

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
November 13, 2007

Township Board work session was held at the Township Hall. Supervisor VanDyke called the meeting to order at 5:00 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 Interim Fire Chief Paul Karnemaat.

Discussion – Ben Cohen, from Kushner & Company, whom the Board had contracted with for a benefit study was present. Discussion centered on the Personnel Committee's work with Mr. Cohen and health insurance agent Chip Schelb of the Nulty Agency. Mr. Cohen reviewed the proposed changes to the health insurance plan for Township employees. Also discussed was combining vacation and sick time benefits into a personal time off bank.

Other discussion items included inquiries from Board members regarding the PEO program, hiring a temporary maintenance person, and the status of the KVCC Fire Academy agreement.

The board work session was adjourned at approximately 6:45 p.m.

Supervisor VanDyke called the regular meeting to order at 7:00 p.m.

Also present were James Porter, Township Attorney, Marc Elliott, Township Engineer, Interim Fire Chief Paul Karnemaat, Senior Planner Mary Lynn Bugge, and approximately 40 interested people.

Motion by Sikora, second by Grace to approve the October 23rd regular meeting minutes as presented. Carried.

Income to the General and Fire Funds of \$72,111.06 and disbursements of \$127,835.08 were reported. Motion by Grace, second by Sikora to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

None.

TEXT AMENDMENTS – TRUCK ROUTE ORDINANCE – SECOND READING

Proposed text amendments to the Truck Route Ordinance clarifying definitions of trailer and truck, adding Ravine Road from Drake Road to the north Township line and N Avenue from 11th Street to 9th Street as designated truck routes, increasing carrying capacity to five tons for trucks on roads not designated as a truck route, and deleting the term pick up in Section IX describing services, was before the Board for Second Reading.

Marty Dodge, Senior Vice President of the Kalamazoo Regional Chamber of Commerce, commented a limited number of businesses were contacted for input regarding the ordinance, the ordinance will add significant cost to commerce, adjacent townships and Kalamazoo County planning were not consulted, enforcement will be nearly impossible, and many of the roads that would exclude truck traffic were designed for this type of traffic. He also commented that a previous discussion with Supervisor VanDyke and Township staff resulted in the feeling Chamber members could offer additional insights. Mr. Dodge further commented engagement with all stakeholders, not just residents, is key maintaining a balance of business growth and citizens needs.

Lara Meeuwse, 5442 West H Avenue, thanked the Board for supporting the residents in the face of pressure from the gravel pit interest and the Chamber. She commented the Kalamazoo County Road Commission's 2030 plan indicates an improvement of Drake Road from Grand Prairie to Ravine Road to three lanes is planned for 2011 while the City of Kalamazoo's plan indicates improvement of Drake Road from Canterbury to Grand Prairie to three or four lanes in 2011. She suggested perhaps those in the industries effected and the Chamber could work with the Kalamazoo County Road Commission and the City of Kalamazoo to make these improvements

prior to 2011. She also noted since 10th Street from H Avenue to G Avenue is a local road, H Avenue from 9th Street to 10th Street and 10th Street from H Avenue to West Main could be returned to local road status, noting these streets are mainly residential in nature with churches while Drake Road has several commercial businesses and would be more likely to see such expansion.

Jim Sterenberg, 4110 Oakharbor Street, commented he was representing C-COATs, Concerned Citizens of Oshtemo and Alamo Townships. He commented 10th Street and H Avenue are primary routes for residential traffic from a large residentially zoned area. He also commented since the spring a large increase in gravel train traffic has been observed especially on 10th Street and H Avenue. He further commented they appreciate the Board taking a proactive role in regulating commercial traffic and limiting such traffic in residentially zoned areas and encourages to the Board to implement the ordinance, agreeing the Township should have the right to govern its own roads.

Pat Glass, 6617 West H Avenue, provided a copy of a mining permit from Highland Township and information how they have dealt with a gravel mining operation in their Township.

Robert Mallett, indicated he is a resident of Alamo Township and commented he applauds and supports what the Oshtemo Township Board has done and commended Attorney Porter on his work. He also commented 10th Street is not suitable for heavy truck traffic with pedestrian uses.

Galen Rike, 6180 Ashwood Drive, commented anyone encountering the gravel trains should realize they have no business on residential streets and thanked the Board for protecting the citizens.

Joe Gemmill, 3300 North 10th Street, commented he supports the Board's efforts regarding the truck route ordinance, he is not anti industry but there must be a balance that protects quality of life issues. He played an audio recording of trucks going past his residence, noting that one particular day he counted 37 during a one hour period.

Morris Arnold, 1226 Cadet Lane, commented while there appears to be a groundswell of public entities being controlled by corporate dollars, he appreciates being an Oshtemo resident, the Board goes above and beyond, and it is refreshing to see a public entity for the people.

Wendy Lawrence, 8516 West G Avenue, commented that local governments should have the right to decide where truck and through traffic goes; as an Alamo Township resident she will benefit also.

Motion by Grace, second by Rakowski, to adopt the proposed text amendments. Carried.

TEXT AMENDMENTS – OPEN BURNING ORDINANCE

Proposed text amendments to the Open Burning Ordinance to prohibit burning of any materials on any paved or improved public or private street, language to address burning of building materials as it relates to the Dangerous Building Ordinance, and language addressing outdoor fireplaces was before the Board for Second Reading.

Motion by Grace, second by Culp to adopt the proposed text amendments. Carried.

TEXT AMENDMENTS – PARK ORDINANCE

A recommendation from the Parks Committee for a text amendment to the Parks Ordinance to define all large gatherings on Township park property as an outdoor assembly to which Ordinance No. 70, the Outdoor Assembly Ordinance would apply requiring application and licensure by the Parks Committee was before the Board for Second Reading.

Motion by Culp, second by Sikora to accept the proposed text amendment. Carried.

VEHICLE BUILDING REPAIRS/MAINTENANCE

Supervisor VanDyke advised all bids had not been received therefore this item was removed from the agenda to be heard at a later date.

RECONSIDERATION OF REQUEST FOR PILOT – CROYDEN COMMONS

A request from Forsite Properties for a Payment in Lieu of Taxes (PILOT) for a proposed senior housing development on Croyden Avenue, west of Drake Road was denied at the previous meeting. Attorney Porter advised in light of comments made, he drafted an agreement that would provide for the payment of the Fire Department special assessment which was a major concern as this type of development is more likely to be a frequent user of EMS services.

In response to Board members questions, Mr. Porter advised he did not feel this set a precedent for future applications, if the property is sold a new owner could appeal the conditions of the agreement, however, the Board could also at any time repeal the ordinance or if the development was rented at market rate, the PILOT would be terminated. Senior Planner Bugge noted the current three senior housing developments in the Township each had one police call in the past nine months; the largest service used by senior housing tends to be EMS services. There was lengthy discussion and Board member comments recognizing the need for senior housing and that such developments are good neighbors. Trustee Bushouse expressed concerns regarding other entities that would not receive their revenue from granting a PILOT.

Motion by Grace, second by Rakowski to approve the PILOT application subject to the agreement that Croyden Commons will pay the Fire Department special assessment. Carried with Bushouse and Culp voting no.

EMPLOYEE BENEFITS CHANGE

A change in health insurance plans was discussed at the Board's work session. The Personnel Committee recommended changing health plans in an effort to contain costs while still offering good benefits. It was noted the premium for the current health plan would increase by 17.5% next year.

Motion by Bushouse, second by Grace to approve the change in health insurance plan effective January 1, 2008. Carried.

OTHER BUSINESS FIRE DIRECTION COMMITTEE RECOMMENDATIONS

Trustee Grace thanked the members of the Fire Direction Committee and provided their recommendations that the Board proceed with the process to hire a new Fire Chief, the Fire Department should continue to respond to EMS calls and the committee review long term options submitted by the new Fire Chief.

There was discussion of keeping the committee in place; Trustee Sikora commented the committee might be useful in the selection process for the new chief.

It was noted a position description for Fire Chief would be on the next meeting agenda.

Motion by Everett, second by Culp to thank the committee for their time and work and accept their recommendations as presented. Carried.

FIRE COMMISSIONER RESIGNATION

Trustee Rakowski advised he would be resigning as Fire Commissioner effective December 31st. Consensus was filling the position would be discussed at the next meeting.

BOARD MEMBER COMMENTS

Clerk Everett reported a 14% turnout for the November 6th election on the KRESA millage issue.

Engineer Elliott advised the St. Charles pump station project is nearly complete.

There was no further business and the meeting was adjourned at approximately 8:00 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: **JOHN VANDYKE**
Supervisor

OSHTEMO CHARTER TOWNSHIP BOARD

**7275 West Main Street
Kalamazoo, MI 49009
(269) 375-4260**

**November 13, 2007
5:00 p.m.
BOARD WORK SESSION**

1. Call to Order
2. Discussion – Employee Benefits – Ben Cohen, Kushner & Company
3. Any Other Business /Board Member Comments

**REGULAR MEETING
7:00 p.m.
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Minutes – October 23rd Regular Meeting
4. Receipts & Disbursements Report
5. Citizen Comments on Non-Agenda Items
6. Consideration of Amendments to Truck Route Ordinance – Second Reading
7. Consideration of Amendments to Open Burning Ordinance – Second Reading
8. Consideration of Amendments to Park Ordinance – Second Reading
9. Consideration of Vehicle Building Repairs/Maintenance
10. Reconsideration of PILOT Application – Forsite Properties
11. Consideration of Employee Benefits Change
12. Other Township Business
13. Board Member Comments
14. Adjournment

RECEIPTS & DISBURSEMENTS - October 15 through October 31, 2007

**** GENERAL & FIRE FUNDS ****

RECEIPTS

Planning Fees	
Text Amendment/Forsite Properties	500.00
Admin Site Plan/Hospice Care	250.00
Site Plan/Third Reformed Church	700.00
Land Div App/Coble	150.00
Planning Escrow	
Meijer/Sidewalk Escrow	12,600.00
Hospice Care	500.00
Third Reformed Church	1,000.00
Menards	500.00
Sign Permits	175.00
Enhanced Access/GIS	5.00
Copies	12.00
Postage	2.82
Violations	1,364.85
Building Permits	16,861.65
Contracted Plan Review	100.00
Grange Rental	35.00
OCC Rental	1,080.00
Rent Deposits	500.00
Foundations	112.00
Telephone/Nederhoed	34.63
PILOT App/Croyden Commons	550.00
NSF Fees	30.00
Credit/Climax Telephone	2,332.58
AFLAC/Lubbert	29.72
KVCC/2006 Fire Academy	13,000.00
Sale of OFD Clothing	33.00
Reimburse OFD for Work Detail	72.88
General Sewer Receipts	6,000.00
General Water Receipts	13,579.93
Total	72,111.06

DISBURSEMENTS

10/24/2007	Payroll/Office/Trustees	30,741.77
10/26/2007	Payables	97,093.31
Total		127,835.08

VENDOR ID INVOICE # GL #	NAME INVOICE DESCRIPTION GL DESCRIPTION	AMOUNT	
ar	Adams Remco, Inc.		
762303 206-340-93300	annual service contract for h2 copier Equipment Maintenance	517.68	
			VENDOR TOTAL: 517.68
aisc	American Institute of Steel Constru		
1089496 249-371-95800	membership Education	135.00	
			VENDOR TOTAL: 135.00
aulic	American United Life Insurance Co		
714135 101-234-71600 249-371-71600 206-336-71600	life insurance Health & Life Insurance Health & Life Insurance Health & Life Insurance	121.51 28.53 42.92	
		192.96	VENDOR TOTAL: 192.96
ao	ArchivesOne		
0131236 101-223-82600	legal file storage Legal Fees	37.68	
			VENDOR TOTAL: 37.68
harvey	Bob Harvey		
102607 101-249-95900	trash day worker 10/27 Trash Collection	70.00	
			VENDOR TOTAL: 70.00
brocasky	Brodasky Thomas		
102607 101-300-24800	deposit refund Rent Deposits	100.00	
			VENDOR TOTAL: 100.00
clean	Clean Earth		
49529,530,531 206-340-93100	annual maint - h1, h2, h3 Building Maintenance	2,126.08	
			VENDOR TOTAL: 2,126.08
ce-e	Consumers Energy		
102607 101-218-92100 101-218-92300 206-340-92000 107-756-92100 249-371-92100 249-371-92300	electric and gas Electric Heat Utilities Electric Electric Heat	1,162.57 48.29 1,874.06 288.76 52.80 28.47	
		3,454.95	VENDOR TOTAL: 3,454.95
ce-sl	Consumers Energy		
103107 101-306-92600	street lights Street Lighting	8,655.70	
			VENDOR TOTAL: 8,655.70
cornerston	Cornerstone Construction Mgmt		
092107	mtg room		

VENDOR ID INVOICE # GL #	NAME INVOICE DESCRIPTION GL DESCRIPTION	AMOUNT	
101-249-97700	Capital Outlay / Equipment	10,202.27	
			VENDOR TOTAL: 10,202.27
everett	Deb Everett		
102607	stamp reimbursment	52.00	
101-249-73000	Postage		VENDOR TOTAL: 52.00
dt	Discount Tire		
12458135	new tires for 504	124.00	
206-340-86700	Vehicle Operations		VENDOR TOTAL: 124.00
hook	Dr. Hook Inc		
133859	stamp	25.70	
249-371-72800	Supplies		VENDOR TOTAL: 25.70
aearl	Earl Arthur		
102606	electrical insp, nextel, sunshine, plan	2,394.00	
249-371-80800	Contracted Inspections	100.00	
249-371-82400	Contracted Plan Review	-25.00	
101-000-25300	Cell Phone	-3.00	
101-000-26900	Sunshine Fund		VENDOR TOTAL: 2,466.00
ess	ES&S		
613961	2007 maint contract for voter eqpt	1,197.00	
101-191-97000	Capital Outlay-Equipment		VENDOR TOTAL: 1,197.00
gw	Gordon Water Systems		
771932,31	water for hl	47.25	
206-340-72800	Supplies		VENDOR TOTAL: 47.25
hts	Handley's Tree Service		
9752/9749	drake house tree work and storm repair	2,375.00	
107-756-98100	Capital Outlay/Drake House		VENDOR TOTAL: 2,375.00
HSBC	HSBC Business Solutions		
104710137	fax ink	164.97	
101-249-72800	Supplies		VENDOR TOTAL: 164.97
ibs	Integrity Business Solutions LLC		
51005-0	supplies	67.78	
101-249-72800	Supplies - gen		VENDOR TOTAL: 67.78
icc	International Code Council		
0449354-in	code books		

VENDOR ID INVOICE # GL #	NAME INVOICE DESCRIPTION GL DESCRIPTION	AMOUNT	
249-371-72800	Supplies	449.10	
			VENDOR TOTAL: 449.10
wiley	Jim Wiley		
92807 206-336-72500	work shoes Clothing Allowance	95.39	
			VENDOR TOTAL: 95.39
kct	Kalamazoo County Treasurer		
102307 490-000-81000	discharge of water mortgage - Moss Legal Fees	14.00	
			VENDOR TOTAL: 14.00
kct-2	Kalamazoo County Treasurer		
100507 101-249-96100	tax refunds BOR/MTT Refunds	240.20	
			VENDOR TOTAL: 240.20
lmm	Lake Michigan Mailers		
154715 101-249-73000 101-174-73000	postage / & election Postage Postage	1,682.00 318.00	
		2,000.00	VENDOR TOTAL: 2,000.00
lc	Lynwell Corporation		
183204 101-249-72800 206-340-72800	coffee Supplies Supplies	222.20 94.80	
		317.00	VENDOR TOTAL: 317.00
mar-cut	Mar-Cut Sales		
4280 206-336-72500	name badges and plates for #31 Clothing Allowance	106.80	
			VENDOR TOTAL: 106.80
mckenna	McKenna Associates Inc		
100507 900-728-80800 101-805-80800	prof planning service Contractual Services Consultants	322.00 285.00	
		607.00	VENDOR TOTAL: 607.00
menards	Menards		
5822 206-340-76600	maint supplies Expendable Equipment	24.53	
			VENDOR TOTAL: 24.53
mbia	Metro Building Inspectors Associati		
102607 249-371-95800	membership renewal Education	75.00	
			VENDOR TOTAL: 75.00
mer	Michigan Election Resources		
21597	notice of concellation		

VENDOR ID INVOICE # GL #	NAME INVOICE DESCRIPTION GL DESCRIPTION	AMOUNT	
101-191-72800	Supplies	55.74	
			VENDOR TOTAL: 55.74

mta	Michigan Townships Assoc		
102607	mta educ conference	840.00	
101-249-95800	Education		
			VENDOR TOTAL: 840.00

mid-mich	Mid-Michigan Assoc of Assessing Off		
102607	conf - <i>Cathy</i>	20.00	
101-209-95800	Education		
			VENDOR TOTAL: 20.00

mfe	Moses Fire Equipment		
7507	chimney nozzle for 532	281.63	
206-340-86700	Vehicle Operations		
			VENDOR TOTAL: 281.63

dodd	Nakia Dodd		
102607	deposit refund	100.00	
101-000-24800	Rent Deposits		
			VENDOR TOTAL: 100.00

nextel	Nextel Communications		
683983515-067	nextels	65.92	
249-371-85300	Telephone	110.75	
206-340-85300	Telephone	11.88	
101-209-72800	Supplies	106.28	
101-249-85300	Telephone	326.79	
101-000-25300	Cell Phone	34.63	
101-000-25300	Cell Phone	25.00	
101-000-25300	Cell Phone		
		681.25	
			VENDOR TOTAL: 681.25

nu	Nye Uniform		
184604	shirts and pants for 592	377.94	
206-336-72500	Clothing Allowance		
			VENDOR TOTAL: 377.94

ofd	Oshtemo Fire Department		
101207	work detail	20.82	
107-756-93100	Maintenance Services		
			VENDOR TOTAL: 20.82

peters	Peters Construction		
6446	fill in dry well for bike path	1,100.00	
101-218-93100	Maintenance Services		
			VENDOR TOTAL: 1,100.00

p&n	Prein & Newhof		
100807	engineering fees	1,062.25	
101-209-82000	Engineering Fees	3,538.00	
101-249-82000	Engineering Fees		

VENDOR ID INVOICE # GL #	NAME INVOICE DESCRIPTION GL DESCRIPTION	AMOUNT	
101-805-80100	GIS Expense	2,979.50	
101-805-82000	Engineering Fees	1,251.25	
490-000-82000	Engineering Fees	14,703.30	
491-000-82000	Engineering Fees	4,306.75	

		27,841.05	
			VENDOR TOTAL: 27,841.05

psc	Public Safety Center, Inc		
1312490	suspenders for gear		
206-340-75700	Tools & Supplies	155.34	
			VENDOR TOTAL: 155.34

healy	Richard Healy		
102607	mechanical inspector		
249-371-80800	Contracted Inspections	1,140.00	
			VENDOR TOTAL: 1,140.00

rk	Ridge & Kramer		
106235,226,5157	bulbs, oil filters, air filters		
206-340-86700	Vehicle Operations	70.16	
			VENDOR TOTAL: 70.16

horton	Robert Horton		
102307	prescription reimbursment		
249-371-71600	Health & Life Insurance	100.00	
			VENDOR TOTAL: 100.00

roe-com	Roe-Com, Inc		
280185,056,059	monthly service, horn speaker, alert sys		
206-340-85100	Radio Maintenance	289.00	
206-340-85100	Radio Maintenance	270.90	
206-340-85100	Radio Maintenance	693.25	

		1,253.15	
			VENDOR TOTAL: 1,253.15

schley	Schley Architects		
101107	architectural services - meeting room		
101-249-97700	Capital Outlay / Equipment	557.50	
			VENDOR TOTAL: 557.50

halsted	Sherry Halsted		
102607	deposit refund		
101-000-24800	Rent Deposits	100.00	
			VENDOR TOTAL: 100.00

som	State of Michigan		
102607	ppe cert		
101-209-95800	Education	50.00	
			VENDOR TOTAL: 50.00

term	Terminix		
102607	yearly pest control - 3rd street		
206-340-93100	Building Maintenance	232.00	

10/30/2007
01:48 pm

INVOICE APPROVAL REPORT FOR OSHTEMO TOWNSHIP
INVOICES DUE 10/30/2007 - 10/30/2007

PAGE 1

VENDOR ID REF#	VENDOR NAME ADDRESS CITY/STATE/ZIP	POST DATE CK RUN DATE DISC. DATE DUE DATE	INVOICE # PO DISC. PCT	BANK HOLD? SEP CK? 1099?	INVOICE DESCRIPTION	GROSS AMT DISCOUNT NET AMOUNT
mbs 70008369	Municipal Benefit Services PO Box 1538 East Lansing MI 48826-1538	10/30/2007 10/30/2007 / / 10/30/2007	november	gen N N N	health insurance	24,587.58 0.00 24,587.58

PAID

GL #	DESCRIPTION	AMOUNT
101-234-71600	Health & Life Insurance	16,494.18
206-336-71600	Health & Life Insurance	6,418.00
249-371-71600	Health & Life Insurance	1,675.40
		----- 24,587.58

VENDOR TOTAL: 24,587.58
TOTAL - ALL VENDORS: 24,587.58

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF ORDINANCE SUBMITTAL

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that a proposed Ordinance has been submitted to the Township Board of the Charter Township of Oshtemo, which, if adopted, would provide, in summary, amendments to the Oshtemo Charter Township TRUCK ROUTE ORDINANCE, as follows:

SECTION I. AMENDMENT OF SECTION III DEFINITIONS. Section III is hereby amended to change Paragraph E. "Trailer," and Paragraph F "Truck" to read as follows:

- E. Trailer/Fifth Wheel means every vehicle with and without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.
- F. Truck means every motor vehicle that is designed, used or maintained primarily for the transportation of property.

SECTION II. AMENDMENT OF SECTION V TRUCK ROUTES. Section V Truck Routes is hereby amended to add the following roads in Oshtemo Charter Township to the list of North-South Streets and East-West Streets and reads as follows:

Road Name	Segment
<i>North-South Streets</i>	
Ravine Road	From Drake Road north to the Township line
<i>East-West Streets</i>	
N Avenue	From 11 th Street to 9 th Street

SECTION III. AMENDMENT OF SECTION VI PROHIBITION AGAINST TRAVEL ON OTHER THAN TRUCK ROUTES. Section VI is hereby amended to read as follows:

Except as expressly permitted under this Ordinance, no person shall operate a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination with a combined carrying capacity over five (5) tons in Oshtemo Charter Township on any road other than a designated truck route.

SECTION IV. AMENDMENT OF SECTION IX PICK-UPS, DELIVERIES, SERVICE CALLS. Section IX is hereby amended to change the heading to "Deliveries, Service Calls" and to delete the reference to the term "Pick-Ups" to read as follows:

A vehicle that would otherwise be restricted to truck routes and which is being used to make deliveries or service calls in the Township on roads other than designated truck routes shall restrict its travel to a minimum and shall not be driven or moved on other than truck routes except when being used to make deliveries or service calls within the Township. Said vehicle shall be driven in such a manner as to leave a permitted truck route and proceed to its destination or destinations in the Township by the most direct route. Upon completion of the deliveries or service calls, the vehicle shall return to the nearest permitted truck route or leave the Township by the most direct route. This section shall not be interpreted as permitting a vehicle otherwise restricted to a truck route from entering or leaving the Township by other than a truck route.

SECTION V. EFFECTIVE DATE AND REPEAL. This Ordinance shall take effect thirty (30) days after publication. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Ordinance has been posted for public inspection at the Township Hall located at 7275 West Main Street, Kalamazoo, Michigan, 49009, and on the Township's web page of www.oshtemo.org

PLEASE TAKE FURTHER NOTICE that said Ordinance will be considered for adoption by the Oshtemo Charter Township Board at its regular meeting to be held at the Township Hall on November 13, 2007, commencing at 7:00 p.m.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seven (7) days' notice to the Oshtemo Charter Township. Individuals with disabilities requiring auxiliary aids or services should contact Oshtemo Charter Township by writing or calling the Townships.

All interested parties are invited to be present at the aforesaid time and place to participate in discussion upon said Ordinance.

DEBORAH L. EVERETT, Clerk
Oshtemo Charter Township Hall
7275 West Main Street
Kalamazoo, MI 49009
Telephone: (269) 375-4260

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

This Ordinance amends Ordinance No. 478, being the Oshtemo Charter Township Truck Route Ordinance, adopted on March 27, 2007, and repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
ORDAINS:

SECTION I. AMENDMENT OF SECTION III DEFINITIONS. Section III is hereby amended to change Paragraph E. "Trailer," and Paragraph F "Truck" to read as follows:

- E. Trailer/Fifth Wheel means every vehicle with and without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.
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Road Name	Segment
<i>North-South Streets</i>	
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<i>East-West Streets</i>	
N Avenue	From 11 th Street to 9 th Street

SECTION III. AMENDMENT OF SECTION VI PROHIBITION AGAINST TRAVEL ON OTHER THAN TRUCK ROUTES. Section VI is hereby amended to read as follows:

Except as expressly permitted under this Ordinance, no person shall operate a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination with a combined carrying capacity over five (5) tons in Oshtemo Charter Township on any road other than a designated truck route.

SECTION IV. AMENDMENT OF SECTION IX PICK-UPS, DELIVERIES, SERVICE CALLS. Section IX is hereby amended to change the heading to "Deliveries, Service Calls" and to delete the reference to the term "Pick-Ups" to read as follows:

A vehicle that would otherwise be restricted to truck routes and which is being used to make deliveries or service calls in the Township on roads other than designated truck routes shall restrict its travel to a minimum and shall not be driven or moved on other than truck routes except when being used to make deliveries or service calls within the Township. Said vehicle shall be driven in such a manner as to leave a permitted truck route and proceed to its destination or destinations in the Township by the most direct route. Upon completion of the deliveries or service calls, the vehicle shall return to the nearest permitted truck route or leave the Township by the most direct route. This section shall not be interpreted as permitting a vehicle otherwise restricted to a truck route from entering or leaving the Township by other than a truck route.

SECTION V. EFFECTIVE DATE AND REPEAL. This Ordinance shall take effect thirty (30) days after publication. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

DEBORAH L. EVERETT, CLERK
OSHTEMO CHARTER TOWNSHIP

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF ORDINANCE SUBMITTAL

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that a proposed Ordinance has been submitted to the Township Board of the Charter Township of Oshtemo, which, if adopted, would provide, in summary, amendments to the Township's BURNING ORDINANCE as follows:

SECTION I. AMENDMENT OF COMPILED SECTION 256.050 OPEN BURNING, SUBSECTIONS 256.053 Material restrictions and Location. Compiled Sections 256.053 and 256.056, are hereby amended to read as follows:

256.053 Material restrictions.

Sec. 5.3 Open burning of materials containing paper products, any building material, lumber or lumber products is prohibited.

EXCEPTION: When, as defined, in the Dangerous Buildings Ordinance of Oshtemo Charter Township, a building has been determined to be dangerous by the Ordinance Enforcement Officer and demolition is necessary, the Fire Chief or his/her designee, in conjunction with the Ordinance Enforcement Officer, shall complete a site inspection to determine if the building materials can be burned and maintain the general safety and welfare of the residents and adjoining properties. If the Chief or Ordinance Enforcement Officer, at the direction of the Chief, determines the materials may be burned but that the burning must be attended by the Fire Department, the hourly fee incurred by the Fire Department must be paid by the homeowner or the person doing the burning. The fee shall not exceed \$500.00. In no instance shall the area of the pile to be burned exceed 12 feet in diameter and 6 feet in height. No materials shall be burned which the Environmental Protection Agency does not allow such as roofing materials, treated lumber, etc. Sections 5.4 through 5.9 must be complied with.

256.056 Location.

Sec. 5.6 Open burning shall not be conducted within 50 feet of any structure or other combustible material. Conditions which would cause the fire to spread to within 50 feet of a structure shall be eliminated prior to

ignition. The distance from any structure or other combustible material may be reduced to 25 feet when the pile size is three (3) feet or less in diameter and two (2) feet or less in height. Under no circumstances shall the burning of any materials be conducted on the paved or improved surface of any public or private street or roadway.

SECTION II. AMENDMENT OF COMPILED SECTION 256.080 OUTDOOR BARBEQUE PITS AND CHARCOAL GRILLS. Compiled Section 256.080 is hereby retitled and amended to read as follows:

256.080 OUTDOOR BARBECUE PITS, CHARCOAL GRILLS
AND OUTDOOR FIREPLACES

256.081 Construction.

Sec. 8.1. Barbecue pits, charcoal grills and outdoor fireplaces in outdoor locations shall be constructed of noncombustible masonry or metal materials.

256.082 Location.

Sec. 8.2. Barbecue pits, charcoal grills and outdoor fireplaces outside of buildings shall not be located within five (5) feet of combustible walls or roofs or other combustible material. Outdoor fireplaces shall be prohibited above ground/grade level of any multi-family dwelling.

256.083 Portable fire extinguishers.

Sec. 8.3. Portable fire extinguishers shall be readily available for use at all barbecue pit, charcoal grills and outdoor fireplaces.

SECTION III. AMENDMENT OF COMPILED SECTIONS 256.034, 256.044, 256.059, 256.064 AND 256.096. Compiled Sections 256.034, 256.044, 256.059, 256.064 and 256.096 are hereby amended to replace all references to "Chief" with "Fire Chief or his/her designee."

SECTION IV. EFFECTIVE DATE AND REPEAL. This Ordinance shall take effect thirty (30) days after publication. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Ordinance has been posted for public inspection at the Township Hall located at 7275 West Main Street, Kalamazoo, Michigan, 49009, and on the Township's web page of www.oshtemo.org

PLEASE TAKE FURTHER NOTICE that said Ordinance will be considered for adoption by the Oshtemo Charter Township Board at its regular meeting to be held at the Township Hall on November 13, 2007, commencing at 7:00 p.m.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seven (7) days' notice to the Oshtemo Charter Township. Individuals with disabilities requiring auxiliary aids or services should contact Oshtemo Charter Township by writing or calling the Townships.

All interested parties are invited to be present at the aforesaid time and place to participate in discussion upon said Ordinance.

DEBORAH L. EVERETT, Clerk
Oshtemo Charter Township Hall
7275 West Main Street
Kalamazoo, MI 49009
Telephone: (269) 375-4260

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

This Ordinance amends Compiled Sections 256.034, 256.044, 256.053, 256.056, 256.059, 256.064, 256.080 and 256.096, of the Oshtemo Charter Township Burning Ordinance No. 324, adopted January 10, 1995, to read as follows and repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
ORDAINS:

SECTION I. AMENDMENT OF COMPILED SECTION 256.050 OPEN BURNING, SUBSECTIONS 256.053 Material restrictions and Location. Compiled Sections 256.053 and 256.056, are hereby amended to read as follows:

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EXCEPTION: When, as defined, in the Dangerous Buildings Ordinance of Oshtemo Charter Township, a building has been determined to be dangerous by the Ordinance Enforcement Officer and demolition is necessary, the Fire Chief or his/her designee, in conjunction with the Ordinance Enforcement Officer, shall complete a site inspection to determine if the building materials can be burned and maintain the general safety and welfare of the residents and adjoining properties. If the Chief or Ordinance Enforcement Officer, at the direction of the Chief, determines the materials may be burned but that the burning must be attended by the Fire Department, the hourly fee incurred by the Fire Department must be paid by the homeowner or the person doing the burning. The fee shall not exceed \$500.00. In no instance shall the area of the pile to be burned exceed 12 feet in diameter and 6 feet in height. No materials shall be burned which the Environmental Protection Agency does not allow such as roofing materials, treated lumber, etc. Sections 5.4 through 5.9 must be complied with.

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Sec. 5.6 Open burning shall not be conducted within 50 feet of any structure or other combustible material. Conditions which would cause the fire to spread to within 50 feet of a structure shall be eliminated prior to ignition. The distance from any structure or other combustible material may be reduced to 25 feet when the pile size is three (3) feet or less in diameter and two (2) feet or less in height. Under no circumstances shall the burning of any materials be conducted on the paved or improved surface of any public or private street or roadway.

SECTION II. AMENDMENT OF COMPILED SECTION 256.080 OUTDOOR BARBEQUE PITS AND CHARCOAL GRILLS. Compiled Section 256.080 is hereby retitled and amended to read as follows:

256.080 OUTDOOR BARBECUE PITS, CHARCOAL GRILLS AND OUTDOOR FIREPLACES

256.081 Construction.

Sec. 8.1. Barbecue pits, charcoal grills and outdoor fireplaces in outdoor locations shall be constructed of noncombustible masonry or metal materials.

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SECTION IV. EFFECTIVE DATE AND REPEAL. This Ordinance shall take effect thirty (30) days after publication. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

DEBORAH L. EVERETT, CLERK
OSHTEMO CHARTER TOWNSHIP

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF ORDINANCE SUBMITTAL

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that a proposed Ordinance has been submitted to the Township Board of the Charter Township of Oshtemo, which, if adopted, would provide, in summary, amendments to the Township's PARKS REGULATION ORDINANCE as follows:

SECTION I. AMENDMENT OF SECTION 3 REGULATIONS. Compiled Section 215.003 Regulations of the Oshtemo Charter Township Parks Regulation Ordinance is hereby amended to revise paragraph (f) and add paragraph (k) to read as follows:

- (f) The hours of operation for each park shall be 8:00 a.m. until 6:00 p.m. from October 1 through April 30 of each year, and 8:00 a.m. until 10:00 p.m. from May 1 through September 30 of each year. No person shall be on park property except during hours of operation, except with the prior written approval of the Park Committee.
- (k) All gatherings on Township park property of 250 persons or more shall constitute an outdoor assembly to which Ordinance No. 70 shall apply requiring application and licensure by the Parks Committee.

SECTION II. EFFECTIVE DATE AND REPEAL. This Ordinance shall take effect thirty (30) days after publication. All Ordinances or parts of Ordinances inconsistent with this amendment are hereby repealed.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Ordinance has been posted for public inspection at the Township Hall located at 7275 West Main Street, Kalamazoo, Michigan, 49009, and on the Township's web page of www.oshtemo.org

PLEASE TAKE FURTHER NOTICE that said Ordinance will be considered for adoption by the Oshtemo Charter Township Board at its regular meeting to be held at the Township Hall on November 13, 2007, commencing at 7:00 p.m.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seven (7) days' notice to the Oshtemo Charter Township. Individuals with disabilities requiring auxiliary aids or services should contact Oshtemo Charter Township by writing or calling the Townships.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

This Ordinance amends Section 3 Regulations of the Oshtemo Charter Township Parks Regulation Ordinance No. 267, adopted January 8, 1991, by the revision to paragraph (f) and the addition of paragraph (k) to read as follows and repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
ORDAINS:

SECTION I. AMENDMENT OF SECTION 3 REGULATIONS. Compiled Section 215.003 Regulations of the Oshtemo Charter Township Parks Regulation Ordinance is hereby amended to revise paragraph (f) and add paragraph (k) to read as follows:

215.003. Regulations.

Sec. 3.

- (f) The hours of operation for each park shall be 8:00 a.m. until 6:00 p.m. from October 1 through April 30 of each year, and 8:00 a.m. until 10:00 p.m. from May 1 through September 30 of each year. No person shall be on park property except during hours of operation, except with the prior written approval of the Park Committee.
- (k) All gatherings on Township park property of 250 persons or more shall constitute an outdoor assembly to which Ordinance No. 70 shall apply requiring application and licensure by the Parks Committee.

SECTION II. EFFECTIVE DATE AND REPEAL. This Ordinance shall take effect thirty (30) days after publication. All Ordinances or parts of Ordinances inconsistent with this amendment are hereby repealed.

DEBORAH L. EVERETT, CLERK
OSHTEMO CHARTER TOWNSHIP

Item #9

This item will need to be removed from the agenda. The estimates did not arrive in time for the packet.



TOWNSHIP ATTORNEY'S OFFICE
7275 WEST MAIN STREET
KALAMAZOO, MI 49009-9334

269-375-7195 FAX: 269-375-7196

jposhtwp@oshtemo.org

November 8, 2007

FAXED

Mr. Stan Palma
Forsite Properties, L.L.C.
10585 N. Meridian Street
Suite 330
Indianapolis, IN 46290

Re: Croyden Commons

Dear Mr. Palma:

Given some of the comments of the Township Board members at our last meeting and your offer to share in the Fire and E.M.S. costs, I am attaching a draft Agreement between Oshtemo Charter Township and Forsite Properties, L.L.C.. What I have attempted to do is structure a fee for services which would be equal to what your facility would pay if the property could be included within the Township Fire Protection Special Assessment District. This fee would equate to 2.5 mills on the taxable value of the subject property when it is completed.

This Agreement has not been reviewed by the Township Board as a whole, but I want to present the Agreement to them so they can discuss it at their meeting of November 13, 2007. The Township Board and I would be interested in hearing your response to this proposed Agreement. If you have any questions of me or want to comment on the proposal, I would appreciate hearing from you.

Very truly yours,

James W. Porter
Township Attorney

JWP/kkb
Attachment

c: John VanDyke, w/attach.
Deborah Everett, w/attach. ✓

DRAFT

OSHTEMO CHARTER TOWNSHIP

FORSITE PROPERTIES, L.L.C.

FIRE AND E.M.S. SERVICES FEE AGREEMENT

This Agreement is made this ____ day of _____ 2007, by and between Forsite Properties, L.L.C. and the Charter Township of Oshtemo, Kalamazoo County, Michigan, a Municipal corporation.

WHEREAS, Forsite Properties, L.L.C. wishes to establish housing for low-income elderly citizens in accordance with the State Housing Authority Act of 1966 (MCL 125.1040 et seq.) hereinafter referred to as the Subject Facility; and

WHEREAS, Oshtemo Charter Township, under Ordinance No. 344, wishes to allow an annual service charge as a payment in lieu of taxes thereunder (PILOT) for the Subject Facility; but has expressed concerns about granting the request, given that the Township has already established four housing facilities within the Township, pursuant to the provisions of Public Act 346 of 1966; and

WHEREAS, the cost of providing the necessary services, particularly emergency medical services to similar facilities, is becoming quite burdensome, especially in light of the recent 2002 amendments to Act 33 of 1955 (MCL 41.801) exempting from the Township's Fire/E.M.S. special assessment those lands and premises otherwise exempt from the collection of taxes under the General Property Tax Act and thereby leaving the Township without the financial resources to provide elderly housing with the services most needed; and

WHEREAS, the cost of operating Fire and E.M.S. services in 2006 was approximately \$1.7 Million covering approximately 1,700 calls or \$1,000 per call; and

WHEREAS, the estimated calls per month to these facilities (based upon existing facilities within Oshtemo Charter Township) average .0485 calls per unit per month, for an annualized cost for the Subject Facility in excess of \$41,000, if a fee for services was charged; and

WHEREAS, the Township needs to maintain Fire and E.M.S. services in order to render the necessary protection for the Subject Facility; and

WHEREAS, Forsite Properties, L.L.C., wishing to locate within Oshtemo Charter Township, desires to assist in providing Fire and E.M.S. protection.

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. The Township will provide Fire and E.M.S. protection services to the Forsite Properties' facility otherwise known as Croyden Commons.
2. Fire and E.M.S. services will be provided to the Subject Facility as they would be to any other property within the Township, but the same does not constitute a special relationship with the Township or its Fire Department, nor shall the Township be responsible for any loss which may result from failure to respond in the regular course of the Fire Department's operations.
3. The Township is not responsible for any claims because of injuries to the public or damage to the property which occur while the Fire Department is engaged in answering a Fire or E.M.S. call or working at or returning from a fire response call from the Subject Facility under the terms of this Agreement.
4. Forsite Properties agrees to pay a sum equal to what the Subject Facility would pay if it were subject to the Township Fire Protection Special Assessment for operations and equipment. Said sum shall be paid to the Township on or before December 1st

of each year this Agreement remains in effect. Payment shall not commence until after completion and occupancy of the Subject Facility.

5. This Agreement shall remain in effect and shall continue as long as the Subject Facility's federally-aided or authority-aided mortgage, advance or grant is outstanding, pursuant to the provisions of Act 346 of 1966. At such time that the mortgage, advance or grant is no longer outstanding, all service fees under this Agreement shall terminate, and the Subject Facility shall return to the Township tax rolls.
6. This Agreement is binding on the successors and assigns of the parties, except that the Forsite Properties, L.L.C. shall not assign this contract without written consent of the Township and assumption of the duties and responsibilities under this contract by the assignee.

FORSITE PROPERTIES, L.L.C.

By: _____

_____ Date

OSHTEMO CHARTER TOWNSHIP

By: _____

John VanDyke, Supervisor

By: _____

Deborah L. Everett, Clerk

_____ Date

Memo

To: Township Board
From: Personnel Committee
Date: November 7, 2007
Re: Employee Benefits

The Personnel Committee has been working with our health, dental, and disability insurance agent, Chip Schelb of the Nulty Agency and Ben Cohen of Kushner & Company reviewing our current employee benefits.

You will recall receiving a memo a couple of weeks ago indicating premiums for our current health insurance plan would be increasing 17.5% for 2008. In an effort to maintain costs and still provide substantial benefits, the committee is recommending changing the current Blue Cross Blue Shield Community Blue Plan 1 to the Community Blue Plan 14.

Plan 14 has a \$30.00 office visit co-pay instead of the current \$20.00. It also has a deductible of \$1,500 per individual and \$3,000 per family. The committee recommends the Township fund any deductible for 2008 with further study to establish a health savings account to which employees can contribute pre-tax dollars. The committee is also recommending that any employee whose spouse has full time benefits available will be asked to contribute \$100.00 per month if they wish to have their spouse on the Township's insurance.

Ben Cohen will be at our work session to discuss the changes and answer any questions you have.

CHARTER TOWNSHIP OF OSHTEMO PLAN COMPARISON - Effective 01/01/2007

	Community Blue 1 CURRENT RATES		Community Blue 1 RENEWAL RATES		Community Blue Plan 14		
	In-Network	Out-of-Network	In-Network	Out-of-Network	In-Network	Out-of-Network	
Co-Insurance	100%	80%	100%	80%	80%	60%	
Preventative Care	100% - \$500 Annually	Not Covered	100% - \$500 Annually	Not Covered	100% - \$500 Annually	Not Covered	
Office Visit	\$20	80% After Deductible	\$20	80% After Deductible	\$30	60% After Deductible	
Urgent Care	\$20	80% After Deductible	\$20	80% After Deductible	\$30	60% After Deductible	
Chiropractic Care	\$20 - 24 visits calendar year	80% After Deductible 24 visits calendar year	\$20 - 24 visits calendar year	80% After Deductible 24 visits calendar year	\$30 - 24 visits calendar year	60% After Deductible 24 visits calendar year	
Hospitalization	100%	80% After Deductible	100%	80% After Deductible	80% After Deductible	60% After Deductible	
Labs, X-Rays	100%	80% After Deductible	100%	80% After Deductible	80% After Deductible	60% After Deductible	
Emergency Room	\$50	\$50	\$50	\$50	\$50	\$50	
Deductible	Individual	\$0	\$250	\$0	\$250	\$1,500	\$3,000
	Family	\$0	\$500	\$0	\$500	\$3,000	\$6,000
Out-of-Pocket	Individual	\$0	\$2,000	\$0	\$2,000	\$2,500	\$5,000
Max After Ded.	Family	\$0	\$4,000	\$0	\$4,000	\$5,000	\$10,000
Prescriptions	Generic	\$10	\$10	\$10	\$10	\$10/\$40 with closed formulary	
	Brand	\$40	\$40	\$40	\$40		
	Non-Formulary	N/A	N/A	N/A	N/A		
Single		\$515.50	\$606.00	\$606.00	\$362.23		
2 Person		\$1,159.80	\$1,363.55	\$1,363.55	\$815.04		
Family of 3 or More		\$1,391.84	\$1,636.22	\$1,636.22	\$978.04		
Family Continuation		\$257.73	\$302.99	\$302.99	\$181.11		
Estimated Monthly Premium		\$22,681.12	\$26,664.56	\$26,664.56	\$15,938.42		
Estimated Annual Premium		\$272,173.44	\$319,974.72	\$319,974.72	\$191,261.04		
		Inc. Medical, RX & Vision	Inc. Medical, RX & Vision	Inc. Medical, RX & Vision	Inc. Medical, RX & Vision		

Comparisons are a brief summary of benefits. Please review policy for complete benefit breakdowns and restrictions. All rates are estimates subject to change based on final submission. Nulty Insurance, Chip Schelb, Health Insurance Advisor. 10/16/2007