

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**October 27, 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  
Trustee Grace Borgfjord  
Trustee Dave Bushouse  
Trustee James Grace  
Trustee Scott McCormick

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, Fire Chief Mark Barnes, KCSD Sgt. Troy Faulk, and 3 interested people.

**Fire Fighter Accident & Sickness Insurance** – Brian Timmer, representing VFIS, presented a proposal for accident and sickness insurance coverage for fire fighters with the major difference from the current policy being the cardiac event benefit. Consensus was to accept the proposal with immediate effect but have the Supervisor, Fire Commissioner, and Fire Chief meet with Mr. Timmer to finalize some possible modifications to other items in the policy. This item will be taken up for action on the regular agenda.

**Outdoor Wood Furnace Discussion** – A draft ordinance regarding outdoor wood burning furnaces was presented for consideration. Discussion included that while there have been no complaints regarding existing furnaces, if they become more numerous, guidelines to address possible effects on adjoining properties should be in place. Board members questioned the chimney height requirements and felt it should be reconsidered. Consensus was move forward and review a second draft at a subsequent meeting.

The public comment session was closed and regular meeting called to order at 7:10 p.m.

**PRESENT:**

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

Also present was Township Attorney James Porter, Township Engineer Marc Elliott, Sgt. Troy Faulk, and 6 interested people.

Motion by Borgfjord, second by McCormick to approve the October 13<sup>th</sup> regular meeting minutes as presented. Carried.

Income to the General and Fire Funds of \$5,270.38 and disbursements of \$755,157.30 were reported. Motion by Borgfjord, second by McCormick to accept the receipts and disbursements report. Carried.

**CITIZENS COMMENTS**

None.

**WATER SERVICE CONNECTION ORDINANCE**

Attorney Porter advised all the necessary information for this item was not available and requested it be tabled to the November 10<sup>th</sup> meeting.

**CELL PHONE/COMPUTER USE DURING PUBLIC MEETINGS**

Supervisor Heiny-Cogswell commented she felt a policy addressing use of electronic devices and communications, i.e., cell phones, laptops, by Board members during public meetings should be established. Consensus was to direct the Township Attorney to provide a draft for the November 10<sup>th</sup> meeting.

### **PROPOSED BEGGING, PANHANDLING, SOLICITING ORDINANCE**

A proposed ordinance to address begging, panhandling and soliciting was before the Board for consideration. Sgt. Faulk advised there have been numerous incidents of such activity in the past few months which the KCSD officers can only address by telling those engaging in the activity to move along; with an ordinance in place, they could be cited.

Attorney Porter advised Section IV, B 12 (a) and (d) should have the wording "in the course of soliciting" added. In response to Board members questions, it was noted the ordinance would not prohibit fund raisers such as car washes that have the property owner's permission.

Motion by Everett, second by Borgfjord to accept the proposed ordinance for First Reading and set Second Reading for November 10<sup>th</sup>. Carried.

### **UNIFORM FIRE CODE AMENDMENT**

A recommendation to amend the Uniform Fire Code Ordinance to provide for hydrant accessibility was before the Board for Second Reading.

Motion by James Grace, second by Borgfjord to adopt the ordinance amendment. Carried.

### **POLICE PROTECTION SPECIAL ASSESSMENT DISTRICT**

A proposal to expand the current Police Protection Special Assessment District to include the entire Township was before the Board for consideration. It was noted the current districts being levied 2.5 mills would remain, with the balance of the Township assessed .5 mil.

Sgt. Faulk commented KCSD responded to 4,123 calls during the month of September, and there have been 705 misdemeanors and 496 felonies committed from January through September.

Motion by James Grace, second by McCormick to accept the estimates and descriptions of the proposed special assessment district and place them on file for public examination. Roll call showed McCormick-yes, Bushouse-yes, Everett-yes, Borgfjord-yes, James Grace-yes, Heiny-Cogswell-yes.

Motion by James Grace, second by Borgfjord to adopt a resolution of intent to create a new Police Protection Special Assessment District No. 2009-01 and set a public hearing for November 9<sup>th</sup> at 7:00 p.m. Roll call showed James Grace-yes, Borgfjord-yes, Everett-yes, Bushouse-yes, McCormick-yes, Heiny-Cogswell-yes.

### **CIRCULATION STUDY/STADIUM DRIVE & 9<sup>TH</sup> STREET**

Supervisor Heiny-Cogswell advised the Kalamazoo Area Transportation Study (KATS) has added a circulation study of the Stadium Drive/9<sup>th</sup> Street area to their work program to provide information which will assist the DDA in future planning.

### **2010 POVERTY EXEMPTION GUIDELINES**

Poverty exemption guidelines for property assessment appeals for 2010 as approved by the Michigan State Tax Commission were before the Board for consideration.

Motion by Grace, second by Everett to adopt a resolution establishing the poverty exemption guidelines for 2010. Roll call showed McCormick-yes, Bushouse-yes, Everett-yes, Borgfjord-yes, James Grace-yes, Heiny-Cogswell-yes.

### **LAND PURCHASE/PRESSURE REDUCTION STATION**

Supervisor Heiny-Cogswell advised this item would be removed from the agenda as the property owners had withdrawn their offer to sell; other options will be pursued and brought back to the Board.

### **OTHER BUSINESS**

#### **FIRE FIGHTER ACCIDENT & SICKNESS INSURANCE**

As discussed at the public comment session, a proposal was before the Board for accident and sickness insurance coverage for fire fighters with the major difference from the current policy being the cardiac event benefit.

Motion by James Grace, second by Borgfjord to approve the change in policy effective immediately and expenditure of up to \$12,866 in annual premium for three years with the Supervisor, Fire Commissioner, and Fire Chief meeting with Mr. Timmer to finalize any modifications. Carried.

### **BOARD MEMBER COMMENTS**

Trustee James Grace advised of correspondence from a resident of Highfield Street regarding the condition of the street and lack of streetlights.

Trustee Borgfjord provided a reminder of the Park Design Charrette to be held on October 29<sup>th</sup> at 6:00 p.m. at the Township Hall.

Trustee McCormick inquired if Second Reading could be held on the Panhandling Ordinance at this meeting. Attorney Porter advised State Statue dictates the process for ordinance adoption.

Clerk Everett advised windows at the Oshtemo Community Center had been shot at and damaged. Sgt. Faulk advised other similar incidents had occurred in the area.

### **CLOSED SESSION**

Motion by Heiny-Cogswell, second by McCormick to adjourn to closed session to discuss pending litigation because doing so in open session could negatively impact the Township's position. Roll call vote showed McCormick-yes, Bushouse-yes, Everett-yes, Borgfjord-yes, James Grace-yes, Heiny-Cogswell-yes.

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

Motion by Borgfjord, second by Everett to return to open session at approximately 8:20 p.m. Carried.

Motion by Everett, second by Borgfjord to authorize the Supervisor and Township Attorney to proceed as discussed in closed session. Carried.

There was no further business and the meeting was adjourned at approximately 8:25 p.m.

**DEBORAH L. EVERETT**  
Township Clerk

**Attested: LIBBY HEINY-COSGWELL**  
Supervisor