

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**September 23, 2008**

The Oshtemo Township Board public comment session was held at the Township Hall. Supervisor VanDyke called the meeting to order at 6:00 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 James Porter, Township Attorney, Marc Elliott, Township Engineer, and 4 interested people.

**Public Comment:**

John VanBuren, 2403 Ramblewood had questions regarding the letter sent out by the Board regarding an update on the lawsuit by Aggregate Industries and status of the truck route ordinance. In response to his questions, Attorney Porter advised state law provides the Township the right to establish truck routes and the Kalamazoo Area Transportation Study (KATS) is a planning agency who can determine who gets funding for roads, they have never shown a comprehensive plan where they feel truck routes should be nor explained how the Township's ordinance is an impediment.

Richard Brewer, 2550 North 5<sup>th</sup> Street, had questions regarding the Chamber of Commerce and KATS comments on the truck route ordinance. In response to his questions, Attorney Porter advised Township staff had met with Chamber representatives and explained the truck route, the Chamber implied legal action would be taken against the Township, the Township has asked for specific information regarding their comments of businesses impacted negatively but have not received any. He further commented KATS is considering a policy of no federal dollars for roads with restrictions.

Joe Adams, 3095 Belle Chase, expressed concerns regarding the flooding in his neighborhood during the recent heavy rains and felt someone should be accountable. Attorney Porter and Supervisor VanDyke advised the Township had been working with the property owner on the east side of 8<sup>th</sup> Street to acquire an easement to run storm water runoff to his site; the process is not yet completed. It was noted that the Drain Commissioner who operates under the State Drain Code is only funded through assessments for necessary projects and while the previous Drain Commissioner had requested the Township petition for a special assessment district for the area, the Board felt more information was needed before taking such action in light of the fact the LaSalle neighborhood had been assessed twice in the past for the storm water issue and had been seeking the easement to use the property on the east side of 8<sup>th</sup> Street. Mr. Adams was advised that current Drain Commissioner Pat Krause would be attending the regular meeting at 7:00 p.m.

Paul Csiszar, 1328 Miss Ellie, had concerns regarding the site issues when exiting his neighborhood on to South 9<sup>th</sup> Street. It was noted a traffic signal due to be installed at South 9<sup>th</sup> Street and Quail Run Drive.

Al Geresy, owner of 10491 West L Avenue, inquired why the Board had agreed to pay for damages caused during a recent sewer installation on Stadium Drive caused by the utilities not being properly marked. He felt this should have been handled between the contractor and Consumers Energy and not involved the Township.

The public comment session was adjourned at approximately 6:50 p.m.

Supervisor VanDyke called the regular 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 James Porter, Township Attorney, Marc Elliott, Township Engineer, Fire Chief Mark Barnes and 15 interested people.

Motion by Grace, second by Rakowski to approve the September 9<sup>th</sup> regular meeting, September 16<sup>th</sup> joint meeting and September 18<sup>th</sup> special meeting minutes. Carried.

Income to the General and Fire Funds of \$12,074.06 and disbursements of \$618,704.63 were reported. Motion by Grace, second by Sikora to accept the receipts and disbursements report. Carried.

#### **CITIZENS COMMENTS**

Ken Bertolissi, 6146 West Main, commented he has water run off problems on his property due to the building built to the east side of his property and the bike path along M-43. He advised during the recent heavy rains, the lower walk out level of his office building had approximately 6 inches of water in it. Supervisor VanDyke asked Mr. Bertolissi to contact him with details for submission for possible FEMA assistance.

Joe Adams, 3095 Belle Chase, commented on the recent heavy rains and problems that occurred in the LaSalle neighborhood. He also commented he felt some of the run off was coming from Stadium Drive since the road reconstruction project.

Bob Brink, 6314 Killington, commented that while County Commissioner, he worked with the previous Drain Commissioner on the LaSalle issue and that the run off from Stadium Drive is different and the Kalamazoo County Road Commission was aware of that. He further commented there are now new officials in place in the Drain Commissioner's Office and the Road Commission.

Johanna Johnson, Managing Director of the Kalamazoo County Road Commission advised they do look at drainage when doing road projects.

Pat Krause, current Kalamazoo County Drain Commissioner advised he became aware of the LaSalle problem after being appointed, had met with Supervisor VanDyke, Attorney Porter and Township Engineer Marc Elliott. He also advised he met with the original developer of the plat and the retention pond appears to have been adequate when constructed. He commented the best option seems to be the easement for use of the property across 8<sup>th</sup> Street and he noted the Township has been paying for the engineering costs to design this project and while an assessment district will need to be established, the area will be much larger than just the LaSalle plat since the water run off is coming from much more area than just the plat. It was noted communication with the residents will occur as plans become finalized.

Dick Hertzell, 2484 Isle Harbor, inquired why Judge Lipsey would not dismiss Aggregate Industries lawsuit against the Township. Attorney Porter advised there is no motion currently before the Court, it is too early to bring a motion to dismiss as discovery in the case has not commenced.

#### **KALAMAZOO VALLEY INTERGOVERNMENTAL AMBULANCE AGREEMENT**

Fire Chief Barnes presented a recommendation for approval of the first of two, three year extensions of the ambulance agreement with Life EMS first approved in 2003. It was noted the other municipalities involved in the agreement, City of Kalamazoo, City of Parchment and Cooper Township have approved the extension.

Justine Hertzell, 2484 Isle Harbor, inquired how emergency vehicles gain access to her neighborhood which is a gated community. Chief Barnes advised they have access to a key for the gate.

Motion by Grace, second by Rakowski to approve the three year extension of the ambulance agreement. Carried.

#### **FIRE DEPARTMENT STANDARD FEES FOR SERVICE**

Chief Barnes presented a Standard Operating Guideline No. 1068.00 for establishing standard fees for service such as a hazardous material spill or special assignment where costs associated with an event are billable to the user. He advised fees would include mileage at the current IRS rate, personnel billed at actual cost, equipment and supplies damaged, destroyed or consumed at actual repair or replacement cost, apparatus billed on a per hour basis from \$50.00 to \$250.00 depending on the description, and an administration fee of 10% of the total cost.

Motion by Grace, second by Sikora to approve the fees for service as presented. Carried.

**PERSONNEL COMMITTEE RECOMMENDATIONS  
EMPLOYEE HANDBOOK UPDATES**

A recommendation from the Personnel Committee regarding a no tobacco use policy for firefighters was presented. Chief Barnes noted he was requesting this only apply to new hires, however, the committee expanded it to cover all firefighters. Clerk Everett commented the committee also discussed designating the Township Office a smoke free campus. Lengthy discussion ensued regarding fairness of the policy, what portion of the Township Office property would be defined as the smoke free campus and how would this apply to other Township facilities; the Personnel Committee will bring a recommendation back to the Board. Trustee Bushouse commented the no tobacco use policy should apply to all employees.

Motion by Grace, second by Sikora to amend the Employee Handbook to stipulate that new hires in the Fire Department must adhere to a no tobacco use policy while acting in their capacity as a Fire Department employee. Carried with Bushouse voting *no*.

A recommendation from the Personnel Committee to provide membership dues for new department heads to join a community organization was presented. It was noted it would apply only to new department heads and for one year. Trustee Sikora inquired if the committee had surveyed other communities or the Michigan Townships Association regarding such a policy. Trustee Bushouse advised they had not but felt there was a benefit in encouraging contact with the community. Lengthy discussion ensued with the suggestion of narrowing the membership to a service organization.

Motion by Grace, second by Rakowski to amend the Employee Handbook, Section 9.13 to provide newly hired department heads may join an Oshtemo community service organization to assist with their transition into the community with dues up to \$500 paid by the Township for the first year only. Carried with Sikora voting *no*.

A recommendation from the Personnel Committee to amend the retiree health plan to allow for one dependent was presented. It was noted current policy covers the retiree and spouse until the retiree's death; the proposed change would provide for retiree and one dependent, i.e, a retiree who might have no spouse but a dependent child.

Motion by Sikora, second by Grace to amend the retiree health policy to provide for the retiree and one dependent. Carried.

**BUILDINGS & GROUNDS COMMITTEE RECOMMENDATIONS  
EXTERIOR BUILDING REPAIR**

Trustee Bushouse advised the Buildings & Grounds Committee had received one quote in the amount of \$14,482 for the repair and refurbish of the stucco finish on the exterior of the Township Hall. He further advised a quote in the amount of \$1,602 had been received for signage behind the dais in the meeting room.

Motion by Bushouse, second by Grace to approve the expenditures as recommended. Carried.

**PURCHASE SCANNER/PLOTTER**

Treasurer Culp presented a request from the Building Department to purchase a scanner/plotter in the amount of \$20,051. She advised current paper building plans can be scanned and stored electronically and that new plans are often now received electronically which could be printed for review. She further advised when requests are received for copies of plans, they could be printed in house rather than outsourced.

Motion by Rakowski, second by Grace to approve the expenditure as requested. Carried.

**OTHER BUSINESS  
RESOLUTION FOR MICKEY HEALY**

Fire Chief Barnes presented a resolution of gratitude for Mickey Healy, a member of the Portage Fire Department who has donated hundreds of hours for training Fire Department personnel in extrication.

Motion by Grace, second by Sikora to adopt the resolution for Mickey Healy. Carried.

**BOARD MEMBER COMMENTS**

Trustee Bushouse presented a letter from Walter Kerstetter, 22075 Almena Drive, noting his concerns with the intersection of Almena Drive and VanKal Street. Mr. Bushouse commented he provided a copy to the Kalamazoo County Road Commission.

Trustee Sikora commented he and Trustee Rakowski attended a meeting with the Michigan State Police and the Kalamazoo County Road Commission held at Texas Township recently regarding how speed limits and established and found it very interesting.

Supervisor VanDyke advised he had located a vendor who might be able to address the problem of the coating on the sunscreens around the Township Office; he will provide the information to Schley Architects.

Trustee Rakowski provided the Board with information regarding four day work weeks and suggested the Personnel Committee discuss the issue.

There was no further business and the meeting was adjourned at approximately 8:45 p.m.

**DEBORAH L. EVERETT**  
**Township Clerk**

**Attested: John VanDyke**  
**Supervisor**