

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
October 11, 2016

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

Also present were Township Attorney James Porter, Public Works Director Marc Elliott, Lt. Troy Faulk and 1 interested person.

Kalamazoo County Sheriff's Department – Lt. Troy Faulk provided information on recent activities in the Township.

The Board work session adjourned at approximately 6:40 p.m.

Supervisor Heiny-Cogswell advised she has laryngitis and asked Trustee Farmer to chair the meeting. Acting Chair Farmer 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, Planning Director Julie Johnston, Lt. Troy Faulk and 6 interested people.

CITIZEN COMMENTS

Steve Kinney, representing Oshtemo Rotary presented a check for \$5,000 as final payment of their \$20,000 donation for the new roof on the Rotary Pavilion at Flesher Field.

Sharon Kuntzman, 7500 West N Avenue, commented she is having difficulty selling her home due to issues with not being connected to sewer. Acting Chair Famer suggested further discussion be held under Other Business.

Rudolf Schnabel, 6926 West H Avenue, inquired if a decision regarding the no firearms area expansion has been made by the DNR. Attorney Porter the Township has not received a decision yet. He also had questions regarding a building located on property near his.

CONSENT AGENDA

Items on the consent agenda were:

- a) Minutes of September 13th budget workshop and regular meeting, September 20th joint board meeting and September 27th budget workshop meeting.
- b) Receipts & Disbursements Report
- c) Board appointments

Trustee Carr requested item b be removed.

Motion by Taylor, second by Ford to approve the consent agenda as amended. Carried 7-0.

Item b – Trustee Carr inquired regarding an item on the Receipts & Disbursement report regarding storage of files. Attorney Porter advised 350 boxes of legal files are stored in a safe environment; plans are to review and purge the files and begin digitizing the records.

Trustee Carr also inquired regarding payment to Jerry Reitenour, Building Official. Clerk Everett advised startup costs for the new building authority are being tracked and the Township will be reimbursed.

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

CONSIDERATION OF 2017 BUDGET – SET PUBLIC HEARING DATE

Acting Chair Farmer asked for public and board member comments regarding setting the public hearing date for the 2017 budget.

Trustee Taylor inquired how the change in the board members would affect the process. Attorney Porter advised a board can amend the budget.

Motion by Taylor, second by Ford to set the public hearing for the 2017 budget for November 15th. Carried 7-0.

DISCUSSION – 2017 – 2022 CAPITAL IMPROVEMENT PLAN (CIP)

Planning Director Johnston commented the plan is a collaborative effort with input from each department. She noted the narrative outlines projects the Township would like to accomplish; some will require other funding sources such as grants.

Acting Chair Farmer commented a discussion focused on expenditures and lack of funding, how to move forward to accomplish goals of the plan could include forming a committee to work on solving the issue. Attorney Porter advised the Board could establish an ad hoc finance committee.

Further discussion included comments that each department be represented on the committee, board members and citizens; waiting until after the election to form the group.

OTHER BUSINESS

Trustee Carr inquired why \$20,000 in legal costs were incurred by the Township regarding the KABA issue and is Cooper Township also paying. Attorney Porter advised Cooper Township is paying their own legal fees, the reason for additional costs is the Township had allowed him to act as KABA attorney but due to in his opinion a breach of law and violation of the Open Meeting Act by other members, Oshtemo and Cooper felt it necessary to remove themselves; because he had represented all the members, the others objected to him representing Oshtemo in the separation and challenged it was a conflict of interest, thus the Township needed to retain outside counsel. In response to Trustee Carr's question, he advised to his knowledge a grievance has not been filed against him.

Trustee Carr inquired if there is an investigation being done by the State Treasurer for moving funds from a restricted fund, specifically, the building department fund to the general fund in 2014. Attorney Porter advised a request for information was brought to the Township; the Township response pointed out the building corporation department in Lansing has no authority in this area regarding Township funds, there was nothing improper and in response the investigation was closed and the individual who filed the complaint was informed there is no valid basis for the complaint.

Trustee Carr had questions regarding a position, now filled by Ed Hellwege, former Executive Director of KABA. Attorney Porter advised the position is part time HR Specialist and the Board approved establishing the position in 2013.

Trustee Carr advised she had requested a copy of the agreement with Meijer regarding transit and a copy of their check. She noted the contract provided to the Board prior to the meeting does not mention Meijer. Attorney Porter advised the Township's agreement with CCTA does not include Meijer, the Township's contract with Meijer is separate, the Township will be invoiced quarterly and will in turn invoice Meijer. He also advised he spoke with the Meijer representative, the agreement is in process. Trustee Taylor commented he has concerns that the contract is for five years; Attorney Porter advised other sources of funding, i.e., special assessments, are still being researched.

Acting Chair Farmer requested input from Public Works Director Elliott regarding the septic issue raised by Mrs. Kuntzman during Citizens Comments. He advised he understood Mrs. Kuntzman is seeking to sell her property and as part of the agreement was to have the septic system inspected, which as a result of, the potential buyer requested additional improvements be made. He also advised he had received information from the Kalamazoo County Health Department that they had no cause of action which would affect the sale; neither the Township or Health Department is directing that the property be connected to

public sewer; he understood the issue to be the buyer expects the diminished capacity of the septic be addressed, the KCHD cannot issue a permit for septic when public sewer is available. Treasurer Culp commented she felt the issue should be referred to the Capital Improvements Committee for review; Attorney Porter concurred. Mr. Elliott advised Mrs. Kuntzman she is welcome to attend.

BOARD MEMBER COMMENTS

Trustee Taylor thanked Oshtemo Rotary for their donation and commented as DDA Chair he looks forward to working with them.

There was no further business and the meeting was adjourned at approximately 7:50 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: ELIZABETH HEINY-COGSWELL
Supervisor