

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
April 28, 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, Planning Director Jodi Stefforia, Building Official Bob Horton, Building Inspector Jerry Reitnour, Ordinance Enforcement Officer Scott Paddock and 11 interested people.

PUBLIC COMMENT

Stan Rakowski, 7151 West G Avenue, inquired regarding real estate signs being location at various intersections advertising lots on G Avenue for sale. Ordinance Enforcement Officer Paddock advised he had removed them several times and will do so again.

Nancy Carr, 9881 Sunnywood Drive, commented she would like to see the Township ban burning of leaves due to the pollution and health and environmental concerns. She provided information from the EPA to the Board regarding the issue.

Lorrie Versteeg, 9850 Sunnywood Drive, concurred advising her husband has health issues that are aggravated by burning leaves. Supervisor Heiny-Cogswell indicated this item would be discussed under other business on the regular agenda.

Wind Energy Ordinance – Planning Director Stefforia presented a recommendation from the Planning Commission to adopt a Wind Energy Conversion System Ordinance. She commented the ordinance was based on a model ordinance prepared by the Michigan Department of Labor & Economic Growth but personalized to the Township and staff and the Planning Commission feel it is adequate and gives the Township appropriate review while not over burdening applicants. She also commented all systems are proposed to be a special exception use but the Ordinance distinguishes between small users such as homeowners and small business owners who are looking to off set their electricity bill and large wind farms purposely generating energy to put into the utility grid. She noted one area the Board might wish to change is the requirement for one acre parcels. Trustee Grace commented he had several questions needed more time to study the ordinance.

It was noted this item is on the regular agenda as an action item.

Building Department Presentation – Building Official Horton and Building Inspector Reitnour provided information and photographs regarding the poor condition of decks and balconies at some multifamily complexes in the Township. Consensus was to consider an ordinance at the May 12th meeting to address these issues.

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

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

PRESENT:

Supervisor Libby Heiny-Cogswell
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Grace Borgfjord
Trustee Dave Bushouse
Trustee James Grace
Trustee Scott McCormick

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Jodi Stefforia, Building Official Bob Horton, Building Inspector Jerry Reitnour, Ordinance Enforcement Officer Scott Paddock and 11 interested people.

Motion by Borgfjord, second by James Grace to approve the April 14th regular and April 21st special meeting minutes. Carried.

Income to the General and Fire Funds of \$345,781.01 and disbursements of \$134,164.93 were reported. Motion by James Grace, second by Borgfjord to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS

Justine Hertzell, 2484 Isle Harbor Court, inquired if there would be oversight to make sure necessary repairs are made to the decks and balconies as discussed at the public comment session. It was noted building permits would be necessary and inspections conducted.

Stan Rakowski, 7151 West G Avenue, inquired if there are regulations for potholes in parking lots. Attorney Porter advised he is working with the Ordinance Enforcement Officer to address these issues.

Captain William Timmerman, Kalamazoo County Sheriff's Department, advised deputies answered over 750 calls for service during March.

Gordon Lanker, 2524 North 2nd Street, commented the Township might wish to consider addressing photovoltaic systems in the wind energy ordinance.

WIND ENERGY ORDINANCE – FIRST READING

As reviewed at the work session, a proposed Wind Energy Ordinance was before the Board for First Reading. Due to comments and questions, consensus was to acquire more information before accepting the ordinance for First Reading.

Motion by Everett, second by Borgfjord to accept the proposed ordinance and set First Reading for May 12th. Carried.

CONSULTANT POLICY

Supervisor Heiny-Cogswell presented a proposed policy regarding the Township engineering firm reviewing projects also engineered by their firm. The policy would provide that for any project involving the Township when the Township's named engineer/engineering company chooses to serve as a consultant for any applicant or outside government entity, the review of such project shall be done by a different engineer/engineering company selected by the Township. Ms. Heiny-Cogswell commented there was no inference of dissatisfaction with the current Township engineer.

Engineer Elliott commented the policy was reasonable and he would welcome open discussion of his role.

Trustee Bushouse commented he would not vote in favor of the policy, he had asked for the engineer's role to be defined and by putting responsibility on another engineer does not solve the problem of needing as built plans. Attorney Porter advised this issue is being addressed and a recommendation will be brought to the Board.

Motion by James Grace, second by Borgfjord to adopt a resolution stating the policy as presented. Roll call showed James Grace-yes, Borgfjord-yes, Culp-yes, Everett-yes, Bushouse-no, McCormick-yes, Heiny-Cogswell-yes

EMPLOYEE HANDBOOK UPDATE

Attorney Porter presented amendments to the Employee Handbook to add provisions for temporary seasonal employees.

Motion by James Grace, second by Culp to adopt a resolution approving the amendments to the Employee Handbook. Roll call showed James Grace-yes, Borgfjord-yes, Culp-yes, Everett-yes, Bushouse-yes, McCormick-yes, Heiny-Cogswell-yes.

**OTHER BUSINESS
DISCUSSION – OPEN BURNING**

Trustee Borgfjord commented she had been contacted by a resident concerning open burning of leaves as discussed at the public comment session. She advised she had done some initial research regarding health concerns and had found the same information from the EPA as presented by Ms. Carr. She commented she had reviewed examples of other community policies, i.e., limiting burning to certain days of the week. Consensus was to form a committee to study the issue with Trustees Borgfjord, James Grace and Supervisor Heiny-Cogswell along with Fire Chief Mark Barnes.

TRUCK ROUTE ORDINANCE OBJECTION MEDIATION

Supervisor Heiny-Cogswell advised the mediation session had taken place as ordered by the Kalamazoo County Road Commission regarding the truck route objections of Alamo and Kalamazoo Townships with no resolution, therefore the decision is now with the KCRC.

Motion by Heiny-Cogswell, second by James Grace to adjourn to closed session to discuss the KCRC administrative hearing process because doing so in open session could negatively impact the Township's position. Carried.

The Board adjourned to closed session at approximately 7:50 p.m.

Motion by Heiny-Cogswell, second by James Grace to return to open session at approximately 8:30 p.m. Carried.

Supervisor Heiny-Cogswell advised a public meeting would be held at the Kalamazoo County Road Commission offices on May 19th at 7:00 p.m. and the KCRC would accept written public comment until May 5th.

Dick Hertzell, 2484 Isle Harbor Court, inquired what residents should address in their comments. Attorney Porter advised the Township Board was elected to represent the residents.

Margaret Masuzawa, 331 West Ridge Circle, inquired if there was any indication what the Kalamazoo County Road Commission is considering. She was advised the Township has not been advised of such.

BOARD MEMBER COMMENTS

Clerk Everett reminded everyone to vote May 5th.

There was no further business and the meeting was adjourned at approximately 8:35 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COSGWELL
Supervisor