

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
October 25, 2011

The Oshtemo Township Board public comment session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 6:00 p.m.

PRESENT:

Supervisor Libby Heiny-Cogswell
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Grace Borgfjord
Trustee Dave Bushouse
Trustee Scott Ernstes
Trustee Lee Larson

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, and approximately 60 interested people.

PUBLIC COMMENT – ITC TRANSMISSION LINES PROJECT

Supervisor Heiny-Cogswell commented the agenda item for the public comment session was the proposed ITC Weeds Lake Dual 138kV transmission lines project. She noted while the agenda indicated representatives from ITC would be present, they had notified her they would not be attending but schedule a future meeting with effected property owners. She also noted the State legislators who represent the Township had also been invited.

Doug Maxwell, 3020 South 6th Street, commented this is a legal issue for property owners, the State Legislature in 2004 gave companies such as ITC the right to eminent domain, and he would like to know why. He also commented ITC has refused to answer questions regarding the public need for the project, safety concerns and what other routes were considered; property owners are left with devalued property and while he does not oppose modernization efforts, he questions who decides the criteria and legal recourse.

Terry Schley, business owner at 4200 South 9th Street, commented as a landowner he is tremendously impacted, the line will go through the middle of his seven acres resulting in devalued property, blighted aesthesis and investment and development loss. He further commented ITC has not been responsive to communication, milestone dates for the project are not being shared, their approach is not respectful, and is deliberate in unfair property acquisition. Mr. Schley commented as a former member of the Township Planning Commission, much thought was put into the planning of the Stadium Drive/9th Street area with the Village Theme and Village Form Based Code intended to create a small community image and calls for underground utilities, it also defines the 9th Street "gateway" corridor. He also commented ITC had acknowledged they had not seen these planning documents; their system is flawed.

Doug Worden, 4145 South 6th Street, commented he is a 4th generation owner of his property, feels like he has no choice, ITC's approach can be intimidating, and while he does not plan to develop his property of 45 acres, would like to pass it on to his children. He further commented he questions the selection of the route; could it follow property lines instead of going through the middle of them.

Josh Weiner, 9434 West M Avenue, commented he is very much opposed to the route due to the proximity to his home, the topography, diverse wildlife, forest and enjoyment of private property and he does not believe that citizens, property owners, and local legislators are powerless. He further commented he contacted the Southwest Michigan Planning Commission as the proposed lines go through the Paw Paw water shed; they were unaware of the project. Mr. Weiner also commented it defies logic that the proposed route is the only option, others would have less impact, he has spoken with the Governor, State and County legislators; they are our representatives and he expects them to respond, ITC is not providing answers to questions, has the purchase of the intended substation property been finalized, are they committed to this route; he will not sit idly by, he will fight.

Beth Hartman, 9428 West M Avenue, commented she agrees with the previous speakers, she owns 190 acres which is an equine center with 27 horses, 22 of them boarded, has 12 employees, the lines would be 200 feet from the barns, will be an eyesore and safety concern and will affect the success of her business.

Lisa Langeland, 3926 South 9th Street, commented the proposed lines would negatively affect their service to the families who choose their funeral home; the lines could interfere with their audio/visual equipment and their chapel was intentionally positioned to overlook the woods.

Ron Centers, representing American Balloon Corporation, commented he has been launching his hot air balloons from Flesher Field for 28 years, the proposed line that would run through the park will eliminate his ability to continue to do so. He further commented he would also be concerned about the electromagnetic field in close proximity to children in the park and the overall impact on the park.

Thomas Eller, 4204 Carver Drive, commented a few years ago the Tall Oaks apartments built north of his property removed woods; the proposed line would run between his home and the apartments further eliminating more of the woods and privacy; he is adamantly opposed.

Cheri Bell, 3711 North 2nd Street, commented she works for Rep. Sean McCann, and while he does not represent the Township, is keeping an eye on the issue. She further commented her grandfather owns property that is farmed and will be impacted.

Derek Robinson, representing State Rep. Margaret O'Brien, commented he was here to listen, Rep. O'Brien was made aware of the situation and they will do what they can to assist.

Supervisor Heiny-Cogswell commented she has been in communication since mid-July with residents, the laws are weighted against the Township; Attorney Porter has been exploring what the Township's options and alternatives are.

Attorney Porter commented it is disturbing to find the federal government has abdicated control of this type of issue and State law does not provide for public input due to the size of the proposed line.

Trustee Bushouse commented to have a matter before the Township and not have a vote is disturbing; he feels the citizen group could be effective with the State legislators.

Trustee Ernstes commented he agreed with Trustee Bushouse and he finds ITC not being present for the discussion troubling.

Clerk Everett commented she feels the Township should explore available options.

In response to an inquiry from Josh Weiner, Supervisor Heiny-Cogswell commented she felt the Board would be willing to draft a letter to the Governor and State legislators. She also noted Attorney Porter would be available to speak with other legal counsel.

Trustee Borgfjord commented the citizen group has done their homework; ITC is socially responsible for what they do. She noted State law can be changed as the Township discovered in a recent disagreement with a neighbor.

Treasurer Culp commented she agreed with Trustee Borgfjord and she is also affected by the project.

Trustee Larson commented he appreciates all the statements heard and shares the concerns and does not think it is right or fair.

The public comment session was adjourned at approximately 6:55 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at 7:00 p.m.

PRESENT:

Supervisor Libby Heiny-Cogswell
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Grace Borgfjord
Trustee Dave Bushouse
Trustee Scott Ernestes
Trustee Lee Larson

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, and 7 interested people.

Motion by Culp, second by Borgfjord to approve the October 11th regular meeting and October 19th special meeting minutes. Carried.

Income to the General and Fire Funds of \$6,182.11 and disbursements of \$234,682.08 were reported. Motion by Borgfjord, second by Larson to accept the receipts and disbursements report. Carried.

CITIZEN COMMENTS

Jim Sterenberg, 4110 Oak Harbor, commented perhaps it is time for the Township to further explore the idea of becoming a city given recent developments where it seems the Township is powerless; would city status provide options not available to a township.

ZONING TEXT AMENDMENTS – SECOND READING

A recommendation from the Planning Commission for approval of several proposed text amendments to the Zoning Ordinance was before the Board for Second Reading. They include adding definition of frontage, permitting houses of worship in an existing multi-tenant building in the I-R Industrial District, Restricted, identify the depth to which the minimum parcel frontage must be maintained until the required building setback line is satisfied, change definition of wall sign to distinguish that when the façade is illuminated, it may be considered part of the wall sign area, and limit the amount of the facade that can be illuminated to 25% of the building wall.

Motion by Borgfjord, second by Heiny-Cogswell to adopt the Zoning Ordinance text amendments. Carried.

PARKING ENFORCEMENT PROGRAM

A resolution to rescind the current procedures for the Parking Enforcement Program and placing the program under the direction of the Fire Chief who will establish operating guidelines was before the Board.

Motion by Larson, second by Borgfjord to adopt the resolution. Roll call showed Ernestes-yes, Borgfjord-yes, Culp-yes, Everett-yes, Bushouse-yes, Larson-yes, Heiny-Cogswell-yes.

LETTER OF RECOMMENDATION

KALAMAZOO COUNTY SANITARY SEWER “TIME OF SALE” INSPECTION PROGRAM

As discussed at the October 11th work session, a letter to Kalamazoo County recommending a time of sale inspection program be established for septic systems, was before the Board for consideration.

Motion by Everett, second by Larson, to send the letter of recommendation to Kalamazoo County.

OSHTEMO COMMUNITY CENTER MAINTENANCE

A proposal for items needing repair at the Oshtemo Community Center was before the Board for consideration, including the south room double door repair, west exterior door repair, and several areas of outside siding repair. A quote from Hall Builders was received in the amount of \$3,595.00 with discounts of \$100.00 for owner painting and \$200.00 if all repairs are done at this time, for a total quote of \$3,295.00.

Motion by Bushouse, second by Everett to accept the quote from Hall Builders in the amount of \$3,295.00 for the repairs as outlined. Carried.

TOWNSHIP HALL REPAIRS

Supervisor Heiny-Cogswell advised two quotes for the needed repairs regarding the deterioration of the stucco like finish on the Township Office exterior have been received, Bouma Bettan Construction in the amount of \$13,652.00 and Miller Plastering & Stucco in the amount of \$13,245.00.

There was discussion that the previous quotes were not comparable; the same items were not quoted. Trustee Bushouse advised the two quotes before the Board were for the same work. He further recommended other various areas of the building needing repair should be handled on a time and material basis.

Dan Holmes, 10848 West Main, commented there was a big difference between the previous quotes; there was opportunity for Miller Plastering to resubmit knowing what the other quote was; Bouma Bettan does a good job and stands behind their product.

Trustee Borgfjord inquired if there was a guarantee for the work to be performed and suggested a time element be added.

Motion by Bushouse, second by Culp to accept the quote from Miller Plastering & Stucco in the amount of \$13,245 providing a three year warranty can be secured. Carried.

NON MOTORIZED FACILITIES SNOW PLOW CONTRACT

Supervisor Heiny-Cogswell advised two bids were received for snow removal from the non-motorized facilities in the Township; DeVisser Landscape Service in the amount of \$9,090.00 per season or \$505.00 per occurrence, and Derhammer, Inc. in the amount of \$900.00 per occurrence. It was noted DeVisser's price is the same as last season.

There was discussion whether the per season or per occurrence bid is more cost effective.

Vicki Mitchell, 10361 West Main, commented indications are there is likely to be more snow this winter.

Justine Hertzell, 2484 Isle Harbor Court, commented she also understood the prediction is for more severe weather.

Motion by Heiny-Cogswell, second by Borgfjord to accept the seasonal bid from DeVisser Landscape Service in the amount of \$9,090.00. Carried.

MEDICAL INSURANCE – STATE LAW CHANGES

Supervisor Heiny-Cogswell advised new State law restricts how much a public employer can contribute toward medical insurance for employees; three options provided are a default cap which sets a dollar figure which the Township could contribute, an 80%/20% option provides no more than 80% of premiums can be paid by the Township or the Township can opt out completely and continue the program currently in place. She advised that after analysis of several options, the recommendation is to choose the second option described which would require employees to pay 20% of the actual premium, with a 50%/50% split for deductibles and co-pays. She noted employees currently pay 10% toward the premiums and the Township had been on a course to increase the employee portion to 25% in 2014; by implementing the 20% requirement in 2012, the recommendation would be to hold the employee portion at that amount going forward. She further noted holding the employee contribution at 20% and splitting the deductible and co-pays 50%/50%, the annual required contribution (ARC) to the retiree health trust would increase by \$6,000 per year, however, the increased employee premium participation and savings in the reduced deductible/co-pay reimbursement would not result in higher overall cost; all changes are effective January 1, 2012.

In response to an inquiry from Trustee Ernstes, Ms. Heiny-Cogswell advised several quotes for insurance had been reviewed.

In response to an inquiry from Vicki Mitchell, Ms. Heiny-Cogswell clarified the increased employee premium participation and savings in the reduced deductible/co-pay reimbursement would not result in higher overall cost.

It was also noted the new State law requires that all elected officials pay 20% of health insurance premiums; the other options are not applicable to them.

Motion by Ernstes, second by Borgfjord to accept the recommendation to require a 20% employee contribution toward health insurance premiums with a 50%/50% split on deductible and co-pays. Carried.

OTHER BUSINESS CLOSED SESSION

Motion by Culp, second by Everett to adjourn to closed session to discuss written legal opinion of the Township Attorney because doing so in open meeting would have a detrimental financial effect upon the Township's position and could disclose matters protected by attorney-client privilege.

Roll call vote showed Larson-yes, Bushouse-yes, Everett-yes, Culp-yes, Borgfjord-yes, Ernstes-yes, Heiny-Cogswell-yes.

The Board adjourned to closed session at approximately 8:00 p.m.

Motion by Culp, second by Borgfjord to return to open session at approximately 9:00 p.m. Carried.

Motion by Everett, second by Borgfjord to authorize the Township Attorney to contact legal counsel for N.I.C.E. to explore all options. Carried.

BOARD MEMBER COMMENTS

Supervisor Heiny-Cogswell thanked Township resident and OHS member Millard Loy for mowing at the Drake House property for the past three years.

Ms. Heiny-Cogswell advised the Kalamazoo County Road Commission voted at their meeting earlier in the day to postpone enforcement of the mailbox removal issues until February, 2012 and formed a committee to study the issue.

Ms. Heiny-Cogswell commented topics are needed for future public comment sessions; perhaps the earlier comment regarding the Township exploring becoming a city could be one.

Clerk Everett reminded all of the free community Halloween party on Sunday, October 30th at the National Guard Armory, sponsored by Oshtemo Rotary and Texas Corral.

Supervisor Heiny-Cogswell reminded all the next Township Board meeting will be held on November 9th due to the Mattawan School election on November 8th.

Ms. Heiny-Cogswell advised Board members the Michigan Townships Association conference will be held January 25 – 27.

Trustee Borgfjord commented work on the Township Park project is progressing and advised the park will not be closed during construction.

There was no further business and the meeting was adjourned at approximately at 9:05 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COSGWELL
Supervisor