

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Minutes**  
**Special Meeting**  
**May 1, 2008**

The Oshtemo Township Board held a special meeting at the Oshtemo Township Hall. Supervisor VanDyke called the meeting to order at 7:00 p.m.

**PRESENT:**

Supervisor John VanDyke  
Clerk Deb Everett  
Treasurer Nancy Culp  
Trustee Dave Bushouse  
Trustee James Grace  
Trustee Stan Rakowski  
Trustee Neil Sikora

Also present was Township Attorney James Porter, Township Engineer Marc Elliott and approximately 125 interested people.

**TRUCK ROUTE ORDINANCE AMENDMENTS**

Trustee Grace commented he would put a motion on the table in order for a full and fair discussion to take place but first made a statement as to how and why the matter of amending the truck route ordinance was being considered. He commented that the discussion is taking place in a public forum as promised by the Board who did not choose to site a gravel pit in our community; the issue has been thrust upon the Township. He further commented no vote has been taken and no deal struck with Aggregate Industries, a possibility of a change in the ordinance was presented to the Court, the Court was fully informed that no decision would be made without an opportunity for public comment. Mr. Grace advised the issue before the Board is the right of access to the pit via public roads and how the Township can deal with the situation given its limited authority. After discussion with in-house counsel, insurance counsel, and special counsel, the Board is of the opinion that Aggregate Industries will ultimately obtain a route through the Township to access the pit, therefore the real issue is what options are available; does the Township choose the route it believes has the least impact or let a judge decide the route. He further commented delay will not make the matter go away, in fact it is more probable that if the Board refuses to take any action, the Court could enjoin the Township from enforcing the ordinance regarding any trucking operation in the Township and while the Board has gone on record as opposing the truck traffic using 10<sup>th</sup> Street to West Main, if the Board does not select a route, access via that route is a real possibility by order of the Court. Referring to the lawsuit filed against the Township by Aggregate Industries, Mr. Grace also commented counsel has advised damages in this case could exceed \$10 million, which if that should happen, the Court has the authority to impose a levy on Township properties to reimburse those damages; with the current tax base that would require a levy of nearly 15 mills on all taxable property in the Township. He commented that while some would be willing to pay the additional millage, the Board does not believe a majority of Oshtemo citizens would want such an increase especially in light of unsure economic times and the Board realizes that no matter what the decision of the Board is, some residents will be negatively affected.

Motion by Grace, second by VanDyke to amend Section IX of the Truck Route Ordinance to allow deliveries and service calls to properties abutting the Township in adjoining municipalities in accordance with the proposed text, and with deep regret, to also amend Section V to include G Avenue from 6<sup>th</sup> Street to 10<sup>th</sup> Street as a designated east/west truck route.

The discussion was then opened for public comment.

Brian Leonard, 6377 West G Avenue, commented he felt conditions exist on G Avenue which should raise serious safety and public health concerns such as limited site distance, problems with access to M-43 from 6<sup>th</sup> Street, and steep grades on 6<sup>th</sup> Street. He suggested a better route would be 10<sup>th</sup> Street to H Avenue to Drake Road.

Jim Sterenberg, 4110 Oak Harbor, commented he appreciated the Board's efforts. He also commented that should it become necessary to make concessions due to the lawsuit the Township is facing, some of

those should be an independent committee of concerned parties to handle grievances and complaints resulting from the pit, a per ton or load surcharge to fund an account to be used for enforcement, penalties, and damages, a truck wash for every truck leaving the pit, limit loads per day or hour, reduced speed limits and reduced hours of operation.

James Childs, 1115 Bunker Hill, inquired why the pit could not have access directly to US-131. It was noted there had been discussions with local, state and federal officials and a reconfiguration of business loop was on a wish list, but currently not a priority.

Charles Lawson, 1449 Cadet Lane, commented Aggregate Industries was involved in the Big Dig project in Boston and fined fifty million dollars; direct access to US-131 would save them money.

Glen Ramsey, a resident of Alamo Township, commented Aggregate Industries attorney had been quoted to say there was no other way out except 10<sup>th</sup> Street. He commented they should go to F Avenue and felt they may want to move the plant to the pit site.

Donna Mearing, 6792 Penny Lane, commented if a truck route ordinance has been adopted, why backtrack and change it now.

Bonnie Banghart, 1573 North 10<sup>th</sup> Street, inquired if Aggregate Industries can start without the issue being settled. It was noted the original ordinance never prohibited deliveries of their equipment.

Richard Bloom, 2550 North 5<sup>th</sup> Street, commented he would be willing to pay additional millage for legal defense of the Township's position.

Bob Janssen, 8670 Almema Drive, commented the Board has done a good job and is between a rock and a hard place.

Grady Boswell, 1091 Josiane, commented he favors the direct access to US-131, Alamo is reaping the benefits of the pit, if there are damages, we should sue Alamo and Township wide poll could be taken to see if there is support for a millage for a legal fight.

Steve Ryan, commented he owns property on G Avenue, checked with the Township and was told trucks would leave the Township as soon as possible and wondered why 10<sup>th</sup> Street to H Avenue is not on the table and G Avenue is now.

Ron Walters, 5163 West H Avenue, commented he has mixed emotions on the issue, feels the Board has done a good job and feels bad for any where the truck route is and felt H Avenue already has a lot of truck traffic, the issue bears study as to how truck traffic can be controlled.

Margaret Masuzawa, 331 West Ridge Circle, inquired if Alamo Township asked Aggregate Industries not to use G Avenue. It was noted the consent agreement between Alamo Township and Aggregate Industries indicated they would not use Alamo roads, however, Attorney Porter commented the agreement also provides for modifications.

Jerry Stirton, 1082 Wickford, asked for clarification of the Township lines. It was noted the south side of G Avenue is in Oshtemo's jurisdiction, the north side in Alamo's.

Laura Anderson, 1399 Cadet Lane, commented the Board is trying to be fair and protect the most people; there is no perfect solution.

Joe Gemmill, 3300 North 10<sup>th</sup> Street, suggested the solution is an exit to the north from the pit to F Avenue and Ravine Road and wondered why this option has not been pursued.

Richard Cottrell, 2192 North 6<sup>th</sup> Street, commented either the exit north to F Avenue or a ramp directly to US-131 should be used.

Steve Sickels, 3560 Kelfrey Cove, commented he felt it was incumbent upon Aggregate Industries to get access through Alamo Township.

Ron VanderMeer, 4285 North 8<sup>th</sup> Street, commented Aggregate Industries needs to step back and become part of the solution, if the gravel is so important, they should be willing.

Kay Takahashi, 2550 North 5<sup>th</sup> Street, commented the pit will exist for 40-50 years, and inquired why one owner's interest is more important.

Pat Grupp, 2940 Red Bud Trail, asked what residents can do to assist is the Township's efforts. Trustee Sikora commented they should stay involved and contact our legislators in Lansing.

Irene Stec, 1373 South Village Circle, commented she would not have moved here if he had known about the gravel pit.

Jeff Ritke, 4551 North 8<sup>th</sup> Street, inquired if the property to the north of the pit could be purchased and donated to Aggregate Industries for access.

Nancy Thiele, 3026 Harbor View, commented she has already noticed a lot of trucks and inquired if the truck route signs would be up soon. It was noted most of the sign posts have been installed.

Board member comments included concurring with Trustee Grace's statements. Trustee Bushouse complimented the audience for participating in an orderly discussion. It was also noted that the Township had requested to meet with Aggregate Industries when plans for the gravel pit were first announced and the request had been rebuffed. Subsequent offers were received from Aggregate Industries for a meeting, however, they wished it to be held outside of a public forum, which the Board was unwilling to do. Attorney Porter reiterated the matter at hand now is their right of use of public roads, the Truck Route Ordinance was a comprehensive review of through truck traffic for the entire Township which at the time adopted was not obvious to include G Avenue or 10<sup>th</sup> Street as truck routes, and while the Township did reject Aggregate Industries request to include 10<sup>th</sup> Street to H Avenue and H Avenue to Drake, no other request has been made but a lawsuit filed.

After public comment on the motion all Board members voted aye and scheduled Second Reading for May 28<sup>th</sup> at 7:00 p.m.

There was no further business and the meeting was adjourned at approximately 8:30 p.m.

**DEBORAH L. EVERETT**  
**TOWNSHIP CLERK**

**Attested: JOHN VANDYKE**  
**SUPERVISOR**