

**January 18, 1999**

The regular meeting of the Vergennes Township Board was called to order by Tim Wittenbach at 7:00 p.m. in the Vergennes Methodist Church Community Center.

Members Present:	Tim Wittenbach	-	Supervisor
	Jean Hoffman	-	Treasurer
	Mari Stone	-	Clerk
	Mark Weber	-	Trustee
	Susan Geiger-Hessler	-	Trustee

A motion was made by Weber and seconded by Hoffman to approve the minutes of the December 21, 1998 regular meeting. Motion carried. Motion by Geiger-Hessler, seconded by Wittenbach, that the minutes be amended to note a remark by Stone regarding the employment of Marc Daneman necessary as Wittenbach "could not do the job." Stone disagreed and stated that those were not her words, and that what she did say was as an explanation for Mark Daneman's invoice dollar amount during approval of the bills at last month's board meeting. Aye: 2 (Geiger-Hessler, Wittenbach) No: 3 (Hoffman, Stone, Weber) Motion did not carry. Weber initiated discussion regarding the terms of the Planning Commission. Wittenbach stated terms can be staggered as two and three year terms so there would never be a complete void when a term was up for any particular individual holding a seat on the Planning Commission.

Treasurer's Report accepted as read. Discussion regarding payments to Tolley, VandenBosch. They bill at a rate of \$110.00 per hour. Township used their services for review of liquor control issue, land taxation issue and water agreement. It was recommended that the use of their services in the future be kept to a minimum. Motion to approve bills including Williams & Works invoice for Comprehensive Plan Project made by Hoffman and seconded by Geiger-Hessler. Drafts 3076 through 3109 were issued. Motion carried.

Building Report. 71 single family building permits issued year to date. Seven single family building permits issued December 1998.

Zoning Administrator Issues - Receipt of letter from township resident requesting driveway setback ordinance be reviewed. (15' RA/10' R1) Six other local and nearby townships have no driveway setback ordinance in effect. Recommendation of Zoning Administrator to review ordinance regarding driveway setback as on smaller lots the required setback seems to large of a distance and is difficult to fit setback into plans or possibly eliminate all together. Hoffman made a motion to send the driveway setback ordinance to the Planning Commission for review and report to Board. Seconded by Weber. Motion approved.

Aye: 4 No: 1 (Geiger-Hessler)

Discussion regarding Notice Bulletin Board for Township Hall. Government signs exempt from restrictions. Vergennes Township sign ordinance indicates no blinking signs or signs with detectable direct light sources directed out away from building. Dwyer, contractor renovating Hall noted there is no electrical outlet on the outside of the building and his prior cost did not

reflect electrical alterations to Hall. Bulletin Board issue to be revisited at a later date after getting estimates of cost and ideas from Dwyer.

Zoning Compliance Form at present used for three different permit use applications and is confusing. Motion by Hoffman, seconded by Geiger-Hessler, to grant approval to Zoning Administrator to redesign Zoning Compliance form and bring end result to Board for approval. Motion carried. All Ayes.

### **Unfinished Business:**

1. Miscellaneous Ordinance Amendments. Stone reported that Dozema will summarize for the Board in concise form areas of the ordinance which were deleted and areas which were added. Ratification tabled until next month's meeting to give Board time to review the report.
2. Memorial Plaque. Solid Bronze (6" x 12") costs \$145.50 Holly Bronze (6" x 12") costs \$99.30 Holly bronze lighter in weight; unable to tell that it is not solid bronze. Motion made by Geiger-Hessler to have the plaque made from Holly Bronze and that it be inscribed as follows: "In memory of Russell and Catherine McPherson Davis for their generous donation of land to Vergennes Township and upon which the Vergennes Township Hall rests today." Motion carried. Motion amended by Geiger-Hessler to have the plaque made from solid bronze rather than holly bronze. Seconded by Hoffman. Motion carried.
3. Gypsy Moth Invoice. Township received an invoice for spraying for gypsy moth in the amount of \$1,221.60. Motion made by Weber and seconded by Stone recommending payment to Kent County as the work has been done and send letters/invoices to individuals receiving spray reminding them that Supervisor Wilcox told them at the time that they would have to pay for the service and ask for payment or a call to discuss the matter with Supervisor Wittenbach. Motion carried.
4. Fee Schedule - Escrow Policy Adoption. Motion made by Weber to adopt Resolution 1-99, seconded by Geiger-Hessler, to readopt old escrow policy with a few minor changes. Motion carried.

### **New Business:**

1. Approval of Special Exception Use Permit for Manszewski Excavating Co. Home-based business allowed under present Township Ordinance regarding home-based businesses. When asked about real estate signs which have been observed on his property, Manszewski indicated that his home no longer for sale and if he moved the business would be moved. Hoffman made a motion to grant the special exception use permit to Manszewski Excavating Co. with the exception that if the homeowner moves, the business will move with him. Seconded by Geiger-Hessler. Motion carried.  
Aye: 5      No: 0

2. Planning Commission Recommendations.

\*Preliminary Approval for Bieri Industrial Park. First phase: 14 sites. Use mainly warehousing. Site plan indicates septic system for human waste only. The Planning Commission recommended preliminary approval with several contingencies/stipulations. (attached) Motion by Weber to grant preliminary approval for Bieri Industrial Park's first phase of 14 sites with contingencies and stipulations as outlined by Planning Commission. Seconded by Geiger-Hessler. Motion carried. All ayes. Motion to amend preliminary approval motion for site condominium to Bieri Industrial Park to require a copy of monitoring agency's report on quantity of sewage being dumped be given to the Township Board. Seconded by Geiger-Hessler. Motion carried. All ayes.

\*William Johnson Private Road Approval. Motion made by Stone to grant approval to private road named Bieri Private Drive. Seconded by Hoffman. Motion carried. All ayes.

\*Committee to Represent Vergennes in Future Sewer/Water Issues with City of Lowell. Discussion as to the need for a committee. Planning Commission feels it would be beneficial to gather a public committee at this time, and had recommended that Bob Pfaller chair. Geiger-Hessler's opinion that Supervisor Wittenbach represent Vergennes Township rather than a committee. Stone would like to involve citizens. Wittenbach stated that he had spoken to Mayor Thompson, City of Lowell, who told him the city is almost at capacity at present time and that they need to address that issue before involving other governmental entities. Motion made by Geiger-Hessler to table the issue of appointing a committee of citizens until a later date. Weber seconded the motion. Motion carried.

\*Six Month Cell Tower Moratorium. Gives Township time to place an ordinance in effect to help control where cell towers can be constructed. Discussion regarding a cell tower ordinance to go before the planning commission who will return a recommendation to the Vergennes Township Board. It was moved and seconded to place a moratorium on cell tower construction for a period of six months. All in favor. Motion approved.

3. Report from Justin Michael regarding Community Recreation District. A committee comprised of individual each from the City of Lowell, Lowell Township, Vergennes Township and a member of the school board is needed to formulate a plan to present the proposed Recreation Authority District, which will support operation costs for the proposed Community Pool. Committee to meet 2-4 times annually and report back to municipality. Michaels reported that the Englehart Fund may donate \$100,00 annually towards operation of pool. School funds (bond issue) used to build pool. Location to be at site of old middle school. Motion by Stone to appoint Mark Weber to the committee to work on the Recreation Authority District. Seconded by Hoffman. Yes: 2 No: 2 Weber abstained (conflict of interest) Motion did not carry. Motion made by Stone, seconded by Hoffman, to appoint Geiger-Hessler as Vergennes Township's representative on the Recreation Authority District. Motion carried.

4. Discussion of need for Hiring Cleaning Service After Hall Renovation. Renovations have caused major need for thorough cleaning. Motion by Weber for approval to hire cleaning service for thorough cleaning of Township Hall after renovation of the upstairs of the Hall is completed by first receiving three bids for a one time cleaning of the Hall and then accept the lowest bid and proceed with the cleaning. Seconded by Geiger-Hessler. Motion carried.
5. Discussion Regarding Community Development Block Grant Funds. Township has \$19,377.30 it can allocate in unprogrammed funds. Expenditure of these funds is severely restricted; mainly historical expenditures. Township asked to identify how the money will be used by February 5, 1999. Alton Church Society Community Building is a registered historic site; not affiliated with Alton Church, and may be eligible for grant money. Wittenbach has inquired as to ownership, but has not yet heard back from the Alton Church Society. Motion by Weber, seconded by Stone, to allocate \$8,000 of CDBG toward preservation (electrical, heating & plumbing systems and masonry repair) of Fallasburg Village's historic Tower House; \$2,000 toward North Kent Transit System for the Hope Network; and \$2,000 toward Lowell/Rockford Ambulance. Motion carried. All ayes.

Resident Ray Weigle disagreed with the manner in which these funds were allocated. His suggestion was to form a committee to locate needs in community and report back to Board before they actually allocate funds. The Board agreed, and will seek community input regarding manner in which to allocate balance of the funds.

6. Board of Review Appointments. Two individuals with terms up at this time willing to serve again. Another resident, Bill Johnson, had submitted an application. Motion made by Stone to re-appoint Bob Meyers to a two year term. Seconded by Hoffman. Motion carried. Aye: 4 Opposed: 1 (Geiger-Hessler) Motion to re-appoint Gordon Edwards made by Hoffman, seconded by Stone. Motion carried. All ayes. Motion to appoint Bill Johnson made by Geiger-Hessler, seconded by Stone. Motion carried. All ayes.

#### **Citizens Comments:**

Jack Horton introduced himself as new County Commissioner and stated for the record that he is no longer State Representative from this District.

Comment regarding appointment of Bill Johnson to Board of Review a possible conflict of interest as he is a land developer. Johnson stated he is not developing any land parcels at the moment. It was noted by Board that it is difficult to find qualified people to serve on the Board of Review. Wittenbach to check into possible conflict of interest of a land developer sitting on the Board of Review. Question regarding whether the Board accepts applications from interested individuals for various Boards. Board does and keeps applications on file.

Concerning a question regarding dual appointments, Wittenbach stated that there is no official policy that individual cannot serve on two Boards at the same time. Hoffman indicated it is a state law that the Zoning Board of Appeals must have one member also on Planning

Commission. At next Board meeting a list will be printed of all the various township committees and boards and the members currently on those Boards/Committees.

Question regarding millage bond issue for community pool. Lowell Schools to pay for the construction and municipalities (City of Lowell, Vergennes Township; Lowell Township; Englehart donation) to pay for operation. How do home school students fit? Educated guess is that if home school student is from a taxpayer home, same eligibility would apply as to Lowell Schools students.

Discussion ensued among the Board and a large group of residents who turned out for the Board meeting. A letter entitled "Good Government for Vergennes Township" signed by twelve residents was mailed to over 300 residents. The letter questioned Supervisor Wittenbach's skills, previous experience and his commitment to the job. Residents at the meeting questioned Wittenbach's office hours and announcement that Ken Ewing would be sworn in as his deputy supervisor, wondering about the necessity of such an appointment. Wittenbach said Ewing will work only under his direction and was not appointed to do the job of Supervisor and has not done so. Wittenbach stated that he, as Supervisor, is not required to be at the Township Hall at all. He spends an average 15 hours a week dealing with township business including time in the office, meetings and outside the office. Resident Carol Nauta, former Vergennes Township treasurer, feared that everything she worked hard for would be thrown out the window, and urged Wittenbach to put in the time he needs to learn the job. It bothers her greatly to see the conflict on the Board, adding that the board needs to work together and learn to agree to disagree. Kerry Tap stated he is not making a judgment on Supervisor Wittenbach but rather attempting to generate awareness and participation among residents of the Township in their local government.

It was requested that possibly the Hall be open as a courtesy more flexible hours not just during the regular 9:00 to 5:00 work hours. Wittenbach will look into the matter further.

The meeting adjourned at 9:45 p.m. by motion made by Geiger-Hessler and seconded by Stone. Motion carried.

Respectfully submitted,

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Mari Stone, Clerk