

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Minutes
Special Meeting
November 22, 2011

The Oshtemo Township Board held a special meeting at the Oshtemo 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 Grace Borgfjord
Trustee Dave Bushouse
Trustee Scott Ernstes
Trustee Lee Larson

Also present was Township Attorney James Porter and 8 interested people.

Motion by Heiny-Cogswell, second by Culp to approve the November 9th and November 16th special meeting minutes. Carried.

UTILITY CONTROL ORDINANCE AMENDMENT – SECOND READING

Before the Board for Second Reading was an amendment to the Utility Control Ordinance which would require any utility wishing to construct utility lines, wires and related equipment and facilities to provide a detailed description of their proposed project including explanation of why the location was chosen, a description of any alternate locations considered and why not selected, an analysis of the Zoning Ordinance as to compliance and any such utilities would be required to be placed underground within the public road right-of-way and to a point within 250 feet either side of the right-of-way. The Township could also choose to hold a public hearing on any such application and the utility would be required to attend. Mr. Porter noted the amendments are based on State law that provides local jurisdictions with authority over the public right-of-way.

Gay Kirsh, representing ITC requested the Board table the matter commented they learned of it the day before and would like an opportunity to discuss as they are currently working with land owners, reviewing comments received during their public meeting and the DDA resolution. He further commented if they are required to go to the Michigan Public Service Commission (MPSC) ITC would propose the current route and an alternate route and the MPSC choice would be final; ITC would be unable to work with property owners. Mr. Kirsh also commented there would a cost to the Township in legal fees noting another township spent over \$150,000 in challenging a similar project. He further stated ITC would like the ability to work with the Township on the ordinance, there is no downside if it were tabled, going forward it does not provide them a window of opportunity, they are trying to miss the park and apartment complex.

Supervisor Heiny-Cogswell commented the proposed ordinance was noticed twice in the newspaper and on the Township web site, there has been time for review and she does not see the need for postponement. She further commented there have been mixed messages from ITC as to the final route and the Township's situation is different with in house counsel.

Trustee Bushouse commented the company has built in procedures to recover their costs over a number of years.

Attorney Porter commented the ordinance has been in place since 1975, ITC never asked for consent, and the ordinance and proposed amendments are consistent with State Law.

Trustee Ernstes commented he does not find the ordinance and the amendments unreasonable.

Attorney Porter reviewed the accompanying resolution which outlined the reasons for the ordinance, including maintaining the rural character of the Township, preventing burden on the Township's streets, enhance traffic safety, preserve the aesthetic environment, promote the Master Plan and Zoning Ordinance, support the Site Condominium and Subdivision Ordinance, better protect utility lines, preserve and enhance safety of Township residents, preserve and improve reliability of the utility related services, and preserve and enhance existing and future development, particularly in areas identified as sensitive in the Master Plan and Zoning Ordinance.

Trustee Larson commented he has long been an advocate for putting new utilities underground.

Motion by Heiny-Cogswell, second by Ernstes to adopt the ordinance by resolution as presented. Roll call showed Ernstes-yes, Borgfjord-yes, Culp-yes, Everett-yes, Bushouse-yes, Larson-yes, Heiny-Cogswell-yes.

TAX APPEAL SETTLEMENT – VILLAGE ASSOCIATES

A recommendation from Attorney Porter regarding settlement of the tax appeal by Village Associates was before the Board for consideration.

Motion by Everett, second by Culp to approve the tax appeal settlement as recommended by the Attorney. Carried.

There was no further business and the meeting was adjourned at approximately 5:20 p.m.

**DEBORAH L. EVERETT
TOWNSHIP CLERK**

**Attested: LIBBY HEINY-COGSWELL
SUPERVISOR**