical Bank) needs to be comfortable with the grant program and needs more time to do due diligence.

Terry Donnelly, our Bond Counsel, and Tim Merker of Chemical Bank will have a conversation about the matter. Overhiser has also requested a letter from attorney Tom Sobel recapping the process with the Michigan Natural Resources Trust Fund.

Casco can get an extension past the September 30 deadline to close on the acquisition grant.

Maybe the State can provide something further to allow the bank to better understand the process. It is likely the banker will need to check with bank attorneys. The banker needs to know that the State will come through with the grant (or that we have no reason why the State wouldn't give us the money).

Discussion ensued: Ridley asked if there's a way we can borrow money from other funds; some funds would be available but some would not (parks, general fund, cemetery could be tapped). Ridley asked what we would do with \$500,000 balance in fire fund. Embedded in the fire fund is \$100,000 that has to cover our ambulance contract.

This transaction will be documented in the working papers of the auditor.

It is clear that all parties seek to close the transaction. The Michigan Natural Resources Trust Fund will not give us the grant money (\$1.49 million) until we legally own the property.

Judy Graff proposed a summary statement for our minutes that summarize, from start to finish, the transaction to acquire the Stefan parcel (this is what happened, how we did it, and why). Judy will draft something for us to work from.

Overhiser stated that the Township has held ample public hearings; the public is for it, public is for funding it, there have been changes that we did not anticipate, we are responding in a way consistent with the master plan and the Parks & Recreation plan to create a park on the beach that the public has desired.

We're waiting to hear the reaction from the banker. Ridley reminded the Board that Chemical is not the only bank in town. The Banker will examine our cash flow. It will come down to the bank lawyers allowing him to make this loan without collateral.

Beatty litigation: Outlots 4 and 5 have eroded; there is not enough area in those outlots to host a building. Cowie moved to designate Bluff Road an unregulated lane to allow settlement of litigation with the Beattys over the disposition of Bluff road and honor their request to have access to outlots four and five be provided through an unregulated lane rather than a private road, which meets the standards of the zoning ordinance; Winfrey seconded; MSC.

Decision about scope of master plan: 2011 is the five year review. The goal would be to limit the project to \$5000-\$6000 and hold 2 public hearings to address five or 6 new items, and incorporate some new items into the master plan. The review would cover 3 areas: commercial, residential, and agricultural. Planning commission should not ask for more than this—scope is limited; it is not the intent to create a new master plan at this point.

Michigan liquor control commission: This is a liquor license for south haven golf course. The applicant is Oil Investments Limited; the hope is to drop Nancy Whitten from the license, and transfer it from the Whittens to the Fargos. We are not aware of any violations of the South Haven Public Golf Course Liquor License. Cowie recommended approval, seconded by Ridley;

Ayes: Ridley, Graff, Winfrey, Overhiser; Cowie. No ~~ayes~~ NAYS and no abstentions.

Winfrey moved to adjourn at 11:50, seconded by Graff; adjourned.

Minutes recorded by

Julie M. Cowie, Clerk

Attachment: copy of Resolution for Liquor Control Commission/Whitten & Fargo

Approved 12/13/10

Casco Township Board of Trustees  
Regular meeting of October 18, 2010, 7:00 p.m.

Supervisor Overhiser called the meeting to order at 7:05 p.m. Present: Ridley, Graff, Winfrey, Overhiser, and Cowie along with approximately 11 interested persons. Overhiser led in the pledge of allegiance.

State Police Officers: The state troopers have been using the building about a year and reported on their activity. Officer Linc Miller reported that they have had about 958 calls. Officer Ben Clearwater reported on suspicious activity and some leads; detached outbuildings are being forced into. Questions were asked and answered. Those present were invited to provide feedback about the State Police presence to the Commander at the post in Wayland (Rau), 269-792-2213. Officers expressed appreciation for being based here and Overhiser expressed appreciation for the services the troopers have provided to the community.

Supervisor Overhiser extended time to any candidates present. A representative of Paul Klein, Circuit Court Judge, distributed literature. Mr. Klein practices family law and crimes for which punishment exceeds 1 year. He has been an attorney for 24 years, and a prosecutor for several cities in Allegan County.

Minutes:

Graff moved to approve Special Meeting minutes of August 31, 2010, supported by Winfrey; MSC. Cowie moved approval of Special Meeting minutes of September 2, 2010, supported by Graff; MSC.

Cowie distributed detailed legal bills for work accomplished by Scholten Fant in August and September 2010, in response to Judy Graff's earlier question about how much has been spent on various legal matters. The audit has taken place and one pending change is to create separate checking accounts for Parks & Recreation and the Casco Senior Care Program.

Winfrey presented the Treasurer's report with balances as follows:

General Fund	\$508,014.40
Parks	\$ 96,881.85
Seniors	\$ 34,138.71
Fire Department	\$466,458.64
Cemetery Care Fund	\$130,432.47
Road Fund	\$259,165.14
Collected Tax Account	\$ 41,996.08

Winfrey moved payment of General Fund orders #20497-20536 in the amount of \$47,973.02; Collected tax orders #2557-2562 in the amount of \$3,368,867.88; Fire Fund order #3875-3876 in the amount of \$3259.96, seconded by Ridley; MSC.

Graff liked the layout of the financial statement and requested a more accurate view of the legal fees, perhaps in December, especially to clarify expenses related to the acquisition of the Stefan parcel.

ZBA Report from Eldon Ridley: the ZBA met on Thursday October 7, with members present, to address 3 requests.

David Reed, to create a 5 acre parcel in a corner of a 20 acre parcel; two parcels existed already; variance granted.

Robert McNulty, 265 Broadway, agent for Sherwin Zuckerman, 7261 Michigan, granted; and Walter cottage LLC, to expand existing house at Edgewater; needed variances in front, side, and on deck; variance granted.

Planning Commission: The Manors project meeting has been cancelled because revised documents have not been received. Public input meetings on the Master Plan are scheduled for Oct. 30 and Nov. 13.

Fennville District Library now has signed contracts with Manlius and Lee Townships, which are served by the Fennville District Library on a contractual basis.

Parks: Work has begun on a site plan submittal a special land use permit (reflective of site plan developed earlier this year). A preliminary site plan review for a special land use permit is scheduled for November 16 at 6 pm. Last month, the draft park ordinance came to the board, and Ron Bultje has assigned it out to another staff member. The SHARP park authority has approved the design of another master plan (technical master plan). The Parks millage renewal is on the ballot on November 2.

County Commissioner: Monday night at 7:00 pm there will be a jail information meeting here at the Casco Township Hall.

Water/Sewer Authority: Overhiser presented numbers showing 13.6 hookups (for Casco and SH Twp together) for 2010 so far. There was a lack of clarity about whether projections were based on zero hookups for the first five years, or not. The Authority is looking at mandatory hookups and amending the wastewater ordinance to require water in all new homes. Criterion for poverty exemptions is being developed. A joint meeting will be scheduled after Thanksgiving. Mandatory hookups could be treated differently by each Township.

Miami Park Sewer Agreement: Documents will be distributed to the board; Miami Park is ready to pursue water/sewer through the municipal system.

Stefan Property: The transaction closed on Friday, October 15, 2010, with Chemical Bank providing funding. Cowie moved to proceed with purchasing the sign for the site at a cost of \$1655, most of which will be reimbursed; the sign is required by the Michigan Natural Resources Trust Fund; seconded by Winfrey; MSC.

Details about the public dedication were discussed. It is scheduled for Friday October 22 at 1:00 p.m. at the Stefan property.

Fiber Optic application, Merit network: Cowie moved to enter into the agreement with Merit entitled "Right of Way Telecommunications Permit," seconded by Winfrey; MSC.

Snowplowing bid: Bill Sill offered a bid of \$6800 for snowplowing for the 2010-2011 season (Township Hall and transfer station); Winfrey moved to approve the snowplowing, seconded by Cowie; MSC.

Public comment

Dan Fleming read a letter he had written dated 10/18/2010 (and submitted with these minutes). In the statement, he asked the Board to consider dropping the Maple Grove acquisition and limit beach access to the Stefan parcel.

Doug Murdoch wondered about planting trees, from his collection, on the west side of the parcel next to the township hall. Julie Soderquist from DeBest Inc. could be involved in this endeavor. Pam Blough suggested that no trees are planted until the renovation plans of the Township Hall are decided upon.

Bonnie Reimer informed the board of graffiti on the underpass on 71<sup>st</sup> street.

Cowie complimented crew on the I-196 reconstruction and the new roundabout. Bonnie Reimer expressed concern that the roundabout is wide enough.

Graff noted that the road millage expires in 2011.

Motion to adjourn at 8:45 pm made by Winfrey and seconded by Ridley. Adjourned.

Julie M. Cowie, Clerk

Attachment:

Right of Way Telecommunications permit  
Letter from Dan Fleming dated 10/18/2010

Approved 12/13/10

Casco Township Board of Trustees Regular Meeting

November 15, 2010, 7:00 p.m.

Overhiser, Graff, Winfrey, and Cowie were present at this regular meeting, along with approximately 8 members of the public. Trustee Eldon Ridley was absent. (Winfrey left the meeting at 7:35 pm due to illness). Supervisor Overhiser led in the pledge of allegiance after calling the meeting to order at 7:03 p.m. He invited public comment; there was none at this time.

Minutes: Cowie distributed several sets of minutes. She thanked workers for working the November 2 election in spite of the Accuvote tabulator failing at approximately 11:15 a.m. The machine was fixed today at no charge to the Township. Workers stayed until 11:45 pm on Election night. The Parks & Recreation millage was renewed, 55% yes to 45% no.

Graff moved approval of November 1, 2010 special meeting minutes, supported by Cowie, MSC.

Treasurer’s report:

Winfrey presented the following balances, though adjustments\* in Parks & Senior Services are likely since the accounting of these funds in new and separate accounts (removed from the General Fund) is in process:

General Fund	\$476,786.67 (* approximately \$327,620.18 without Parks & Seniors)
Parks fund	\$111,032.37 (* probably closer to \$96,994.51 after bills paid)
Senior Services	\$ 38,134.12 (* probably closer to \$34,262.32 after bills paid)
Fire Department	\$466,558.14
Road Fund	\$243,710.06
Cemetery Care	\$130,459.27
Collected Tax	\$ 44,107.19

Winfrey moved to pay General fund orders #20556-20609 in the amount of \$46,386.32; Collected Tax orders #2563-2571 in the amount of \$180,339.42; Road Fund #1060-1061 in the amount of \$15,508.72; Parks Fund Orders #101-109 in the amount of \$14,037.86; and Seniors Fund #101-114 in the amount of \$3,871.80, supported by Cowie; MSC.

Email communication from Jan Blaising of Adams Road thanked the board for the lovely new road. Adams Road was the worst road in the Township and was rebuilt at an excellent price due to the timing of the installation of the roundabout.

The Transfer station will be closed on Christmas and New Year’s Day.

Reports:

County Reports: Jedidiah Jessup, on Tom Jessup’s behalf, reported that County Commissioner Fritz Spreitzer lost his race to Bill Sage, and all other Commissioners were reelected. The County budget was passed at \$31 million with \$760,000 used from “reserve” to balance the budget. Casco resident Trino Perez has resigned from the Allegan County Council on Aging; a replacement is needed. Regarding the jail (and the failed jail millage), the County will not spend more money on an architect until they have funding ideas; residents with ideas are urged to call Commissioner Tom Jessup 637-3374.

Parks & recreation: Bruce Brandon, Chair, commended the board for the work and patience required to close on the Stefan parcel. He suggested that the Township newsletter clarify that the Nature Preserve is not yet open to the public given there is no safe way to access it. The Committee is moving toward a Spring/Summer opening of park. He expressed gratitude to the residents of Casco for passing the Parks & Recreation millage. The committee will work on draft rules for Park operation in January. Pam Blough made a good presentation to the Planning Commission last Saturday about the treatment of parks in the Master Plan.

State Rep. Bob Genetski: The State budget was completed on time, with some gimmicks. There were no revenue sharing cuts. In Corrections, down about 5000 prisoners; cost per prisoner is \$90/day; \$35,000/yr per prisoner, one of the highest rates in the nation. There have been cuts to the department of Community Health. Cowie invited Rep. Genetski to the November 30 MNRTF meeting to speak on behalf of the acquisition application.

Planning commission update: Two public input meetings have been held for feedback on updating the Master Plan. There will be another meeting in January. The Moran project developers have withdrawn their application for a PUD on 74<sup>th</sup> Street.

SHAES: Equipment was moved to the new 66<sup>th</sup> Street Fire Station on November 12; final inspection by Alfred Ellingsen is expected soon. The Station received a seal of approval from a fire suppression engineer. Wise presented two change orders: #13, \$435, landscaping; and #14, \$2500 for putting fence around water tanks in back. Cowie moved approval of these two change orders; supported by Graff. MSC.

Engine 12 is up for sale. The stove and fridge will remain in the Township Hall.

Jim Ridley from Entergy was present; Entergy would like to rent 12 square feet in a storage room to store equipment if there is ever a need to evacuate nonessential personnel from Palisades Nuclear Power Plant. Cowie moved approval of this lease agreement between SHAES and Entergy for the use of closet space, supported by Graff; Graff, Overhiser, and Cowie voted yes in a roll call vote; Winfrey and Ridley were absent.

#### Resolution #101115

The following bills and invoices, relating to the Casco Township 66<sup>th</sup> Street Fire Station project, were approved for payment at the Regular Township Board meeting of November 15, 2010:

BCI Construction:                   \$34,706.60 (actually paid #3874 on 8/18/2010)

SeBench Engineering, Inc.:       \$ 1,459.96 (#3876 dated 9/30/2010)

The total draw requested will be \$36,166.56. The Township of Casco certifies that the above summary of bills and invoices were reviewed and they are directly related to the approved Fire Station construction project.

Cowie moved approval of the above resolution, seconded by Graff:

Ayes: Cowie, Graff, Overhiser

Absent: Winfrey, Ridley

Streetlight for School: The installation of the Streetlight for North Shore Elementary will cost \$1925.51. Cowie moved approval of paying for the installation of the light; Graff seconded; MSC.

Community Center: A special meeting to receive the architect’s master plan is set for Monday, December 13 at 6 pm, ahead of the regular board meeting. Two public meetings have been held, resulting in numerous ideas for building renovation.

Community Volunteer Award: Casco Township received a \$1000 gift in honor of Emil Wessling to create a Community Volunteer Award. Overhiser welcomed input from the board on a recommendation for this recipient, who will be presented with the award at the December Casco Township Holiday Party.

New business

Dangerous Building Hearing Officer: Casco Township has appointed Mark Schrock, Dangerous Building Hearing Officer. The Dangerous Building Ordinance includes the option of a hearing. A hearing occurs if the owner has not responded to the Zoning Administrator’s letter, or if they differ with the Township’s assessment of the matter. Dangerous buildings differ from blight—the structure is deemed dangerous, often following a fire or other such event.

Resolution 101115B, Dangerous Building Hearings

WHEREAS, Casco Township has a Dangerous Building Ordinance, and  
WHEREAS, a Dangerous Building Hearing Officer conducts Dangerous Building Hearings on the Township’s behalf,  
THEREFORE BE IT RESOLVED that the Casco Township Dangerous Building Hearing Officer shall be Mark Schrock and the Officer shall receive remuneration of \$100 for each hearing conducted.  
Cowie moved approval of this ordinance; Graff seconded;  
Ayes: Overhiser, Graff, Cowie                      Nays: None      Absent: Ridley, Winfrey

Renewal of County Recycling Surcharge Contract: The County recycling program started in the early 1990s. Allegan County does not have a landfill within its borders and was mandated to move toward recycling 25% of its waste. Finding markets for recyclables is the biggest cost. Casco charges \$20 per year recycling fee to homeowners to cover the cost of providing recycling services at the Transfer Station. The contract is dated 2011-2015. Cowie moved that Casco enter into this contract, supported by Graff. Ayes: Cowie, Overhiser, Graff      Nays: none      Absent: Winfrey, Ridley      Motion passed.

Thursday December 9, at 5 pm is the tentative date for a joint Special Water/Sewer Meeting with South Haven Township to discuss mandatory hookups.

South Haven Public Schools: SHPS has submitted correspondence informing us that they will again collect summer taxes. We accept their notice.

Outdated Voting machine: The Clerk will explore giving our outdated Accuvote machine to another municipality who may wish to pay to have it upgraded and used.

Gravestones for Veterans: Two groups are working on identifying all graves of veterans of the War of 1812 and the Civil War. There are at least two veterans in Casco Township of the War of 1812, and one does not have a gravestone—James Emery (sometimes spelled “Emory”). Cowie moved to participate in

the Memorial Programs Service of the Department of Veterans Affairs to secure a headstone for this grave, to be installed at Casco Township's expense (out of the Cemetery Care Fund). Graff seconded the motion, unanimously approved.

Planning Commission Resignation: Tamara Kick has been absent more than twice from the Planning Commission and has moved to Florida. She has resigned from the planning commission, and Allan Overhiser will be appointing a replacement at the next meeting. Overhiser moved to accept Tammy Kick's resignation; supported by Cowie; MSC.

Poverty Guidelines for Board of Review: Overhiser distributed current standards for poverty levels as established by the Federal Government (made part of these minutes); Overhiser moved to adopt these standards for Casco Township's Board of Review to use for poverty exemptions; Cowie seconded; MSC.

Offer to purchase Community Hall: Overhiser opened a bid from McIntosh Apple Orchards LLC to purchase the Casco Community Hall. The offer of \$6500 was to purchase the Community Hall at 107<sup>th</sup> & 64<sup>th</sup>, which is adjacent to McIntosh's apple orchards. Cowie moved to accept the offer from McIntosh Apple Orchards LLC contingent upon not obtaining a higher bid from Mr. Marr. Graff seconded; MSC.

Public comment:

Graff asked for an update on the number of sewer connections. Overhiser responded that there had been no Water/Sewer Authority meeting due to lack of quorum. There has been a sizable increase in REU's after the Authority studied the Consumers Power Conference Center and the Church of the Latter Day Saints.

Overhiser reported that interest in the Boardwalk development is increasing.

Work on infiltration in Sunset Shores continues, with maintenance being performed on the system.

Saturday, February 12, 2011 will likely be a joint meeting with Planning Commission, Parks & Recreation ZBA, and the Board of Trustees.

David Campbell asked about the Moran project, which has been withdrawn.

Cowie expressed concern that there isn't enough signage cuing the North Shore roundabout heading southward on Blue Star Highway. Others concurred and Overhiser will look into it.

Overhiser moved to adjourn at 8:30 p.m. supported by Graff; adjourned.

Respectfully submitted,

Julie M. Cowie, Clerk  
Casco Township Board of Trustees

Attachment: Poverty Exemption Guidelines for Board of Review

Approved as amended, 1/17/11

Casco Township Board of Trustees Special meeting

November 19, 2010, 12 noon

Supervisor Overhiser called the meeting to order at 12 noon. Present: Overhiser, Winfrey, Graff, Cowie; Ridley was absent. Bruce Rissi, attorney from Scholten Fant, was also present.

Mr. Rissi explained the recent decision issued by Judge Corsiglia in the case involving Workmen's Circle. Judge Corsiglia ruled against the Township.

Rissi doesn't particularly recommend filing for a new trial, but if we don't take that action, we cannot appeal the decision. Rissi discussed the decision. He noted that the Township was vulnerable in part because Mount Pleasant put sewer components in the park because they thought it was theirs. The original developers dedicated the park to the public, but the original developers also put the sewer in that same park.

The Appeals court would decide if the judge erred in deciding there wasn't enough public use.

The type of public use—crossing the park parcel to get from point a to point b—is unusual, but that so many people used it convinced the township that it is a park. As many as 30,000 campers could've used the Indian trail (and, therefore, the park). It was noted that people who responded to advertising efforts and stayed at the colony constituted members of the public.

Rissi stated that if the Court of appeals will accept this level of use as being sufficient, we have met the chronology test. The use of the public was contemporaneous with installation of the sewer system.

The reason why the whole thing was developed was for underprivileged kids to camp and use the beach—these kids would be “members of the public.”

Questions were asked about how this lawsuit differs from the Woolsey case. Other cases were dealing with a single plat versus this case that involves three plats. Residents of Mt. Pleasant used the trail the most. We can clearly establish for the Court of Appeals that people were using the park.

Board members responded. Graff expressed that she is done with the matter and feels we have spent enough Township money defending a parcel that is of little import to the Township. She feels we should not appeal. Cowie asked about the significance of winning. Winfrey asked if we could collect taxes on the park. Overhiser stated that next to Workmen's Circle is Mount Pleasant Park, and he expressed concern that letting this lawsuit go will set a precedent for other parcels platted to the Township in a similar manner.

If we were to appeal, we would argue that the judicial estoppels doctrine had been misapplied. What would make for a strong case would be Carl Schwartz's comments in the 1970s, that this parcel was used by the public. The courts cannot look at the nature of the use, just the fact that it was used by the

public. Another argument would be that there has been no effective withdrawal of the public dedication.

Rissi proposed that there were six legal arguments to offer, broadly categorized by public use and withdrawal of the public dedication.

Fighting this case to this outcome demonstrates that the Board of Trustees will legally respond to any party that tries to go after land dedicated to the public.

This case is significantly and legally different from the case of stairs in Mount Pleasant.

Graff moved to stop litigation on the Workmen's circle lawsuit, based on the following rationale:

- A) Casco Township has spent significant money fighting this case;
- B) Casco Township has lost two lawsuits; DECISIONS ON THIS SAME MT. PLEASANT LAWSUIT;
- C) The case has taken Board/Township attention and resources for several years;
- D) The township has new opportunities for Lake access that are much more suitable for the public; and
- E) there is reluctance to put any more Township resources toward this matter due to the toll it takes on relationships and the agitation it causes in the community;
- F) The site is ranked very low in the SWOT (Strengths, weaknesses, opportunities, threats) analysis of the Parks & Recreation committee, as not accommodating many people;

Winfrey supported this motion to end legal proceedings. In a roll call vote:

Ayes: Graff, Winfrey, Overhiser                      Nays: Cowie

Absent: Ridley

The motion was adopted. Overhiser stated that he was terribly troubled by the defendants bringing this lawsuit against the Township. He felt it was selfish on their part. He stated that the Board has worked with the Mount Pleasant subdivision for 80 years, letting them have things how they want it. He GRAFF AND OVERHISER stated that the Township will continue to defend its right to all Township property.

Cowie stated that her reason for voting no represents what a dilemma this lawsuit posed to the Township as far as resources being spent on it and the defense of an important principle; she voted no out of a desire to defend all options available for public use of Lake Michigan and beach access.

Cowie moved to adjourn at 12:40 p.m., seconded by Winfrey; adjourned.

Minutes prepared by Julie M. Cowie, Clerk

Approved 1/17/11

Casco Township Board of Trustees  
Regular meeting of December 13, 2010 7:00 p.m.

Overhiser called the meeting to order at 7:01 p.m. Present: Overhiser, Cowie, Ridley, Graff, and Winfrey and approximately 6 interested persons. Overhiser led in the pledge of allegiance.

The Supervisor announced that there will be a hearing on the Beatty matter at Allegan County Court on 12/15/2010.

Minutes: Cowie presented the following for approval:

Special Meeting, September 20, 2010, 6 pm, approval moved by Graff, supported by Cowie; MSC.

Regular Meeting, September 20, 2010, 7 pm, approval moved by Graff, supported by Cowie; MSC.

Special meeting, September 24, 2010, 11 a.m., amended to replace the word "ayes" with the word "nays" in the resolution regarding the liquor license, approval moved by Graff, supported by Cowie; MSC.

Special meeting of October 8, 2010, 11 a.m., approval moved by Graff, supported by Winfrey; MSC.

Regular meeting of October 18, 2010, 7 pm, approval moved by Graff, supported by Winfrey; MSC.

Regular meeting of November 15, 2010, approval moved by Graff, supported by Winfrey; MSC.

Special meeting minutes of Nov 19 at 12 noon were distributed for review and will be addressed in January.

Winfrey presented the treasurer's report as follows:

General Fund	\$448,619.24
Parks Fund	\$ 77,652.35
Senior Services	\$ 25,812.02
Fire Department	\$372,672.26
Road Fund	\$243,760.20
Cemetery Care Fund	\$129,206.82
Collected Tax Account	\$130,777.45

Winfrey moved approval of the following payments:

General Fund Orders #20610-20660, \$43,666.29;

Collected Tax Orders #2572-2577, \$22,675.81;

Fire Fund Orders #3877-3879, \$93,981.75;

Seniors, orders #115-122 in the amount of \$4,965.63;

Parks, Orders #110-117 in the amount of \$5,026.28;

Cemetery order #1025 for \$1,280.00; Ridley seconded; MSC.

There is a need for a formal resolution showing that funds have been separated, and the resolution should summarize affected account numbers. This will be forthcoming.

Judy Graff asked about reserves for Parks and Seniors, and how can we show what we have for reserves.

Reports

ZBA: No activity.

Planning commission: Recent request for a special land use was approved with several special conditions; next session on Master Plan is in January (Jan 22) with a focus on commercial land use and concept of “overlays.” The joint session will be held Feb 12 with a focus on the master plan and the potential of adding a parks & recreation summary. SHARP organizers have expressed some interested in coming back, in Feb or March.

Seniors: Summary of the Year’s worth of programming continues with an exercise class, twice weekly, year-round; crafts, 2-3x month, with summers off; \$400 donated to We Care ; potlucks; care-giver training (Evergreen commons); Dementia Class; five wishes class; “Lest we Forget” luncheon; May luncheon; two days of medicare counseling; free tax prep; first aid class; elder abuse session in Allegan County; senior health fair in Allegan; project fresh (23 people getting \$20 of coupons); commodities; establishing a library; Christmas potluck & cookie distribution; angel food donations to buy baskets for seniors in need; outreach phone calls—1435 phone calls, 323 home visits.

SHAES: Ron Wise reported that the occupancy permit is in hand. The last payment, therefore, should be made to BCI. The goal is to complete all financing this month. Cabinets will be donated (valued between \$5000 and \$10,000). Five chairs have been purchased for the Emil Wessling memorial table.

SHAES budget is about to be acted on, and Casco’s portion will increase just under 1 percent (based on taxable values). The siren has been removed from Station 2 will be displayed at the new station. Trees have been planted. An Open House is planned for Spring.

**Resolution 101213A, Casco Township Fire Station Expenditures**

Cowie moved approval of the following expenditures related to the construction of the Fire Station on 66<sup>th</sup> Street:

Final payment to BCI Construction	\$37,563.40
Purchase of Appliances (SHAES MCard)	\$ 2,677.00
Glenwood Snowmobile Sales	\$ 862.85
Country House Furniture	\$ 879.60

The above purchases represent the final payment to BCI based on achieving the occupancy permit, and appliances, beds, and a snowplow blade to equip the station.

Supported by Winfrey;

Ayes: Cowie, Winfrey, Graff, Ridley, Overhiser

Nays: None Abstentions: None

The Supervisor declared the resolution adopted.

Chief Wise said there would be a walkthrough after the first of the year as the Contractor’s warranty runs out in February.

Old business:

Parks ordinance/Parks & Recreation Report: Casco Attorney Ron Bultje has reviewed the proposed Parks Ordinance. The version distributed to the Trustees is the most recent, and the Parks & Recreation committee has approved forwarding it to the Board. The Planning Commission was also interested in reviewing the ordinance at their meeting. The intent is that this is one ordinance for any of our parks. Graff commented that the ordinance doesn't seem very readable, with poor sequence of content.

Brief discussion ensued about what is meant by "without first securing written permission from Township." Our intent means written permission from the township board or its designee.

This ordinance applies to township-controlled parks (and not the SHARP park). While language states "no person" (in the negative), this is common for a focus on enforcement. This is an ordinance and not to be confused with rules. Rules have to mesh with the ordinance, but this is the ordinance document. This could be posted on the parks website page. The document will be edited to state "Township Board". The ordinance provides teeth for the Township to follow up on undesirable behavior and shows law enforcement that we're serious.

Grant Report: we were successful in receiving both grants sought from the Michigan Natural Resources Trust Fund: \$2,225,000 for the Maple Grove acquisition (expansion of the Casco Township Nature Preserve); and \$154,900 to develop the Nature Preserve. We have submitted a letter to Deb Apostol, our Grant Manager, requesting permission to expend design money even ahead of receipt of the project agreement. We are still waiting for the Legislature to act and release the funds.

Judy Graff thanked Julie Cowie for her work on securing the parks & recreation grants for the Township.

New Business:

John Johnson and Sandra Warren have agreed to continue serving on the Parks & Recreation Committee. Overhiser moved that both John Johnson and Sandra Warren be reappointed for 3 year terms; Cowie seconded; MSC.

Planning commission: Tamara Kick's resignation from the Planning commission has been received. Overhiser moved to appoint Dave Campbell to complete her term (and she was completing Fred Kick's Term); Mr. Campbell has been a resident of Glenn Shores for 30 years; Campbell's nomination seconded by Cowie. MSC.

2011-2012 BOR: Overhiser motioned to appoint Cherie Brenner as a member (not an alternate), plus Ken DeWitte and Joe Tubilewicz; seconded by Winfrey; MSC. Will Hart is coming off the Board. An alternate is needed—to be named in January.

Schedules for next year were submitted, and the Clerk will publish these meetings. The Board will continue to meet on 3<sup>rd</sup> Monday of every month except for December, when the Regular December Board meeting will be on December 12. The Annual meeting will be Monday, June 27, 2011.

Cowie announced that South Haven Public Schools will put a bond millage on the May ballot. She will bring sample ballot language for the road millage and a resolution for placing the millage on the May ballot to the January meeting.

Judy Graff read emailed correspondence from three residents who would like to have Washington Street paved: Roberta Archer, 7429 Washington Street; Ron and Deb Teslow, 7416 Washington; and Jeff and Anne Klimek, 7412 Washington Street. Overhiser has also had requests to pave 111<sup>th</sup> between 66<sup>th</sup> & 68<sup>th</sup>.

Allegan County road commission: a 1 mil resurfacing millage is proposed for the County. The next regional project is to complete 60<sup>th</sup> street from 109<sup>th</sup> to 106<sup>th</sup>—1 ½ miles. Casco Township will pay \$35,000/mile. Cowie moved to pave 60<sup>th</sup> Street as requested by the road commission, supported by Winfrey; MSC.

Tomorrow, Tuesday, December 14, 2010, there will be a Special Meeting at 7 pm in the South Haven Township Hall regarding mandatory hookups for sewer. This is an information meeting to inform the board. Out of this meeting we could have a public hearing.

Overhiser reported that the Water/Sewer authority is continuing to work on fixing manholes in Sunset Shore and Mt. Pleasant. Snow plows on gravel roads damage manholes. To clarify discussion from a prior meeting, Overhiser stated that based on our new bond, approximately 15 new connections are needed per year. In 2010 to date, we have about 13.6 connections.

Public comment:

Judy Graff asked a question about plowing.

Julie Cowie affirmed the new roundabout sign.

Bill Nelson is retiring from the Allegan County Road Commission.

Ridley moved to adjourn at 9:10, supported by Winfrey; adjourned.

Minutes prepared by

Julie M. Cowie, Clerk

Casco Township Board of Trustees