

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
November 24, 2009

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 James Grace
Trustee Scott McCormick

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, and approximately 20 interested people.

Public Comment – Margaret Masuzawa, 331 West Ridge Circle, provided information regarding a dog park she had visited and commented she felt Township owned property on Stadium Park Way or KL Avenue would be good locations for such a park.

Cell Phone/Computer Use During Public Meetings – Supervisor Heiny-Cogswell provided a draft policy regarding use of cell phones and/or computers by board members during meetings. There was discussion the policy should include all public bodies of the Township. Attorney Porter will revise the policy for review at a future meeting.

Board Members Benefits – Discussion was held regarding benefits, specifically those for trustees, are they appropriate, how and why they were established and should they be changed. There was also discussion of conducting a comprehensive review of all employee benefits. Consensus was to establish a sub-committee to conduct a review and ask two citizens to serve along with board members.

Dan Thompson, 105 Echo Hills, commented this is a difficult topic, the package he's heard of seems out of line; how are trustees different from part time employees.

Neil Sikora, 9643 West KL Avenue, commented he feels trustees are overcompensated, board members are doing work that should be directed to staff; what is ethically correct.

Mary Beth Mauer, 8353 Gibbs, commented she does not envy but is pleased to hear this discussion, public opinion should be considered; there are other ways to structure benefits.

Kris Kenz, 1218 Jenna Court, thanked the Board for their service and wondered if there was way for more communication with the residents other than the web page. She advised she does not receive the Township newsletter.

Building Department Fee Schedule – Supervisor Heiny-Cogswell advised a change in the schedule for Building Department fees to base all building permits on valuation and electrical and mechanical permits on State schedules is being proposed. The item will be taken up for action on the regular agenda.

Actuarial Valuation – Supervisor Heiny-Cogswell advised a proposal has been received for an actuarial study needed for the retiree benefit costs as required by the Governmental Accounting Standards Board (GASB) for the Township's 2009 audit. The item will be taken up for action on the regular agenda.

Parking Lot Lights – Supervisor Heiny-Cogswell advised a proposal has been received to replace fixtures and bulbs in the Township Hall parking lot. The proposal through Consumers Energy Rebate Program estimates the energy savings over nine years at \$54,000. A demo unit will be installed next week. There were concerns regarding type of ballast and whether the fixtures have a photo cell eye. The items will be taken up for action on the regular agenda.

The public comment session was adjourned at 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 James Grace
Trustee Scott McCormick

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Jodi Stefforia, and approximately 30 interested people.

Motion by James Grace, second by Culp to approve the November 10th regular meeting and November 13th and November 19th special meeting minutes as presented. Carried.

Income to the General and Fire Funds of \$13,876.31 and disbursements of \$127,238.65 were reported. Motion by James Grace, second by Borgfjord to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS

Alistair McGill 5853 Scenic Way, thanked the Board for their actions related to the problems his neighborhood experienced with an adjoining property.

TRAILS ORGANIZATION AWARD

Dick Skalski and Toni Johnson advised the Mid-American Trails and Greenways Association has awarded the Outstanding Trail Project in Michigan to the Kal-Haven and Kalamazoo River Valley Trail project. The award will be on display at the Township Hall for a short time.

BUILDING DEPARTMENT FEE SCHEDULES

As discussed at the public comment session, a proposed change in building permit fees based on valuation, and electrical and mechanical fees based on the State schedules was before the Board for consideration.

Motion by Everett, second by James Grace to adopt a resolution approving the fee schedules as presented. Roll call showed James Grace-yes, Borgfjord-yes, Culp-yes, Everett-yes, Bushouse-yes, McCormick-yes, Heiny-Cogswell-yes.

BUILDING DEPARTMENT RETIREMENT ANNOUNCEMENT

Building Official Bob Horton announced he will be retiring February 26, 2010 and thanked the current and past boards for their support over his 20 year career with the Township.

OSHTEMO RIDGE II SITE CONDOMINIUM – FINAL APPROVAL

A request from North Peak Development LLC for Final Approval of a Final Plan for Oshtemo Ridge II, a site condominium was before the Board for consideration. Planning Director Stefforia advised the development was previously reviewed as the second phase of the original Oshtemo Ridge development; however is now requesting final approval as a separate site condominium. She further advised the development consists of 42 single family sites on approximately 16 acres north of Coddington Drive in the R-1 district, served by public sewer and water with a storm sewer system interconnected to the private system in the original Oshtemo Ridge site condominium and will utilize those drainage ponds. She also commented approval should be subject to the items outlined in the Planning Department staff report dated November 24, 2009 concerning receiving copies of the plan, monument and pin placement, Township Engineer approval of sewer installation, gas and electric installation, payment for street light installation, recording of revised condominium documents, and maintaining and renewing if necessary the current \$40,000 performance guarantee to ensure compliance of existing storm water system.

Brian Wood, representing North Peak Development requested the additional \$10,000 performance guarantee regarding the storm sewer system requested by staff be waived since the \$40,000 guarantee is still in place. Engineer Elliott commented he felt this would be reasonable.

In response to board member inquiries, Ms. Stefforia advised regular inspections of the storm water ponds are conducted as well as the Building Department taking notice when doing their inspections.

Motion by James Grace, second by Culp to grant final approval of a final plan for Oshtemo Ridge II subject to the conditions outlined in the staff report of November 24, 2009 and waiving the additional \$10,000 performance guarantee. Carried.

OUTDOOR WOOD FIRED FURNACE ORDINANCE

A proposed ordinance regarding outdoor wood burning furnaces was before the Board for Second Reading. Attorney Porter advised he had received comments addressing use of the units year round, activity which is not addressed in the proposed ordinance.

Chris Gallup, 2401 North 6th Street, questioned the 40 foot required setback from residence the unit is serving commenting that the sideline setbacks should address any concerns of neighbors; a resident may want their unit further away than 40 feet.

Robert Gallup, 3815 North 3rd Street, commented he uses his for his water heater, has asked neighbors about any smoke issues, has had no complaints and has used it for many years.

Rick Westrick, 2590 North 10th Street, commented he inquired six years ago when installing his and was told he did not need a permit.

It was noted units already in place are grandfathered but would be required to get a permit if they had not done so at the time of installation. In response to questions, Building Official Bob Horton advised a mechanical permit and electrical permit are required for installation of the outdoor furnaces; the cost would be approximately \$130.00 for both permits.

Rick Potter, 10105 West M Avenue, commented he has had issues for the past three years with a neighbor's smoke who use their outdoor furnace to heat a pool and was glad the Board was addressing this issue.

There was discussion that the 40 foot setback requirement and issues concerning year round use should be explored. Consensus was to move forward and adopt the ordinance with the understanding modifications may be needed.

Motion by Borgfjord, second by James Grace to adopt the Outdoor Wood Fired Furnace Ordinance with the understanding further modifications may be necessary. Carried.

PUBLIC WATER SERVICE ORDINANCE

A proposed ordinance regarding construction, installation, extension, and operation of public water service was before the Board for Second Reading.

Motion by James Grace, second by Borgfjord to adopt the Public Water Service Ordinance. Carried.

HAZARDOUS MATERIALS INCIDENT RESPONSE (HAZMAT) AGREEMENT

Supervisor Heiny-Cogswell presented the Intergovernmental Fire Protection Hazardous Materials Incident Response Agreement for consideration. The agreement addresses the Fire Department's participation in the county wide HAZMAT team to respond to incidents involving hazardous materials.

Motion by Borgfjord, second by James Grace to approve the agreement and authorize the Supervisor to sign on behalf of the Township. Carried.

HOUSEHOLD HAZARDOUS WASTE AGREEMENT FOR 2010

The agreement for 2010 with the Kalamazoo County Household Hazardous Waste Center was before the Board for consideration.

Motion by James Grace, second by Culp to fund the program in the amount of \$10,000 for 2010. Carried.

CELL PHONE/COMPUTER USE DURING PUBLIC MEETINGS

As discussed at the public comment session, this item will be brought back to the Board at a future date.

**OTHER BUSINESS
ACTUARIAL STUDY**

As discussed at the public comment session, a proposal has been received for an actuarial study needed for the retiree benefit costs as required by GASB for the Township's 2009 audit.

Motion by Culp, second by Borgfjord, to approve the proposal in the amount of \$8,500.00 from Gabriel, Roeder, Smith & Company for the actuarial study. Carried.

PARKING LOT LIGHTS

As discussed at the public comment session, a proposal has been received to replace fixtures and bulbs in the Township Hall parking lot. The proposal through Consumers Energy Rebate Program estimates the energy savings over nine years at \$54,000. There were concerns regarding type of ballast, bulbs, and whether the fixtures have a photo cell eye.

Motion by Borgfjord to approve the proposal subject to the concerns being addressed. The motion died due to lack of support. Consensus was to obtain further information and bring the item back to the December 8th meeting.

BOARD MEMBER COMMENTS

Trustee James Grace announced the public is invited to the "christening" of the new fire truck to be held on December 12th at 2:00 p.m. at Fire House No. 2, located at 3500 South 6th Street.

Trustee Borgfjord announced the Township has received a grant from the Kalamazoo Community Foundation in the amount of \$8,800.00 to complete a natural features inventory for the two Township parks.

There was no further business and the meeting was adjourned at approximately 8:05 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COSGWELL
Supervisor