
CHARTER TOWNSHIP OF BEDFORD

115 S. Uldriks Drive, Battle Creek, MI 49037

December 8, 2016 - 7:00 PM

MINUTES

1. CALL TO ORDER

Supervisor Heikkila called the regularly scheduled Board meeting to order at 7:00pm.

2. PLEDGE OF ALLEGIANCE

The audience and Board members recited the Pledge of Allegiance.

3. ROLL CALL

Adam Heikkila, Supervisor; Joyce Feraco, Clerk; Chrisandra Dezotell, Treasurer; Joseph Cipic, Trustee; Connie Gibson, Trustee; Randolph Johnson, Trustee; Sally Shaw, Trustee.

7 members present. Supervisor Heikkila noted there was a quorum.

Supervisor Heikkila announced that the board would not be approving the planning commission appointments. As supervisor it is up to him to appoint, with board approval, and that will be done at a special meeting on December 29, 2016, 7 PM.

4. APPROVAL OF THE NOVEMBER 10, 2016 MINUTES

Moved by Trustee Harvey, supported by Trustee Shaw and resolved by the Board of Trustees of the Charter Township of Bedford to approve the November 10, 2016 minutes, as submitted.

Roll Call: Feraco –yes; Dezotell-yes; Cipic-yes; Shaw-yes; Gibson-yes; Johnson –yes, Heikkila-yes

7 yes, 0 no, 0 excused; Motion carried.

5. APPROVAL OF THE NOVEMBER 18, 2016 MINUTES

Moved by Trustee Shaw, supported by Trustee Cipic and resolved by the Board of Trustees of the Charter Township of Bedford to approve the November 18, 2016 minutes, as submitted.

Roll Call: Feraco –yes; Dezotell-yes; Cipic-yes; Shaw-yes; Gibson-yes; Johnson –yes, Heikkila-no; Feraco –yes;

6 yes, 1 no, 0 excused; Motion carried.

6. SPECIAL ORDER OF BUSINESS

7. COMMUNICATIONS

November 18, 2016 correspondence from Siegfried Crandall to The Bedford Board –referencing audit procedures between Siegfried Crandall and The Charter Township of Bedford for the 2016 audit and November 10, 2016 correspondence from Siegfried Crandall to The Bedford Board referencing preparation and method of the 2016 audit.

8. PUBLIC COMMENTS

9. REPORTS

(A) FINANCE

RES. 12/8/16/37

Moved by Treasurer Dezotell, supported by Trustee Shaw and resolved by the Board of Trustees of the Charter Township of Bedford to approve payment of expenses totaling \$226,474.16

Roll Call: Cipcic-yes; Shaw-yes; Gibson-yes; Johnson –yes, Heikkila-yes; Feraco –yes; Feraco –yes; Dezotell-yes;
7 yes, 0 no, 0 excused; Motion carried.

RES. 12/8/16/38

Moved by Trustee Johnson, supported by Trustee Shaw and resolved by the Board of Trustees of the Charter Township of Bedford

Whereas, the Township Board adopted a budget for the township in accordance with the provision of The Charter Township Act pertinent thereto covering the calendar year;

Whereas, as a result of changes in the anticipated revenues and unanticipated expenditures, it appears in the best interest of the Government of the Township to modify the aforesaid budget to consider the allocations and reallocation of department funds of the unencumbered surplus funds while still maintaining a balanced budget between total revenues and anticipated expenditures, and now, therefore, in accordance with Section 28 of The Charter Township Act, it is hereby resolved that the previously mentioned budget be hereby modified as follows:

2016 DEPARTMENT BUDGET EXPENDITURES

THE FOLLOWING DEPARTMENTS WILL:

	<u>INCREASE</u>	<u>DECREASE</u>
Admin Fund	1,076.00	
Elections	5,151.00	

Planning Commission	645.00	
Electrical Inspector	485.00	
Plumbing Inspector	323.00	
Building & Grounds	7,000.00	
Fire	17,500.00	
Cemetery	2,111.00	
Fund Balance		\$34,291.00
TOTALS	\$ 34,291.00	\$34,291.00

Roll Call: Shaw-yes; Gibson-yes; Johnson –yes, Heikkila-yes; Feraco –yes; Deztell-yes; Cipcic-yes; 7 yes, 0 no, 0 excused; Motion carried.

(B) PUBLIC HEALTH AND SAFETY

POLICE: Officer Kilbourn reported on activities in the Bedford area.

FIRE: Chief Cochensparger reported on activities of the Fire Department.

(C) BUILDING AND GROUNDS

(D) LEGISLATIVE AND INTERGOVERNMENTAL RELATIONS

Commissioner Frisbie was here and updated residents on recent activities at the county level.

10. UNFINISHED BUSINESS

11. PETITIONS AND NEW BUSINESS

RES. 12/8/16/39

Moved by Clerk Feraco, supported by Trustee Shaw and resolved by the Board of Trustees of the Charter Township of Bedford to establish a committee to work as a negotiation team for all future Police Contract negotiations.

Roll Call: Gibson-yes; Johnson –yes, Heikkila-yes; Feraco –yes; Deztell-yes; Cipcic-yes; Shaw-yes; 7 yes, 0 no, 0 excused; Motion carried.

RES. 12/8/16/40

Moved by Clerk Feraco, supported by Supervisor Heikkila and resolved by the Board of Trustees of the Charter Township of Bedford to establish a committee to develop a 5-10 year plan for the Fire Department to include a vision for the replacement of Station #1.

Roll Call: Johnson –yes, Heikkila-yes; Feraco –yes; Dezotell-yes; Cipicic-yes; Shaw-yes; Gibson-yes;
7 yes, 0 no, 0 excused; Motion carried.

RES. 12/8/16/41

Moved by Trustee Gibson, supported by Treasurer Dezotell and resolved by the Board of Trustees of the Charter Township of Bedford to adopt the 2017 Regular Board Meeting Schedule. Board meetings are the second Thursday of each month at 7:00 p.m. The meeting dates are: January 12, February 9, March 9, April 13, May 11, June 8, July 13, August 10, September 14, October 12, November 9, and December 14.

Supervisor Heikkila asked if the meeting days could be changed so he could attend meetings in Emmett Township. Input from residents and the board indicated there was no support to change meeting days. Meetings will remain the second Thursday of each month.

Roll Call: Heikkila-no; Feraco –yes; Dezotell-yes; Cipicic-yes; Shaw-yes; Gibson-yes; Johnson –yes,
6 yes, 1 no, 0 excused; Motion carried.

RES. 12/8/16/42

Moved by Supervisor Heikkila, supported by Trustee Cipicic and resolved by the Board of Trustees of The Charter Township of Bedford to approve the Intergovernmental Wastewater treatment services contract with the City of Battle Creek

RESOLUTION APPROVING INTERGOVERNMENTAL WASTEWATER TREATMENT SERVICES CONTRACT WITH THE CITY OF BATTLE CREEK

**BEDFORD CHARTER TOWNSHIP, CALHOUN COUNTY
RESOLUTION NUMBER 12/8/16/42**

WHEREAS, Bedford Charter Township entered into an Intergovernmental Wastewater Service Contract with the City of Battle Creek on March 20, 1985, under which the City of Battle Creek agreed to accept, treat, and dispose of wastewater originating within Bedford Charter Township; and

WHEREAS, pursuant to its terms, the 1985 Intergovernmental Wastewater Service Contract expired on March 20, 2010; and

WHEREAS, the parties have now negotiated a new Intergovernmental Wastewater Treatment Services Contract for a fifteen (15) year term with rates locked in for the initial five (5) year time period, after which rates may be adjusted by the Battle Creek City Commission, only after consultation with a Technical Review Committee established by the contract; and

WHEREAS, the contract guarantees Bedford Charter Township representation on the Technical Review Committee and likewise guarantees representation by the other surrounding contributing jurisdictions; and

WHEREAS, the contract further permits any party to unilaterally terminate its status as a party to the contract upon one (1) year's written notice to each of the other then existing parties; and

WHEREAS, Fleis & VandenBrink, the civil engineering firm hired by the Bedford Charter Township to advise the township with regard to negotiations on the contract, and Mumford, Schubel, Macfarlane & Barnett, PLLC, township legal counsel, both recommend approval of the Agreement; and

WHEREAS, the Bedford Charter Township has the authority to enter into a contract for the joint use and/or operation of sewers and/or sewage disposal facilities pursuant to 1943 PA 129 (MCL 123.231, et seq.) provided the contract is approved by the township's legislative body,

NOW, THEREFORE, BE IT RESOLVED that the Bedford Charter Township Board hereby approves the Intergovernmental Wastewater Treatment Services Contract as proposed and directs and authorizes the Bedford Charter Township Supervisor to sign the contract on the Township's behalf.

The foregoing Resolution offered by Board Member Supervisor Heikkila.

Seconded and offered by Board Member Trustee Cipicic.

Upon roll call vote, the following voted, Ayes: Clerk Feraco, Treasurer Dezotell, Trustee Cipicic, Trustee Shaw, Trustee Gibson, Trustee Johnson, Supervisor Heikkila.

The following voted, Nays: There were none.

The Supervisor declared the resolution adopted.

Joyce Feraco, Clerk

I, Joyce Feraco, the duly elected and acting Clerk of Bedford Charter Township, hereby certify that the foregoing Resolution was adopted by the Township Board by roll call vote at a regular meeting of the Township Board held on the 8th day of December, 2016, at which meeting a quorum was present.

Joyce Feraco, Clerk

Roll Call: Feraco –yes; Dezotell-yes; Cipicic-yes; Shaw-yes; Gibson-yes; Johnson –yes; Heikkila-no;
7 yes, 0 no, 0 excused; Motion carried.

RES. 12/8/16/43

Moved by Trustee Shaw, supported by Supervisor Heikkila and resolved by the Board of Trustees of The Charter Township of Bedford to approve the Sanitary Sewer Rates. See attached rate schedule.

**RESOLUTION APPROVING SANITARY SEWER RATES
FOR BEDFORD CHARTER TOWNSHIP**

**BEDFORD CHARTER TOWNSHIP, CALHOUN COUNTY
RESOLUTION NUMBER 12/8/16/43**

WHEREAS, Bedford Charter Township has approved a new Intergovernmental Wastewater Treatment Services Contract with the City of Battle Creek; and

WHEREAS, the Township wishes to establish its sanitary sewer rates in order to meet its obligations under the contract, as well as to generate the necessary funds to finance the expense of sewer cleaning and maintenance, lift station operation and maintenance, order control, and other activities related to the proper functioning of the portion of the sewer system located within the Township,

NOW, THEREFORE, BE IT RESOLVED that the sewer use charges within Bedford Charter Township shall be as established in the attached schedule, which schedule is incorporated within this Resolution and made a part thereof.

The foregoing Resolution offered by Board Member Trustee Shaw.

Seconded and offered by Board Member Supervisor Heikkila.

Upon roll call vote, the following voted, Ayes: Supervisor Heikkila, Clerk Feraco, Treasurer Dezotell, Trustee Cipic, Trustee Shaw, Trustee Gibson, Trustee Johnson.

The following voted, Nays: There were none.

The Supervisor declared the resolution adopted.

Joyce Feraco, Clerk

I, Joyce Feraco, the duly elected and acting Clerk of Bedford Charter Township, hereby certify that the foregoing Resolution was adopted by the Township Board by roll call vote at a regular meeting of the Township Board held on the 8th day of December, 2016, at which meeting a quorum was present.

Joyce Feraco, Clerk

Roll Call: Heikkila-yes; Feraco –yes; Dezotell-yes; Cipic-yes; Shaw-yes; Gibson-yes; Johnson –yes;
7 yes, 0 no, 0 excused; Motion carried.

RES. 12/8/16/44

Moved by Supervisor Heikkila, supported by Clerk Feraco and resolved by the Board of Trustees of the Charter Township of Bedford to appoint the various individuals to boards as follows:

APPOINTMENT OF PLANNING COMMISSION MEMBERS WAS OMMITTED BY SUPERVISOR HEIKKILA

Planning Commission Members:

*Resolution to appoint members to the Planning Commission:
Richard Harvey is no longer an elected official.*

<i>Joe Cipic</i>	<i>1/1/2017-11/20/2020</i>	<i>end of term</i>
<i>Woody Booher</i>	<i>1/1/2017-12/31/2019</i>	<i>3 year term</i>
<i>John Foltz</i>	<i>1/1/2017-12/31/2019</i>	<i>3 year term</i>

Board of Appeals:

Resolution to appoint members for the Board of Appeals.
Richard Harvey is no longer an elected official.

Joe Cipic	1/1/2017-11/20/2020	end of term
Judy Hensley	1/1/2017-12/31/2019	3 year term

Board of Review:

Resolution to appoint members to the Board of Review.

Mary Harvey	1/1/2017-12/31/2018	2 year term
Barb Jones	1/1/2017-12/31/2018	2 year term
John Foltz	1/1/2017-12/31/2018	2 year term

Alternates: Diana O'Leary
Brenda Foltz

Roll Call: Dezotell-no; Cipic=yes; Shaw-no; Gibson-no; Johnson –no; Heikkila-no; Feraco –yes; 2 yes, 5 no, 0 excused; Motion did not carry

RES. 12/8/16/45

Moved by Trustee Shaw, supported by Treasurer Dezotell and resolved by the Board of Trustees of the Charter Township of Bedford to approve to hire temporary outside legal counsel.

**RESOLUTION TO HIRE TEMPORARY OUTSIDE LEGAL COUNSEL
FOR BEDFORD CHARTER TOWNSHIP**

**BEDFORD CHARTER TOWNSHIP, CALHOUN COUNTY
RESOLUTION NUMBER 12/8/16/45 OF 2016**

WHEREAS, on March 22, 2016, a civil infraction citation was issued to Adam Heikkila alleging a violation of Article 7 of the Bedford Charter Township Zoning Ordinance with regard to the keeping of chickens in a residential zoning district; and

WHEREAS, the court file of *Charter Township of Bedford v Adam Heikkila*, District Court Case No. C161830, remains an open case within the 10th District Court for Calhoun County; and

WHEREAS, on November 8, 2016, Adam Heikkila was elected supervisor of Bedford Charter Township with his term of office commencing on November 21, 2016; and

WHEREAS, Mr. Heikkila's election as supervisor creates a conflict of interest for the law firm of Mumford, Schubel, Macfarlane & Barnett, PLLC, as township legal counsel; and

WHEREAS, the township has received a proposal for legal services from the law office of Brian Fish, PLLC, to substitute as legal counsel for Mumford, Schubel, Macfarlane & Barnett, PLLC, for Bedford Charter Township in the matter of the *Charter Township of Bedford v Adam Heikkila* at an hourly rate of \$150.00 per hour, plus expenses,

NOW, THEREFORE, BE IT RESOLVED that Bedford Charter Township does hereby agree to accept the proposal from the law office of Brian Fish, PLLC, to represent the Township in the matter of the *Charter Township of Bedford v Adam Heikkila* and hereby directs and authorizes the Township Clerk to execute the letter of engagement on behalf of the Township.

The foregoing Resolution offered by Board Member Trustee Shaw.

Seconded and offered by Board Member Treasurer Dezotell.

Upon roll call vote, the following voted, Ayes: Trustee Cipic, Trustee Shaw, Trustee Gibson, Trustee Johnson, Clerk Feraco, Treasurer Dezotell. 6 yes, 1 abstain.

The following voted, Nays: None
The Supervisor declared the resolution adopted.

Joyce Feraco, Clerk

I, Joyce Feraco, the duly elected and acting Clerk of Bedford Charter Township, hereby certify that the foregoing Resolution was adopted by the Township Board by roll call vote at a regular meeting of the Township Board held on the 8th day of December, 2016, at which meeting a quorum was present.

Joyce Feraco, Clerk

Supervisor Heikkila stated that he was firing Trustee Shaw during the discussion around the hiring of the outside counsel to complete the open case against Heikkila for the keeping of chickens in a residential area. Heated public comment and board discussion followed. Trustee Shaw indicated that she could not be fired but must be removed by Board vote only.

Roll Call: Heikkila-abstained; Feraco –yes; Dezotell=yes; Cipcic=yes; Shaw=yes; Gibson=yes; Johnson –yes;
6 yes, 0 no, 0 excused, 1 abstained; Motion carried.

RES. 12/8/16/46

Moved by Supervisor Heikkila, supported by Treasurer Dezotell and resolved by the Board of Trustees of the Charter Township of Bedford to appoint the following individuals to the Election Commission:

Election Commission Members:

Joyce Feraco, Clerk
Trustee Connie Gibson
Trustee Joseph Cipcic

Roll Call: Shaw=yes; Gibson-abstain ; Johnson –yes; Heikkila=yes; Feraco –abstained; Dezotell=yes; Cipcic-abstain;
4 yes, 0 no, 0 excused, 3 abstained; Motion carried.

12. TRUSTEES PERSONAL PRIVILEGE

13. CITIZENS TIME

14. ANNOUNCEMENT BY CHAIR, CHAIRPERSON OR ELECTED OFFICIAL

15. ADJOURNMENT

The meeting was adjourned at 9:11pm.

Supervisor Heikkila has called a Special Board Meeting for December 29, 2016 at 7:00pm.

The next regular Board meeting is January 12, 2017 at 7:00pm.

ADAM HEIKKILA, SUPERVISOR

JOYCE FERACO, CLERK