

Ross Township
Special Board Meeting
12086 M-89
Richland, MI 49083
Thursday November 1, 2018
3:30pm

The special Board meeting was called to order by Supervisor Moore at 3:30pm

Roll Call is as follows:

Present: Diana Langshaw Norm Kellogg Gary Moore
Cynthia Genung Michael Bekes

Absent: Sid Durham Robb Blain

Also present: Rob Thall – Township Attorney

A motion to approve the agenda was presented by Trustee Langshaw, supported by Treasurer Genung and carried.

New Business:

Resolution to approve Gull Lake Sewer & Water to represent Ross Township in the project negotiations.

John Crum, executive director of the Gull Lake Sewer and Water Authority gave a presentation of the status of the water project negotiations for the area managed by the GLS&W. This includes parts of Richland, Richland Village, Prairieville and Ross Townships. Mr. Crum stated that the GLS&W started in 1980 to install a sewer system around Gull Lake. They are now looking into supplying water to the area that they presently manage. Given the PFAS issues in Richland Township and surrounding area some residents have expressed interest in getting a safer water source than their private wells. Mr. Crum passed out to proposals for having a Kalamazoo City source of water for our area. It would take approximately 3 years to complete, in 3 phases. (Map1) The second map shows the proposed monitoring wells and testing sites in Richland Township to monitor possible PFAS migration to the east. Federal and State funding would be needed to fund putting water around Gull Lake for water safety issues. Discussion ensued, Trustee Bekes asked are the other Townships resolutions similar to the one proposed by Ross Township? Attorney Thall stated that yes they are similar to Richland Township and Richland Village proposals.

A motion by Treasurer Genung, supported by Clerk Kellogg to adopt the foregoing Resolution, to allow The Gull Lake Sewer and Water Authority is our negotiator (voice) in discussions with the City of Kalamazoo Water Department.

A Roll Call Vote is as follows:

Michael Bekes- Aye, Cynthia Genung-Aye, Gary Moore-Aye, Norm Kellogg-Aye, Diana Langshaw-Aye
Nays: None

The motion passed with all Ayes.

Michigan Tax Tribunal appeals:

Trustee Bekes moved that the Ross Township Board go into a closed session.

Trustee Bekes: “Move that the Board of Trustees convene in closed session under section 8(h) of the Open Meetings Act, to consider material exempt from disclosure by state statute, section 13(1) (g) of the Freedom of Information Act, being a letter from its attorney dated November 1, 2018, for the reason that the letter is exempt from disclosure under State law due to the attorney-client privilege.”

Trustee Langshaw supported. Roll call was all Ayes to go into closed session. The Board moved into a closed session.

Treasurer Genung motioned to go out of a closed session, supported by Trustee Langshaw and carried. The Board went out of closed session.

A motion by Treasurer Genung to have the Township not appeal to the Court of Appeals the tax tribunal decisions regarding the road special assessments. Supported by Trustee Langshaw and carried by the following Roll Call vote.

Trustee Bekes-Aye, Trustee Langshaw-Aye, Treasurer Genung-Aye, Supervisor Moore-Aye, Clerk Kellogg-Aye. All Ayes the motion carried unanimously.

Public Comment:

No public comments received.

Members Time:

Trustee Bekes asked are Marijuana fines too small (\$500). Can ordinance violations be misdemeanors or Criminal fines? Attorney Thall discussed these issues. A violation of the Township Ordinance is a Municipal Civil Infraction. It handled in as a Municipal Criminal action in District Court, not Circuit Court. Fines plus compliance orders (cease operations) are two court remedies.

Mr. Thall also addressed the rumor that an Ordinance had to be completed in 10 days after the election. This is not true for Opt out after the November 6th election. The State has not issued emergency regulations for recreational marijuana and medical marijuana businesses. Mr. Thall did recommend that the Board adopt an Opt out within 30 days which gives the Township Board time to discuss their decision(s).

Additional issues discussed by Attorney Thall were generally accepted Agricultural Management practices. These can pre-empt zoning issues – Agricultural use / Residential use.

The Department of Agriculture can change the regulation- Agriculture zoning could go anywhere. They have asked for written comments before a decision is made. Possibly taking decisions away from local control.

Diana Langshaw – stated she will not be at the next Board meeting scheduled for November 13, 2018.

Gary Moore – stated that the Township received the first \$40K check from MSU for our SAD road project. Copy attached.

Michael Bekes asked if we would have a quorum for the November meeting. To be determined.

There being no further business, a motion to adjourn was put forth by Trustee Langshaw, supported by Trustee Bekes and carried.

The meeting adjourned at 4:47pm.

Respectfully submitted,

Norm Kellogg, Ross Township Clerk

