

**WAYNE TOWNSHIP BOARD
REGULAR MEETING MINUTES
January 7, 2019**

1. **Call to Order:** Supervisor Butts called the meeting to order at 7:33 P.M.
2. **Attendance:** Frank Butts, present; Kurt Reich, present; Judith Fusko, present; James Griggs, present; Frank Maley, present.
Citizens: Four citizens were present: Rob Hall, Tom Joslowski, Michael Krager, Jr. and Craig Yeager.
Guests: No guests were present.
3. **Pledge of Allegiance:** Griggs led the pledge to the United States flag.
4. **Invocation:** Butts gave the invocation.
5. **Approval of Minutes:** *Motion by Maley to approve the minutes of the December 3, 2018 Board meeting as printed. Support by Griggs. Motion carried.*
6. **Treasurer's Report:** **General Fund Balance:** \$337,817.87; Receipts: \$9,540.63; Expenditures: \$23,921.88; **New General Fund Balance:** \$323,436.62; **Fire Department Fund Balance (includes Sinking Funds):** \$150,655.82; Receipts: \$169.94; Expenditures: \$2,852.09; **New Fire Department Fund Balance:** \$147,973.67; **Trust and Agency Accounts (Property Taxes, Special Assessment, and Fire Escrow) Balance:** \$298,260.81. *Motion by Griggs to accept the Treasurer's Report as printed. Support by Butts. Motion carried.*
7. **Approval of Agenda:** Butts requested that Marijuana Ordinance be added to Old Business as Item E. and that Vacuum Cleaner be added to New Business as Item D.
8. **Guest Comments:** none
9. **Public Comments:** **Michael Krager, Jr:** Krager said that a person who lives at Twin Shores and Lindberg is raising chickens and ducks in violation of the Township's Zoning Ordinance. Butts asked Krager for the address of the person but Krager did not have it.
10. **Reports:**
 - A. **Building Inspector:** There was no report.
 - B. **Zoning Administrator:** There was no report.
 - C. **Electrical Inspector:** Three Electrical Permits were issued for \$494.00.
 - D. **Mechanical Inspector:** Two Mechanical Permits were issued for \$275.00.
 - E. **Plumbing Inspector:** No Plumbing Permits were issued.
 - F. **Assessor:** Butts said that the Board of Review met on December 11 and had five petitions to discuss. He said that the State Treasury Department had sent a letter accepting the letter that Bill Kays had sent in explaining that in the future the tax forms sent to the Township would be date/time stamped.
 - G. **Cemetery Manager:** Krager reported that there had been no sales of lots or plots but that there had been three full burials.
 - H. **Fire Board:** The minutes of the Fire Board meeting were placed on file. Butts reported that there had been fourteen runs in January and a total of 166 runs in 2018. He said that the department had run out of good firefighting gear with the addition of several new firemen. Butts said that True's Towing had donated a set of gear—the cost of which is now nearly \$3,000.00. He asked that the Fire Board donate the proceeds from the scrapping of the old fire truck to True's for the donation of the gear and for other free help they had given to the Fire Department in the past.
 - I. **Blight Inspector: Wilds, Kurt:** Reich wrote a letter to Wilds requesting that he remove the junk and unlicensed vehicle from his yard. (The cases on Coulter, David; Fisher, John (blight); Harris, Sheila; and Thielmann, James are on hold.)
 - J. **Unsafe Building(s): (1.) Baker, Shannon and Michelle:** the Bakers have not yet taken out a Demolition Permit. There was consensus that Reich send a letter to the Bakers clarifying that a Demolition Permit is free and is used to notify the Assessor to remove the structure from the Assessment Roll—which helps the owner by removing the tax. Also, Reich was told to include in the letter that non-compliance may result in starting the process to condemn the dwelling; **(2.) Canniff, Robert:** Butts said the electric company has moved the power lines so they do not go over the second story deck.
 - K. **Zoning Violation(s): (1.) John Fisher:** The Township provided proof to the magistrate that the Zoning Ordinance had been amended in 1996 to prohibit farm animals, including chickens and ducks, in residential zones. Fisher told the magistrate that he was renting the home he currently owns in 1996. The magistrate did not require any type of proof from Fisher and denied the Township's citation; **(2.) Gant, Bruce:** Butts presented the case for the Township at the continuation of the hearing with pictures of the violations and proof of the Building Code and the Township's Zoning Ordinance (the proof of publication had been e-mailed to the magistrate by the Township Clerk. Gant declared his poor health as one reason he could not finish the project right now. The magistrate said that the citations were unclear. He said that the Township

- and Gant needed to work out the problem and told Butts not to return on problems with Gant.
- L. **Planning Commission:** Griggs said that most of the December meeting of the Planning Commission was a discussion of a possible amendment to the Zoning Ordinance concerning Solar Panels.
 - M. **Zoning Board of Appeals:** No meeting(s) was held.
 - N. **Dowagiac District Library (DDL):** Reich said that with the approval of the millage to expand and renovate the library, a meeting is going to be held at the library to go over the architect's plan for the exterior of the proposed library addition.
 - O. **Emergency Services Authority (ESA):** Butts went over the two months of ambulance run reports.
 - P. **Treasurer:** Fusko went over her very thorough written report. She said that she is working with 5/3 Bank more because of better CD rates but that they want proof that the Township Board has given her power to make such investments. Fusko said that she likes a sample investment resolution that Reich was able to download from the MTA website. **Motion by James Griggs to adopt resolution R-19-01-02, a resolution on investing Township funds. Support by Frank Maley. Roll call vote: James K. Griggs, yes; Frank L. Butts, yes; Kurt E. Reich, yes; Judith Anne Fusko, yes; Frank H. Maley, yes. With five yes votes and zero no votes, Butts declared the resolution passed.** Fusko said that she has invested \$15,000.00 of the Nubour St. water fund and \$250,000.00 of money in the Trust and Agency Fund.
 - Q. **Clerk:** Reich said that no budget amendments were needed this month. He said that he had completed and faxed in a twenty-five page annual audit for Workmen's Compensation.
 - R. **Supervisor:** Supervisor Butts: **(1.)** said that a property owner has filed a complaint concerning her losing her Homestead classification since she has filed as a LLC. Butt said that Bill Kays said that the State of Michigan does not allow a LLC to have a Homestead; **(2.)** reported that a property on Marcellus Hwy., which was discussed at the December meeting because it has two storage pods, is legal because it is in a General Ag. zone; **(3.)** said that Midwest Energy has moved an electric line so it is not going over a deck on the second story of a house on the corner of Mead and Arnold St. at Twin Lakes; **(4.)** reported that a house on McKenzie St. which had been discussed at a previous Board meeting concerning how bad it looks because no one is living in it and taking care of the lawn, etc., has been purchased by a mortgage company at a Sheriff's sale; **(5.)** said that the Road Commission has met with Berry Brook Farms concerning a field on Glenwood Rd. where sand has been going over the road during heavy rains creating a traffic hazard. He said that Hassles have agreed to re-sod the field along the road; **(6.)** said that the Road Commission has replaced a missing "No Dumping" sign on Rudy Road (at a cost of \$200.00 to the Township); **(7.)** reported that the Road Commission has completed all of the work on the culverts the Township had contracted for repair/replacement; **(8.)** said that the MTA was able to get most of the "bad" parts of the proposed assessing law taken out before it was passed by the Legislature and signed by the Governor; **(9.)** reported that a company which owns land with a Twin Lakes Rd. address where a tower has recently been taken down, has contacted the Township about the ordinance governing new cell towers/antennas; **(10.)** said that the Township has been notified by the State of the approval for two irrigation wells located in Hamilton Township.
 - S. **Township Website:** Griggs said that Kerry Collins has found a new host for our website and that it is up and running. He said that it may take a while to get the information transferred to the new website.
 - T. **MEANDRS:** Maley said that no meeting was held in December and that a January meeting is to be scheduled.
11. **Payment of Bills: Motion by Fusko to pay the list of bills with the addition of \$23.95 to replace a lost check for Jim Griggs and for \$5.18 from Doubleday Office Products. Support by Maley. Motion carried.**
12. **Old Business:**
- A. **Road Work Projects for 2019:** Butts passed out a list of roads on which he had listed the cost of the proposed work and the year of the last work. There was considerable discussion of the list. Butts stressed that the list is to ask the Road Commission for estimates only and an affirmative vote is to get the estimate and not to approve a contract. **Motion by Reich to send the list of roads which had been discussed to the Road Commission to get estimates for the proposed work. Support by Griggs. Motion carried.**
 - B. **Personnel Policy in Regards to Recreational Marijuana:** It was decided to hold this issue over until the Fire Administrative Board has a chance to study the issue.
 - C. **Hallway Floor Covering:** Fusko said that she had contacted two companies about installing the flooring and that just one of the companies has responded so far.
 - D. **Township Hall/Fire Station Sign:** Butts said that the Van Tuyle family had approached him

about having the money donated to the Fire Department in memory of Myrna Van Tuyle put into the account to help pay for the sign. There was discussion about getting a plaque that would say that the sign is in memory of Levi and Myrna Van Tuyle for their work in helping with the creation of the fire department. (Levi Van Tuyle was the Township Supervisor when the Township Fire Department was started.) There was consensus of the Board in support of such a plaque.

- E. **Marijuana Ordinance:** There was discussion about adopting an ordinance to “opt out” of the new state initiative on recreational marijuana passed by the voters in the November 2018 General Election. ***Motion by Frank Butts to adopt Ordinance O-19-01-01 to “opt out” of the recreational marijuana initiative. Support by James Griggs. Roll call vote: Frank L. Butts, yes; Kurt E. Reich, yes; Judith Anne Fusko, yes; Frank H. Maley, yes. With five yes votes and zero no votes, Butts declared the ordinance passed.***

13. **New Business:**

- A. **Resolution R-19-01-01, Adoption of 2019 Poverty Guidelines for Property Tax Exemption:** ***Motion by Judith Fusko to adopt Resolution R-19-01-01, a resolution to adopt Homestead Poverty Guidelines. Support by Frank Maley. Roll call vote: Judith Anne Fusko, yes; Frank H. Maley, yes; James K. Griggs, yes; Frank L. Butts, yes; Kurt E. Reich, yes. With five yes votes and zero no votes, Butts declared the resolution passed.***
- B. **Reservations for the MTA Board of Review Training Seminar:** Butts said that all three members of the Board of Review (and himself) said that they wanted to attend the MTA sponsored Board of Review training in Kalamazoo. ***Motion by Butts to make four reservations and purchase one book for the Board of Review training session in Kalamazoo on February 21. Support by Maley. Motion carried.***
- C. **Setting the Date for the 2019-2020 Fiscal Year Budget Work Session:** After a brief discussion the Board reached consensus to hold the 2019-2020 Fiscal Year Budget Work Session on Thursday, February 21, 2019 at 7:30 P.M. at the Wayne Township Hall.
- D. **Purchase of a Vacuum:** Butts said that the vacuum cleaner in the Fire Station was broken and too old to repair. ***Motion by Fusko to allow Butts to purchase a new vacuum not to exceed \$200.00. Support by Maley. Motion carried.***

14. **Public Comments:** There were no Public Comments

15. **Adjournment:** ***Motion by Griggs that the meeting be adjourned. Support by Maley. Motion carried.***

The meeting was adjourned at 9:14 P.M.

Kurt Reich, Clerk