

# Middlebury Township

PO Box 622, Ovid, Michigan 48866

---

Regular Meeting

Middlebury Township Hall

7627 W M21, Ovid Michigan

Wednesday, January 8, 2020 at 7:00 pm

## **Call to Order:**

Supervisor Herendeen called the meeting to order at 7:10pm.

## **Board Members Present:**

Supervisor Michael Herendeen, Clerk Rose Brown, Treasurer Carolyn Stevens, Trustee Richard Semans and Trustee Gary Kiger

**Guests Present:** Four guests present: Marlene Webster, Carl Chalker and Bill Kline, Deputy Craig Lawson, Mark Holley (arrived at 8:00pm).

## **Scheduled Comments:**

Marlene Webster- Passed budget in December. Jeremy Root was elected as Chairman.

Deputy Craig Lawson came in place of Deputy Loomis to see if the board had any concerns and questions. Mr. Kline commented the Deputy has fixed some of the traffic issues where he lives. Deputy Lawson commented and addressed some of the concerns on Baldwin Rd. Clerk Brown inquired about a noise complaint she had received from a resident. Deputy Lawson stated the county can be contacted, but cannot give a citation because the township has no ordinance. Deputy Lawson offered to speak to the resident and help with the situation.

## **Public Comments: Opened at 7:22pm Closed at 7:25 pm**

Bill Kline commented on Warren Road visibility since the brush has been cleared. Mr. Kline continued to mention another area of branches and brush that needs attention on Warren Road. The road commission is aware of the area.

## **Motion to Approve Agenda:**

**Trustee Semans made a motion to approve the agenda with the addition of 4) land swap from the Johnson Brothers. Treasurer Stevens seconded the motion.**

**Aye: All**

**Nay: None**

**Carried**

**Motion to Approve Minutes:**

Treasurer Stevens made a motion to approve the minutes from the December 11, 2019 as presented. Clerk Brown seconded the motion.

Yes: All          Nay: None          Carried

**Motion to approve Bills**

Supervisor Herendeen made a motion to approve General Funds in the amount of \$5,877.61 ck # 5164-5178, and 2 EFTs. Trustee Semans seconded the motion.

Yes: All          Nay: None          Carried

**Communications:**

Park and Recreation: Closed for winter.

OMESA: The generator is fixed but there needs to be a bigger cement pad for the generator. OMESA needs to start thinking about how to handle the millage that will be expiring in the future.

Library: Minutes were presented.

MTA Meeting: Last night, Burns Township hosted the meeting at the road commission. Need to find out where the next one will be located.

Assessor Communications: None

Clerk Communications: 2019 W2 are completed. March 10, 2020 Primary Elections will be coming up. Election Commission Meeting will be set February 12<sup>th</sup> at 7 pm. There will be trainings for the March election for the workers.

**Business**

- 1.) **Township Attorney Document Sign** – Clerk asked if it was safe to fill the form. Board filled out form.
- 2.) **Election Source 5 Year Service Update** – This is a ten year contract in which the state is paying for the first five years and the jurisdiction are responsible for the next 5 years. The payments are set up to spread it out for the budgets. The end totals \$1,875.00 and \$1200. The board tabled until 2021.
- 3.) **Review and Discuss Potential 2020 Road Projects** – Trustee Semans presented his opinion of what road projects should be completed. The road commission had more suggestions. The projects, trustee Semans suggested will cost roughly \$169,286.00 with the road commission contributing 35,000.00. The road commission suggested project list with a total of \$279,256.00.

The board reviewed the traffic count study. Trustee Semans is compiling a list of areas for brush cutting. Let him know if there are areas in Middlebury township that needs to be added.

- 4.) **Land Swap**- Thursday, Jan 9<sup>th</sup> is a meeting with the attorney regarding the land swap. Supervisor Herendeen cannot be there. The board discussed creating a resolution to give trustee Semans authority in case Supervisor Herendeen cannot be in attendance.

## **Middlebury Township Resolution 2020-01 Land Exchange**

**WHEREAS: the Township desires to convey three acres, more or less, of its property to R.D. Johnson Properties II, LLC (Johnson II), a Florida Limited Liability Company, in exchange for the conveyance by Johnson II of some three acres, more or less, to reconfigure the Township's property to add road frontage and a more useable, non-landlocked Township property as shown on the attached survey (Exhibit A);**

**BE IT THEREFORE RESOLVED that Township Supervisor Michael Herendeen enter into all agreements with Johnson II as needed to effect the described exchange as well as an agreement to provide for the eventual extinguishment of an existing easement that currently provides access to the Township's property; AND FURTHER, that the Township authorizes the Supervisor Herendeen to execute all documents necessary to give full effect to all such agreements when completed, including deeds of conveyance, warranty and insurance of title for property conveyed to Johnson II, and any other such items as deemed necessary, including the acceptance of a quitclaim deed for property conveyed by Johnson II.**

**BE IT THEREFORE ALSO RESOLVED that, in the absence of the Supervisor Herendeen, Trustee Richard Semans may enter into all agreements with Johnson II as needed to effect the described exchange as well as an agreement to provide for the eventual extinguishment of an existing easement that currently provides access to the Township's property in the same manner as Supervisor Herendeen is authorized if present; AND FURTHER, that the Township authorizes Trustee Richard Semans to execute all documents necessary to give full effect to all such agreements when completed, including deeds of conveyance, warranty and insurance of title for property conveyed to Johnson II, and any other such items as deemed necessary, including the acceptance of a quitclaim deed for property conveyed by Johnson II, in the same manner as the Supervisor Herendeen is authorized if present.**

**Resolution 2020-01 was offered by Supervisor Herendeen and supported by Treasurer Stevens.**

**Roll Call Vote: Ayes: Kiger, Stevens, Semans, Herendeen, and Brown**

**Nay: None                      Adopted**

Mark Holley arrived at 8 pm; Mark Holley reviewed the Board of Review meetings and dates.

Organizational Meeting, Tuesday, March 3<sup>rd</sup>; Monday, March 9<sup>th</sup> from 9 am-3 pm and Friday, March 13, 3 pm- 9 pm.

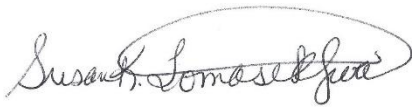
**Final Comments: Opened at 8:58pm Closed at 9:00 pm**

Supervisor Herenden reviewed the future meeting dates. Trustee Semans asked about the annual convention.

**Motion to adjourn the meeting: Adjourned at 9:01pm**

Without objection the supervisor adjourned the meeting at 9:01 pm.

X



---

Susan K Tomasek Swan  
Deputy Clerk