

**MINUTES
ALPINE TOWNSHIP
REGULAR MEETING
AUGUST 15, 2005**

05-109 REGULAR MEETING

The Alpine Township Board met on Monday, August 15, 2005 at 7:30 p.m. at the Alpine Township Hall, 5255 Alpine Avenue, Comstock Park, Michigan. Board members present: Supervisor Marta Brechting, Clerk Jean Wahlfield, Treasurer Jan Brechting, Trustees Ron Cordes, Jim May, Sharon Steffens and Ted Wallace.

Supervisor Brechting called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

May requested an additional item be placed on the agenda before the Closed Session as Item K: Planning Commission.

05-110 CONSENT AGENDA

May expressed concern that the July 18, 2005 Minutes in the Public Comment portion did not accurately reflect the tone (and exact words) of Jason Rosenzweig's comments. Wahlfield explained the state law requirement of meeting minutes. Supervisor Brechting offered to obtain the requirements for May. It was also noted that tapes are rolled over after each meeting under the advice of our attorney as they could become subject of litigation.

Steffens offered a motion, supported by J. Brechting, to approve the Consent Agenda consisting of: Minutes from June 13, 2005 and July 18, 2005, Consideration of Bills, Temporary Liquor License Request from Bow Tie Tavern for August 27, 2005, Adopt Resolution#05-21 - Support of Buy Fresh, Buy Local, Select Michigan Day on September 15, 2005 and Receipt of Correspondence. Motion carried 7-0.

05-111 PUBLIC COMMENT

Brechting stated that the Board members received a copy of the Harvester newsletter this evening and it should be mailed out to residents soon. The newsletter will also be available on the website and Brechting is planning for each department to have the capability to update their own department's site.

Fritz Wahlfield, 730 Marlene, questioned the Supervisor on how she would plan on paying for damages if the Township should lose the pending Doorenbos lawsuit. He explained that Sparta Township dropped a lawsuit recently for fear the damages would be too expensive. It was noted by Treasurer Brechting that after the insurance funds are used, the remainder goes on the township residents tax bills until the judgement is paid off.

05-112 COMMISSION REPORTS

PLANNING COMMISSION - MAY: Blake Terhune has completed his internship with Alpine Township. A special Master Plan Review meeting was held on July 14, 2005 discussing Scenario 3. The regular Planning

Commission meeting was held on July 21, 2005 and recommended the Zoning Ordinance Amendments for Chapter 2, 12 and 20 which will be discussed later in this meeting. Discussion ensued regarding senior housing. A special meeting was held on August 9 on the proposed Master Plan. There will be more than one scenario presented to the public. The next regular meeting will be August 18th.

ZONING BOARD OF APPEALS - WALLACE: There was no meeting held in July. One variance request has been submitted for the August meeting.

HISTORICAL COMMITTEE - CORDES; No report. It was noted that George Maguire will be hosting a 60th anniversary open house at the museum featuring veterans.

SEWER & WATER - M. BRECHTING- This issue is slated for discussion later in the meeting.

LIBRARY - MICHELLE BOISVENUE-FOX: The 2005 Summer Reading Program is coming to a close, with a total of 322 participants, 151 had completed the entire program. The library has changed its look by adding a “self pick-up” for book requests and it has been received very well by the patrons. Boisvenue-Fox distributed a brochure to each board member describing Fall programs. New programs that will be offered this Fall are a teen book discussion and a beginners knitting class for adults.

05-113 KENT COUNTY SHERIFF OFFICER WHITING - MID YEAR REVIEW

Officer Whiting provided the Board with statistics from January through June 2005 of his activities within the Township. Whiting explained the new programs that have been implemented: Business Watch which is a partnership of businesses along Alpine Avenue. The target area at this time is from Lamoreaux north to 9-Mile. The businesses inform each other through the fax machine (similar to Neighborhood Watch using a phone tree). At this point the fax calling tree has been activated six times. The Child Watch program numbers remain steady and will only increase if a new Neighborhood Watch were to be started. The Crime Prevention numbers remain the same. Whiting is involved with special projects noting that he just finished two golf-outings to raise money and is now working to prepare for the December “Shop with the Sheriff”. Whiting continues to offer Hunter Safety and provide car seat checks for parents. There were 282 calls for the past two quarters which are more than last year.

05-114 FIRST READING: ZONING ORDINANCE AMENDMENTS - SECTION 2.43, SECTION 7.03, SECTION 12.03 AND SECTION 20.14

The Zoning Ordinance Amendments were recommended by the Planning Commission and there are minor changes. The Board received these amendments and next month will be the final reading.

05-115 PUBLIC GATHERINGS PERMIT - CORN MAZE AT 4290 10-MILE ROAD

An application was received from Rick and Karen Cordes for a Corn Maze this fall at 4290 10-Mile Road. This would be identical operation to the corn maze that the Cordes’ had last year. It was noted that there were no complaints and the Cordes’ were compliant to the township rules.

Steffens offered a motion, supported by Cordes, to approve the Public Gatherings Permit for a corn maze submitted by Rick and Karen Cordes for property located at 4290 10-Mile Road. Motion carried 7-0.

05-116 SOMERSET MEADOWS - DISCUSSION & APPROVAL OF AGREEMENT #05-19-ON-SITE SEWAGE COLLECTION SYSTEM, CONSIDERATION OF STEP III APPROVAL, AND REVIEW OF RELATED AGREEMENTS

The Supervisor indicated that the Board should approve/disapprove Step III approval before the other issues are discussed. It was noted that the Township Attorney prepared a motion which is still conditional upon compliance with certain issues. Steffens remarked that she is happy to see this project come to fruition as it began during her term as Supervisor.

Steffens offered a motion, supported by May, that, in reliance on the record prepared to date as well as the representations of the developer and his agents before the Township, the Township grant conditional final plan approval for the Marilou/Somerset Meadows site condominium residential development as provided for in Township Ordinance No. 91-4, conditioned on the developer's compliance with all of the following:

- 1. Review and approval by the Township Attorney and Township Engineer of the master deed and bylaws prepared by the developer, which are to be recorded with the Kent County Register of Deeds for conformance with all conditions of approval for the project.**
- 2. Review and approval by the Township Attorney and Township Engineer of the site development agreement prepared by the developer, which is to be recorded with the Kent County Register of Deeds for conformance with all conditions of approval for the project.**
- 3. Submission of documents establishing compliance with all State of Michigan development and use requirements including, but not limited to, those associated with the community sewer system for this project.**
- 4. Compliance with all provisions of Township Ordinance No. 91-4.**

Motion carried 7-0.

Supervisor Brechting informed the Board that the developer is requesting that the Board approve a resolution stating that the Township would take over the Somerset Meadows septic system if said system should fail and the association was unable to finance remedial actions. A Letter of Credit would be obtained in the amount determined by the number of lots (the monetary amount can not be determined at this time). The developer's request would facilitate in obtaining a DEQ permit. If the septic system should fail, an Indemnification Agreement would be necessary and this would eliminate a Special Assessment procedure. Upon our Attorney's advice at this time a resolution could not be approved because we do not know the necessary amount.

James Rosendall, developer for Somerset Meadows, indicated that there are two ways to construct a septic system. One option would be that the developer would go private with the DEQ and bond the system with a Letter of Credit. The system would then be up and running, revenue would be collected from the users and once a certain amount of money is obtained, the bond is released.

Rosendall pointed out that if the Board should pass a Resolution, this would give the DEQ security from a public entity taking the system over. The benefit for the Township approving a resolution would be more unilateral control with what is going on with the system. Rosendall also noted that the association would not fight a SAD project.

It was noted that the proposed system will have a back-up area should the first one fail. These systems can operate for at least 25 years without failure. This system would be ready to be connected to the main sewer once available and all the legwork was completed on the surrounding streets.

In response to questions, it was noted that the Association will own the sewer system. It is a low-pressure system that infiltrates a small treatment process and then flows to the drainfield.

J. Brechting offered a motion, supported by May, that the Township Attorney provide a draft Indemnification Bond agreement and a Resolution for this project. Motion carried 7-0.

Supervisor Brechting stated that the third issue for Somerset Meadows was whether or not building permits could be issued at this time. Many lot owners are interested in obtaining a permit at this time. Building Inspector Fleet reviewed the Agreement Form and Ordinance 91-04. He recommended that a limit of four permits be issued at this time until the DEQ grants final approval. This will ensure that the project will comply with the Township ordinance. Fleet advised a statement be added to paragraph 3 that bond monies may be used for demolition purposes if the sewer system can not obtain the necessary approvals. Fleet explained that this would be the worse case scenario.

J. Brechting offered a motion, supported by May, to approve agreement and to conform with the Building Inspector's recommendations to limit the number of building permits issued to four (4), addition to paragraph three and also include the Township Attorney's comments. Motion approved 7-0.

05-117 DISCUSSION & REVIEW - APPEAL OF GO! BUS DENIAL FOR SERVICE

Supervisor Brechting received a special request from Meegan Joyce, Go!Bus representative, requesting that the Township to grant an exception for an autistic young man who lives in the 4-Mile/Peach Ridge area to participate in the Go!Bus program. It was noted that autism does not comply with ADA requirements. The young man has a job at Sam's Club and will need to use the Go!Bus service occasionally. It was noted that Go!Bus charges the township \$14.05 per trip.

Board members were sympathetic to this request and concerned with the safety of this person. It was the consensus that approval be granted on a trial basis.

May offered a motion, supporter by Wallace, that the Township would finance the Go!Bus service for three months (September 1 through November 30). The Board will evaluate this at the November meeting. Motion carried 7-0.

05-118 APPROVAL OF ORDINANCE ENFORCEMENT POSITION

Supervisor Brechting stated that Officer Whiting recommended to the officials that a recently retired police officer would be willing to work part-time as an Enforcement Officer. This individual is a 32-year veteran of the Kent County Sheriff's Department and worked in Alpine Township. He has currently been hired part-time in Cannon Township as an Ordinance Enforcement Officer.

Deputy Whiting stated that Alpine has a lot of ordinance violations that he just can not get to. He felt that by employing this individual it would be a win/win situation for the Township. This officer is familiar with the

township, he communicates very well, and works with the people verbally before issuing a ticket.

Steffens remarked that having an enforcement officer would help enforce snow removal along the Alpine Avenue sidewalks which was often a violation. J. Brechting felt that an enforcement officer would help with the uniformity of violations. M. Brechting stated that he would be available occasionally during the weekend for extreme violations.

Fleet explained how he validates complaints and there are laws that protect the privacy of the complainant. Fleet applauds the effort to approve this position. He stated that since both the previous Planner and Zoning Administrator have left, it has been a huge adjustment to the Building Department. Fleet felt this would be a great cooperative effort and would like to work out the details with the Board how the complaints are streamlined.

Steffens offered a motion, supported by J. Brechting, to approve hiring the Ordinance Enforcement Officer on a part-time basis for a maximum of two (eight-hour) days per week at \$15 per hour, that mileage will be paid at the IRS rate, that funds will be transferred from Contingency to cover wages, and that an evaluation of the position will be performed in December.

There was brief discussion regarding necessity of an officer. Board requesting being informed and violations will be addressed more quickly.

Motion carried 7-0.

05-119 CONSIDERATION OF RESOLUTION #05-22 - NIMS (NATIONAL INCIDENT MANAGEMENT SYTEM)

Supervisor Brechting explained that Resolution #05-22 National Incident Management System requires county-wide approval and training in order to continue receiving Homeland Security grants county/township wide.

J. Brechting offered a motion, supported by May, to approve Resolution #04-22 - NIMS (National Incident Management System). Motion carried 7-0.

05-120 CURRENT WATER ORDINANCE REQUIREMENTS

Supervisor Brechting stated that two requests (Dauser and Rusche) have been received by the Township to drill replacement wells for their residential homes instead of hooking up to public water on property zoned as commercial. Rusche requests a well for sprinkling purposes only.

Supervisor Brechting shared with the following research:

1. Kent County does not require hook-up to public water in a Commerical zone for residential use. Residents may use a well and if there is any question, additional testing will be completed.
2. Plainfield Township's original ordinance did require public water hook-up within 200 feet: however, as of 2001 Plainfield does not require public connection.
3. The City of Walker does not require connection to public water.

J. Brechting presented a brief history that in 1997 the Water Ordinance was developed and modeled after the Sewer Ordinance which by law, requires connection to public sewer if within 200 ft. This served as a health

and safety measure for the residents.

Steffens indicated that the Board has three options:

1. Keep the ordinance as is.
2. Change to ordinance to allow for a variance with specific reasons.
3. Allow wells within the 200 ft. of public water.

M. Brechting wants a specific reason for the requirement. M. Brechting will be contacting Plainfield for the reason for the requirement change and this discussion will be tabled until the September meeting.

05-121 NEW FIREFIGHTERS

Fire Chief Ron Christians submitted a letter to the Board this past Friday requesting that the following three new firefighters be approved: Josh Afton, Brian Switzer and Sharla VanHorn. Christians explained that these were the top three candidates out of eleven interviews and each had fire experience and/or EMS medical training.

Chief Christians assured the Board that the monies are available in the budget which would be approximately a \$2,400 outlay for four firefighters (the 4th firefighter would be Jon Waters who due to his employment was unavailable to complete training last year). Christians also indicated that traditionally each firefighter was paid a per diem to attend classes, and that is also included in the budget.

Board members discussed that the proposed candidates have some previous training which will be a savings to the Township. Each location will be acquiring a new firefighter. The approximate cost of a new firefighter is roughly \$4,000. On average the fire department loses two firefighters each year and the department does not have mandatory retirement. There is a variance in the turn-out at calls, and it is better to have more firefighters than needed.

May offered a motion, supported by Wallace, that the three candidates recommended by the Fire Chief with the addition of Jon Waters be enrolled in the Firefighter I training classes to be paid for by the Township and that these individuals will be paid a per diem to attend these classes. Motion carried 7-0.

05-122 DISCUSSION & UPDATE - NKSA PROPOSED WASTEWATER TREATMENT PLANT AND AGREEMENT

Supervisor Brechting stated that Plainfield Manager Homan requested delaying connection fees for new homes until December 1, 2006. A meeting will be held on August 18th whereby connection fees, dates for connection fees and REU's will be finalized. After the allocation agreement is completed costs will be determined. More information will be forwarded after this meeting.

05-123 PLANNING COMMISSION

May expressed concern over Planning Commission Chairman Jason Rosenzweig's comments at the last Planning Commission meeting. May stated Rosenzweig's comments were unprofessional, unbecoming and

unnecessary because in his position as Chairman, Rosenzweig is representing the Township.

The discussion was side-tracked to the contract of Beckett and Raider and whether or not they will be completing the master plan. There was also a question of whether or not there are funds available to finish the master plan within the current budget. Supervisor Brechting commented that the contract has been forwarded to our attorney and will be discussed at the next meeting.

Cordes' opinion to May's comment is that Rosenzweig should be made aware of the comments and that everyone makes mistakes. J. Brechting stated that she has been embarrassed in the past with comments from our Township Board and she felt that Rosenzweig should remain as Chairman.

Rosenzweig defended himself and apologized.

Wahlfield felt that this issue should not have been brought up in public but could have been handled in a different manner. (May's response was that it was said in a public meeting). She also stated that new appointments will be made this fall and she was in support of Rosenzweig and commended him that he is not afraid to speak up when needed and applauds him for that ability.

J. Brechting assured everyone that there are funds available to complete the Master Plan.

05-124 SUPERVISOR'S REPORT AND BOARD COMMENTS

The Library staff would like to paint the lobby and the same person who painted the teen room would also painting the library lobby. The funds will be coming out of the book sale.

Steffens offered a motion, supported by May, to set a public hearing in September for Illicit Discharge and Connection Ordinance as part of the NPDES permit process with the Supervisor to obtain information about the public noticing requirements. Motion carried 7-0.

M. Brechting, Cordes and May will be finalizing the Mining Agreement with the attorney.

Personnel Committee will be meeting to update the employee handbook.

Intern Blake Terhune has completed his work and left to go back to school. M. Brechting invited visitors to look at the maps prepared by Blake hanging in the office area.

The audit results are not complete but there were no major problems.

Wahlfield requested that the new trustees return their pension forms to her as soon as possible. Wahlfield also reminded all board members of the September MTA meeting and the Road Commission Picnic.

05-125 PUBLIC COMMENT

Phil Brunger, 4647 Fruit Ridge, thanked the Board for the Harvester. In response to his question, it was noted that after the Planning Commission hosts a presentation of the Master Plan for the public, it goes back to the

Planning Commission for approval and submitted to the Township Board for final approval.

James Rosendall commented that there is grant money available for the Go!Bus through the County. It was mentioned by J. Brechting that in order to receive grant money, two of the requirements is to be a minimum distance from the main route and serve low-income residents. The officials will look into this further.

Fritz Wahlfield, 730 Marway, expressed concern that the pending lawsuit that the Township has with Sable/Doorenbos be settled. He is concerned about the cost to the Alpine residents.

Alan Beckstorm, 4891 Grettel NW, commented that Bob Devereaux is a man of integrity. Beckstorm also stated that even though he is involved in the *voters4alpine* website, he is not anti-NKSA but he is only seeking information for public access. He is concerned that the proposed wastewater treatment plant is planning on financing itself with new connection fees. He explained that worse case scenario that all taxpayers would be charged if general funds have to be used for the treatment plant. He also felt that the proposed site needs to be raised eight feet. He reiterated other information from the NKSA meeting.

Joel Pyper, 2957 Candi Lane NW, questioned whether or not his existing easement would be re-paved because when Somerset Meadows constructed their new entrance, his paved easement was removed. He explained that the original easement was the only legal description to enter to his property from Peach Ridge. He felt that everyone should have agreed that the easement was to be removed, and not everyone agreed. He has spoken with the Assessor and he stated he could not get a straight answer. Pyper wants a written agreement for an asphalt easement.

Rosendall stated that the asphalt was removed, not the easement. Rosendall stated that his easement is public.

Ted Wallace stated that he was on the Planning Board at that time and remembered that one of the conditions of approval was that Rosendall was to obtain an agreement for all existing and new easements.

Jeff Peeler, 3013 Jeremy Drive, stated that Frank Wash, former Planner, left some unfinished business. He claims that Wash was supposed to facilitate drawing up a private road agreement to update the maintenance agreement that would be shared with Somerset and Samantha and Jeremy residents. He did not do that. Peeler indicated that this was part of the confusion. He requested that this issue be clarified.

Jason Rosenzweig suggested a special Township meeting for the NKSA project to look at both sides and he was information that such a meeting is being planned. He also inquired if donations could be used for Go!Bus.

Ray Zuidema, 4579 Bekinshire, spoke against the new sewage treatment plant. His reasons were that the flow would have to be switched and go against the gravity flow and questioned the reason for going with this plant. He felt that the engineers are extremely misleading on the cost. He encouraged a public meeting stating that a new plant will be more expensive than staying with Grand Rapids. The proposed plant is definitely misleading in Zuidema's opinion.

A motion was offered by May, with support from Wallace, to hold a closed session of the Township Board to discuss pending litigation. There was no discussion and the motion carried 7-0.

05-126 CLOSED SESSION OF TOWNSHIP BOARD - DISCUSS PENDING LITIGATION

A motion was offered by May, with supported from Steffens, to move into an open session of the

Township board. There was no discussion and the motion carried 7-0.

The result of the closed session of the Township Board was that information provided by legal counsel was informational in nature and no decisions were made by the Board.

A motion to adjourn was made by May, and supported by Wallace. The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Jean Wahlfield, Clerk

Marta Brechting, Supervisor

Beth Alt, Recording Secretary