

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
November 10, 2015

Township Board work session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 5:00 p.m.

PRESENT:

Supervisor Libby Heiny-Cogswell
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Nancy Carr – arrived 6:45 p.m.
Trustee Dusty Farmer
Trustee Zak Ford
Trustee Grant Taylor

Also present were Township Attorney James Porter, Public Works Director Marc Elliott, Planning Director Julie Johnston, Fire Chief Mark Barnes, Lt. Troy Faulk and 6 interested people.

Update – Kalamazoo County – Lt. Faulk provided information on recent activity in the Township.

Discussion – Sanitary Sewer – Discussion was held regarding mandatory sewer connections. An updated report from the Attorney, Public Works Director, and Planning Director was provided along with the analysis completed by the W.E. Upjohn Institute. Rich Pierson, Executive Director of the Gull Lake Water & Sewer Authority, Deb Cardiff, former director of the Kalamazoo County Health Department, and Alan Smaka, engineer from Whiteman & Associates were also present.

Other Business – Consent Agenda Item – Firefighter Job Description – Trustee Farmer inquired why the required age and educational requirements were being lowered. Chief Barnes advised the department needs more paid on call staff, 18 is recognized as legal age, and training can be obtained through the department. There was discussion the description of the desired qualifications should be changed; consensus to remove this item from the Consent Agenda at the regular meeting.

The Board work session 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 Nancy Carr
Trustee Dusty Farmer
Trustee Zak Ford
Trustee Grant Taylor

Also present were Township Attorney James Porter, Public Works Director Marc Elliott, Fire Chief Mark Barnes, Lt. Troy Faulk, and 8 interested people.

CITIZEN COMMENTS

None.

CONSENT AGENDA

Items on the consent agenda were:

- a) Minutes of the October 27th regular meeting
- b) Receipts & Disbursements Report
- c) Firefighter Job Description Amendment
- d) 2016 Poverty Exemption Standards
- e) 2016 Depositories
- f) 2016 Township Board Meeting Dates

Supervisor Heiny-Cogswell advised item c would be removed due to discussion at the work session. Trustee Carr requested items a, b, and f be removed.

Motion by Taylor, second by Culp to approve items d and e on the consent agenda. Carried 7-0.

Item a – Trustee Carr inquired what the three items were referred to by Assessor Kristine Biddle at the October 27th meeting regarding the audit by the State Tax Commission, one of which had been addressed, and also a letter from the State advising the audit was filed late. Supervisor Heiny-Cogswell advised the letter referred to the annual financial audit, which was filed on time; Treasurer Culp advised the three items were Economic Conditions Factor study, land values, and land values maps.

Motion by Carr, second by Farmer to approve the minutes of the October 27th regular meeting. Carried 7-0.

Item b – Trustee Carr inquired what the revenue sharing payment and election reimbursement items were. Supervisor Heiny-Cogswell advised State revenue sharing is the payment local units receive quarterly based on sales tax; Clerk Everett advised the election reimbursement is for the election held by the State in May on the roads issue.

Motion by Taylor, second by Carr to approve the Receipts & Disbursements Report. Carried 7-0.

Item c – As discussed at the work session, Chief Barnes advised the requested changes to the Firefighter job description included changing minimum age to 18, recognizing that as legal age, changing the lifting requirements to recognize current conditions encountered and changing Desired Qualifications by removing Desired and adding “Within a reasonable time of hire the firefighter will meet the following requirements.”

Motion by Taylor, second by Carr to approve the changes to the Firefighter Job Description. Carried 7-0.

Item f – Trustee Carr suggested board work sessions begin at 6:00 p.m. rather than 5:00 p.m. There was consensus to support the change with the understanding the time could be changed, with proper notice, if needed.

Motion by Carr, second by Farmer to adopt the board meeting schedule for 2016 changing work session time to 6:00 p.m. Carried 6-1 with Culp voting no.

There was discussion that the budget work session on August 23rd be moved to August 22nd.

Motion by Taylor, second by Carr to change the August 23rd budget work session to August 22nd, 1:00 p.m. to 3:00 p.m. Carried 7-0.

2015 BUDGET PUBLIC HEARINGS FIRE PROTECTION SPECIAL ASSESSMENT DISTRICT

There was no public comment.

Trustee Taylor inquired how long the special assessment has been in place; recollection was it has been approximately 40 years.

Trustee Carr inquired how much is in reserves; Supervisor Heiny-Cogswell advised the projected fund balance at the end of 2016 for the capital fund is \$961,000.

Trustee Carr commented she would vote yes but advised the Fire Chief the assessment is a lot of mills, the department does a good job but spends a lot of money, they could be more efficient, the millage could be 1.5 and still do an excellent job.

Motion by Taylor, second by Heiny-Cogswell to adopt the Fire Protection Special Assessment Resolution for 2016 at 2.5 mills, in the amount of \$1,745,568. Roll call showed Carr-yes, Culp-yes, Everett-yes, Farmer-yes, Ford-yes, Heiny-Cogswell-yes, Taylor-yes.

STREET LIGHT SPECIAL ASSESSMENT DISTRICT

There was no public comment.

Trustee Taylor inquired how the district is defined; Treasurer Culp advised parcels with frontage within 300 feet of a street light are assessed.

Trustee Carr inquired if subdivision association dues go toward the assessment; Treasurer Culp advised if a street was private that might be the case; this assessment is for street lights on public roads.

Motion by Culp, second by Farmer to adopt the Street Light Special Assessment Resolution for 2016 at .3 mills, in the amount of \$142,000. Roll call showed Culp-yes, Everett-yes, Farmer-yes, Ford-yes, Heiny-Cogswell-yes, Taylor-yes, Carr-yes.

POLICE PROTECTION SPECIAL ASSESSMENT DISTRICTS

Trustee Carr inquired how many deputies; Supervisor Heiny-Cogswell advised the budget and contract is where the number of deputies is authorized, this assessment does not fund what is proposed for the contract, funding would be a combination of the assessment plus police fund reserves.

Public Comment:

Jim Lefler, 8644 Hathaway Road inquired what the anticipated fund balance is at the end of 2016. Supervisor Heiny-Cogswell advised approximately \$125,000 if there are no amendments to the 2016 contract. Mr. Lefler commented he appreciates the use of the police fund restricted balance to offset some of the additional cost as opposed to coming to the taxpayers; something he has been advocating for a while. He inquired why the \$125,000 is not being used. He also inquired regarding \$542,000 transferred from the building inspection fund now in the general fund restricted for public safety; he would advocate use of that for public safety to help offset some of the taxes residents are going to be paying; with the upcoming 7% increase in gas tax and increase in vehicle registrations, taxpayers could use a break. He thanked the board for utilizing resources available but thinks they have additional resources in the \$542,000 that was transferred from the building inspection fund and asked they use all of that or portion to help reduce the tax burden on the citizens. He further commented under Public Act 33 any additional surplus funds available are to be forwarded to the next year's levy or returned to tax payers; he commented he understood there was some confusion with Public Act 188 but within Public Act 33 directly refers to Public 188 in that additional funds found to be in surplus are to be used to offset the following year's levy, save 5% to be returned to general fund; he would like to see that happen as well.

Trustee Carr inquired regarding the \$542,000 transfer. Supervisor Heiny-Cogswell advised it would be highly illegal to use the building inspection fund to pay for police protection; there are different senses of public safety; public health safety and welfare. The building inspection fund must be used for what is allowed under state statute.

Attorney Porter advised in dealing with the Township auditors and accountants, the building fund is restricted to be used specifically for stated purposes; the reference to public safety is not in a policing sense.

Trustee Carr inquired if the \$542,000 transferred is from the assessment in December 2013 for police. Supervisor Heiny-Cogswell advised it is the building inspection fund, a separate fund restricted by state statute. Trustee Carr inquired regarding the approximately \$543,000 from the 2013 police assessment. Supervisor Heiny-Cogswell referred to the police protection portion of the capital improvement plan indicating a beginning estimated fund balance for 2016 of \$468,000, estimated use of \$342,000 during 2016 leaving a fund balance of \$125,000.

Trustee Taylor commented the special assessment district along with the carryover, court fines and miscellaneous income will cover the \$1,183,078 expenditure for fiscal year 2016 but he is concerned about 2017 and the Board will need discussion on the how to come up with the revenue of \$400,000 available this year for carryover but will not have next year.

Trustee Farmer commented she is concerned this locks the Township into the number of officers we have when it has been the desire of the Board and Police Committee to increase the number of officers. She further commented she understands the Lieutenant is assessing the situation fully but expects to be concerned about increases that may be wanted in 2016; she supports the assessment and would have supported an increase in preparation of an increase for next year.

Supervisor Heiny-Cogswell commented the reserves would fund one more deputy; any other increases would be from the general fund.

Motion by Taylor, second by Culp to adopt the Police Protection Special Assessment Districts Resolution for 2016 at 2.5 mills for District 2003-1 and .5 mills for District 2009-1 in the amount of \$729,047. Roll call showed Everett-yes, Farmer-yes, Ford-yes, Heiny-Cogswell-yes, Taylor-yes, Carr-no, Culp-yes.

GENERAL FUND PUBLIC HEARING

Attorney Porter noted for the Board there are two resolutions included; the General Fund Budget and Routine Expenditures & Purchases.

Trustee Carr inquired regarding the 2% COLA for staff, where does that leave the Trustees; she believed the board voted last year for 1 or 1.5 percent. Supervisor Heiny-Cogswell commented discussion at the budget work sessions determined what to do for 2016 and consensus was the 2%. Supervisor Heiny-Cogswell noted trustees salaries did not change from \$2,400 annual salary, \$100.00 per meeting was increased 2 years ago and \$50.00 per committee meeting.

Trustee Carr noted she proposed \$100.00 per meeting based on Cooper Township, which is half the size of Oshtemo, whose trustees were paid \$100.00 per meeting and \$300.00 per month, unsure if they have committees but they had health insurance which was dismissed here two weeks before she took office. She further commented she would amend to increase to the same as Cooper Township; would not require health insurance be offered but at least the \$300.00 per month.

Supervisor Heiny-Cogswell commented the budget includes what was discussed at the budget workshops but would entertain any suggestions. She further commented it would be better to make such changes with more background information, as done in the past, from multiple townships; she is reluctant to make a change on the fly.

Trustee Farmer commented this would have been an interesting conversation to have prior to this meeting; she is not comfortable with making changes now.

Trustee Taylor commented he agreed with Trustee Farmer; this should have been brought up in the workshops.

Trustee Carr commented other things have been brought up at this meeting to amend and discuss and this is the first she has heard of the 2% increase for staff. Supervisor Heiny-Cogswell commented it was discussed in the workshops.

Trustee Taylor inquired if the millage has always collected .9765. Supervisor Heiny-Cogswell and Attorney Porter advised it has since becoming a charter township; 1 mill can be levied, any increase would require a vote.

Public Comment:

Elaine Branch, 7654 West Main, commented she understood the board holds budget sessions and how important they are. She inquired if the entire board attends those; a lot should and could be handled at budget sessions which would make this process go much smoother and avoid some embarrassment that she sees is unnecessary; she would like to see budget sessions attended by all board members, really look at issues on the budget and not try to do it at the budget hearing.

Supervisor Heiny-Cogswell commented there was very good attendance at budget sessions, she was not sure about Trustee Carr.

Trustee Carr commented she was at all budget meetings and anything Ms. Branch feels is an embarrassment, she doesn't care; feels the public needs to hear it and should be brought to their attention.

Dave Bushouse, 992 North 7th Street, commented he has been in the board position and looking at the track record of the Township, it has been very conservative, utilized money very well. He further commented he agrees with Ms. Branch regarding the budget process; discussion occurring at this level should have been informal enough at budget sessions to bring questions forward and answered at that time; he views this hearing as a rubber stamp of what the Board has been working on for 2-3 months, not something coming before the Board instantly to make a decision; there has been a lot of time to review, in his experience there was very little public at budget sessions so board members can feel free to say what they think and get on with the Township's business.

Motion by Heiny-Cogswell, second by Ford to adopt the General Fund Budget Resolution for 2016 at .9765 mills in the amount of \$728,000 and a resolution regarding routine expenditures and purchases based on the Purchasing Policy referred to in the resolution. Roll call showed Farmer-yes, Ford-yes, Heiny-Cogswell-yes, Taylor-yes, Carr-yes, Culp-yes, Everett-yes.

RESOLUTIONS - OFFICIALS SALARIES

Motion by Everett, second by Culp to adopt the resolution establishing the Supervisor salary at \$68,972 for 2016. Roll call showed Ford-yes, Heiny-Cogswell-abstain, Taylor-yes, Carr-yes, Culp-yes, Everett-yes, Farmer-yes.

Motion by Heiny-Cogswell, second by Culp to adopt the resolution establishing the Clerk salary at \$68,972 for 2016. Roll call showed Heiny-Cogswell-yes, Taylor-yes, Carr-yes, Culp-yes, Farmer-yes, Everett-abstain, Ford-yes.

Motion by Everett, second by Farmer to adopt the resolution establishing the Treasurer salary at \$68,972 for 2016. Roll call showed Taylor-yes, Carr-yes, Culp-abstain, Everett-yes, Farmer-yes, Ford-yes, Heiny-Cogswell-yes.

Motion by Culp, second by Everett to adopt the resolution establishing the Trustee salary at \$2,400 per year plus \$100.00 per board meeting and \$50.00 per committee meeting for 2016. Roll call showed Carr-yes, Culp-yes, Everett-yes, Farmer-yes, Ford-yes, Heiny-Cogswell-yes, Taylor-yes.

2016 POLICE PROTECTION AGREEMENT

Supervisor Heiny-Cogswell advised the county presented the Township with the traditional contract; staff and the Police Committee worked to develop a contract per Board discussion over last several years looking to improve the contract, it essentially has not changed much and she is optimistic we can negotiate. She noted it includes the county pricing presented August and September, and does work to build in accountability, reporting, and analysis of personnel and coverage. The most significant change is it translates deputies, not by numbers but hours; the Township is paying a handsome wage and it makes sense for each deputy to have 40 hours of patrol time in the Township with exception of court time. She advised the current contract has exemption of court time, vacation and sick time, and training. The new proposal narrows the expectation to have 40 hours of patrol time. She further advised the contract has not been approved by the County Board; staff and the Police Committee felt it was important for the Board to be involved and understand what we are trying to accomplish.

Trustee Carr inquired if the 40 hours include a 2 to 7 shift. Supervisor Heiny-Cogswell advised staff and the Police Committee consensus was they are not interested in scheduling the hours of the deputies, they felt that would be micro-managing the Sheriff's Office but have expectations the Lieutenant will work with the Sheriff's Office to develop the schedules.

Attorney Porter commented it is fundamentally the same contract other than bodies switched to hours to make it easier to determine if we are getting the service we are paying for; the largest change is following through with what the Board requested, bringing on the Lieutenant and the contract codifies what the Township wants, reports from the Lieutenant and for him to basically run a police force in the Township. Mr. Porter commented he is hopeful given that the contract is patterned after King County, the largest contracting Sheriff's Department, and has a similar structure that would allow the Lieutenant to interact with the Board and Township personnel then come to the Board with reports based on his analysis of what is happening in the community and make recommendations; the initial thought of the Police Committee was to get the Lieutenant in place as approved by the Board; the contract defines his role.

Trustee Taylor inquired what the length of contract would be. Attorney Porter advised one year with a 60 day out clause for both parties. Trustee Taylor also commented he saw nothing in the contract addressing community policing and inquired if this would be discussed as we move forward.

Trustee Farmer advised after the Lieutenant was hired, she forwarded an e-mail to the Supervisor regarding availability of grants through the Department of Justice for community policing; she understood the Supervisor had forwarded it to the Police Committee. She inquired as to status and if it would be appropriate for that issue to be tied into the contract, adding if funds or opportunities become available the Township and County will attempt to work together to make it a reality.

Supervisor Heiny-Cogswell commented she thought it would be highly appropriate whether in the contract now or an amendment later if a grant is obtained. Trustee Farmer commented she would like to see it in the contract now; so much time has been spent in discussion the last two years it would be a mistake to leave it out.

Trustee Taylor suggested a friendly amendment to the contract could be made.

Attorney Porter advised the language could read "both parties would agree to seek out grant funds for purpose of paying for community policing officers".

Chief Barnes reminded the Board to keep in mind some grants require matching, another reason to have some reserves.

Trustee Carr inquired if it would come to Board to accept if there was match; Attorney Porter advised it would.

Public Comment:

Jim Lefler, 8644 Hathaway Road, commented his primary interest in terms of the policing of the Township is more data, we don't really know where the Township stands in terms of what the crime rate is and what crimes are being committed and where. He further commented he has quickly looked through the contract and it does appear there is some quarterly reporting of some kind and thinks the board hasn't done a bad job in proceeding slowly in trying to determine where the Township is; he has looked for crime statistics to try to determine if there was high crime, low crime; he is encouraged to see the Board move forward with some firm language on reporting so all can see what is going on and where; it will help to make decisions in the future. He also commented as Trustee Farmer has indicated an interest in expanding the police force, he would be much more supportive if there was good data behind it.

Lt. Troy Faulk, advised the October dispatched calls for service totaled 1284 which includes 200 fire/rescue, resulting in 1084 calls, which included 38 violent crimes, assaults, etc. where people are hurt, 91 property value crimes, 120 accident calls ranging from personal injury accidents to small collisions, and 320 traffic stops. He advised statistics will be available every month and he is working on others, i.e., solvability, and others the Board is seeking and share with the public. He advised he can be contacted for information for specific areas.

Mr. Lefler commented he has seen some stats and while valuable in some sense, he is interested in how the Township compares to other communities of our size and money being spent; are we spending money effectively in either reducing crime or identifying areas.

Lt. Faulk advised comparing the retail fraud statistics to Portage, for the time period of January 2014 through September 2015, they had 1,273 cases, Oshtemo had over 800. He commented as the community continues to grow he is looking to put into effect policing policies to stop retail fraud, it does effect the community and he is working to have statistics to compare to other areas comparable to our size.

Trustee Carr inquired if big box stores have their own security. Lt. Faulk advised some do but are limited by their corporate policies as far as "hands on"; a few allow their loss prevention officers along with Michigan law which allows "hands on" but increases the liability. He commented the Sheriff's Office advises them to observe and report, they are working on trying to be a deterrent, looking to initiate random foot patrols in the business districts.

Supervisor Heiny-Cogswell asked if the Board is interested in having the Supervisor work with the County and the Sheriff on this proposal, it can be approved as written, requested to come back if changes are made, or authorize the Supervisor to work with the County and not bring it back; the Board can decide how to proceed.

Trustee Farmer commented she would like to have it come back if there are any changes to the next meeting on December 8th.

Trustee Carr commented she would like a chance to review, she just got it tonight. Supervisor Heiny-Cogswell advised it was sent out last night.

Trustee Farmer commented she is familiar enough, the Board has talked about it so long, she is comfortable moving forward but would like to any changes come back.

Motion by Farmer, second by Ford to approve the 2016 proposed police contract with an amendment to seek grants for community policing and directive to come back to the Board on December 8th if any changes are made. Carried 7-0.

2016 WATER SERVICE CONNECTION AGREEMENT & FEES

Public Works Director Elliott presented a recommendation to adopt a proposed resolution to extend the water services connection contract with Scott W. Taylor Excavating for an additional year, through 2016, with amended unit cost adjustments which would increase fee from \$2,000 to \$2,050. He reminded the

Board the City of Kalamazoo no longer performs water service connections; the cost is borne by the customer but the Township contracts for the service; use of a single vendor has been very successful with coordination of services better streamlined.

In response to Board member questions, Mr. Elliott advised residents use their own plumber to run the line to the house, the work is performed in the right-of-way and the contractor obtains the necessary permits, the works is overseen by the Township, there were approximately 40 connections performed this year, An RFP went out for the work with 3-4 responding, this is a specialized task and the proposed contractor has the drilling equipment.

Motion by Taylor, second by Everett to adopt the resolution as presented. Roll call showed Culp-yes, Everett-yes, Farmer-yes, Ford-yes, Heiny-Cogswell-yes, Taylor-yes, Carr-yes but not in favor of the increase.

PUBLIC WATER SERVICE ORDINANCE AMENDMENT – SECOND READING

A proposed amendment to the Public Water Service Ordinance to require connection where public water is reasonably available, described as within 200 feet, and not permit new private wells for either new or existing buildings was before the Board for Second Reading.

Motion by Everett, second by Carr to adopt the ordinance amendments. Carried 7-0.

PANHANDLING ORDINANCE AMENDMENTS – FIRST READING

Attorney Porter presented proposed amendments to the Begging, Panhandling and Soliciting Ordinance to address impeding traffic. He advised panhandlers approaching vehicles in the travel portion of streets is occurring. In response to board member questions, Lt. Faulk commented this would address safety concerns for both the panhandler, keeping them out of traffic and drivers who might be distracted by the activity.

In response to Board member questions, Attorney Porter advised there are other communities who have such an ordinance; the ordinance is very restrictive activity cannot take place on private property or road right of way.

Motion by Culp, second by Carr to accept the ordinance amendments for First Reading and set Second Reading for December 8th. Carried 7-0.

NON-MOTORIZED AGREEMENTS

APPLICATION TO ROAD COMMISSION OF KALAMAZOO COUNTY (RCKC)

Supervisor Heiny-Cogswell advised the non-motorized applications are to meet the RCKC non-motorized policy also to make application to the Kalamazoo Area Transportation Study (KATS) KATS has put out a call for projects for 2018, 2019 and 2020 for the \$240,000 annual grant they receive for transportation alternatives projects, the same grant the Township received for the North Drake Road non-motorized project. She advised Board authority is needed to submit the applications to the RCKC who submits to KATS on our behalf.

Motion by Taylor, second by Carr to submit the applications to RCKC who will submit on our behalf to KATS. Carried 7-0.

OTHER BUSINESS

Trustee Carr had questions regarding a letter received from Public Media Network indicating their board has requested they provide information to their municipal partners about their activities. In response to her questions, Supervisor Heiny-Cogswell advised the Township Board votes to appoint one citizen and one board member to the PMN Board and the citizen representative is not paid.

Dave Bushouse, citizen representative, commented the PMN board has 22 members based on the organizations that contribute; the executive committee is working to reduce the number of items brought to the PMN board, some that could be handled by the Executive Director.

Supervisor Heiny-Cogswell advised a hard copy of a table for the Capital Improvement Plan had been distributed; in response to questions about the building fund, she noted in the Township audit the building fund is now tracked in the General Fund but noted as restricted.

BOARD MEMBER COMMENTS

Treasurer Culp advised the new audio/visual equipment will be installed in the Township Hall meeting room on November 20th, 23rd, and 24th.

Trustee Taylor thanked residents for passing the housing millage showing that Oshtemo is a caring place and cares about our residents.

Supervisor Heiny-Cogswell thanked residents who had participated in hosting/helping visitors during the recent Russian Festival; she hosted a family and found it fun and interesting.

There was no further business and the meeting was adjourned at approximately 8:55 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: ELIZABETH HEINY-COGSWELL
Supervisor