

Melrose Township Board of Trustees Special Meeting Minutes

January 6, 2016 6:00pm

- I. Call to order: V. Goodwin at 6:02 pm
Present: V. Goodwin, S. Burr, L. Stephens, P. Cotanche, R. Hissong Berry
Motion to approve the agenda as presented.
Motion: L. Stephens 2nd S. Burr
Approved 5/0

- II. Review of DEQ Part 41 Permit involving SKU Utility Operation
Documents were reviewed explaining the process dealing with the privately owned sewer system. The Part 41 permit and the responsibility the Township needs to assume if SKU were in some way to go into default.

After discussion resolution # 2016-01-06-01 was presented and acted upon.

Motion to approve Resolution # 2016-01-06-01 SK Utility see attached copy
Motion: V. Goodwin: 2nd P. Cotanche
Roll call vote: P. Cotanche-Y, S. Burr-Y, L. Stephens-Y, V. Goodwin-Y, R. Hissong Berry -Y
Approved 5/0

- III. Call for Public Comment- none

- IV. Adjournment 6:16pm

MELROSE TOWNSHIP

RESOLUTION # 2016-01-06-01

WHEREAS, SK Utility, Inc. has an existing privately owned, public sanitary sewer system to serve a mixed use of commercial and residential properties in the Walloon Lake Village. The properties currently served by SK Utility, Inc. are located in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 9, of the Township. The Township and SK Utility, Inc. have proposed an extension of the collection system to serve an additional residential property located in the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 8 of the Township; and

WHEREAS, primary responsibility for the effective and continuing operation and maintenance of said system remains with SK Utility, Inc.; and

WHEREAS, Melrose Township recognizes the need for effective and continued operation and maintenance of said system to protect the public health and prevent unlawful pollution of the surface and groundwaters of the State and to prevent the development of nuisance conditions;

NOW THEREFORE BE IT RESOLVED that SK Utility, Inc. shall cause to be executed an Agreement, which shall also be binding upon any assignee or successor in interest to SK Utility, Inc., and the Municipality of Melrose Township, whereby SK Utility, Inc. agrees to operate the system and maintain it in accordance with all state and local regulations and statutes, but in the event of insolvency or other reasons including dissolution of the corporation owning the sewerage system, that the Municipality of Melrose Township would assume responsibility for operation and maintenance if certain conditions are satisfied;

Further, that the Agreement shall be attached to this Resolution, and shall be executed by SK Utility, Inc. prior to, or within five (5) days of the passage of this Resolution; and this Resolution incorporates, by reference, the terms and provisions of said agreement;

Further, that, as noted above, all the terms and provisions of the proposed Agreement (a copy of which is attached to this Resolution and specifically incorporated herein by reference) are a part of this Resolution, and in the event SK Utility, Inc. or its assignee or successor becomes insolvent, dissolves, or otherwise has insufficient funds to operate or maintain the sewerage system in a manner required by law or local regulation, the terms and provisions of said Agreement shall apply and the Municipality will take such steps as are authorized under the Agreement.

Moved By: V. Goodwin 2nd: P. Cotanche

Ayes: 5

Nayes: 0

RESOLUTION DECLARED ADOPTED

Robin Hissong Berry, Clerk

I hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the Municipality Board of the Municipality of Melrose Township, County of Charlevoix, State of Michigan, at a meeting held on:

January 6, 2016 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act and that the minutes of said meeting were kept and will be or have been made available as required by said statute.

Robin Hissong-Berry, Clerk