

PINE GROVE TOWNSHIP MONTHLY BOARD MEETING MINUTES

June 08, 2021 7:00 p.m.

1. Meeting was called to order at 7:00 P.M. by Supervisor Smith.
2. Pledge of Allegiance.
3. **Roll Call:** Present: Richardson, Meert, Smith, Sell, Hephner
4. **Consent Agenda:** *Motion made by Hephner, supported by Meert, to amend the agenda with the addition of a 5th item under Old Business, Ordinance #90 Burning Ordinance and an item #6 ZO Short Term Rentals All yes, motion carried. Motion made by Hephner, supported by Richardson to accept the Consent Agenda. All yes, motion carried.*
5. **Monthly Bills:** *Motion made by Smith, supported by Hephner, to pay the monthly bills as presented. All yes, motion carried.*
6. **Public Comment:** Joe Smit asked if the Recycling Center would start taking construction material. Smith stated that the Recycling Center revisions have not been completed. When it has been revised, it will be published on the website.
7. **Correspondence and Reports:**
 - A. **Library** – Smith stated there will be a meeting at the township hall on June 9th at 7 p.m. to meet with the architect for the purposed new library.
 - B. **Sheriff** – submitted. 59 calls for PGT
 - C. **County Commission** – submitted. Dick Godfrey stated that Van Buren paid out to the local unit delinquent tax payments. A Community Advisory Panel was established in preparation for the closure of Palisades. 2 radio towers will be replaced within the Fire/EMS VHF Radio Project. The new Elections Deputy Clerk is Stephanie Gumpert.
 - D. **Road Commission** – none
 - E. **Fire Chief** – The fire trucks were inspected and passed, lost 4 hoses that will need to be replaced. 102 calls to date. There are no burning permits being issued at this time until further notice. *Motion made by Hephner, supported by Richardson to put the NO OPEN BURNING on the Township digital sign in front of Township Hall. All yes, motion carried.*
 - F. **Fire Board** – Jim Kehoe stated that the board approved the budget. PGT still owes \$2,101.33. *Motion made by Hephner, supported by Richardson to pay the remaining balance of \$2,101.33 to the Gobles Pine Grove Fire Department. Roll Call: Richardson – yes, Meert – yes, Smith – yes, Sell – yes, Hephner – yes. All yes, motion carried.*
 - G. **Ambulance** - none
 - H. **Treasurer** – T&A: \$10,149.52 General Checking: \$1,128,797.22 Savings: \$199,926.58 Tax -\$3.47
 - I. **Planning Commission** – Richardson stated that there is a meeting coming up on June 21, 2021 and there is a Public Hearing on a purposed new cell tower.
 - J. **Ordinance Enforcement Officer** - none
8. **Committee Reports:** Stimulus Money Update: Hephner referred the board to the Michigan Township Association magazine that they received recently, pages 34-35, which has a brief explanation of what is going on with the stimulus money. Hephner stated that she recently registered for and watched a webinar presentation provided by Michigan Township Association and has ordered a copy of the slide presentation and the Q&A. Hephner stated that she would encourage everyone to read those and the two pages 34-35. Hephner stated that the most important items to know at this time is that this stimulus money is to respond to public health and safety emergencies and response to negative economic impacts and has to be tied to a revenue loss, including sewer, water, and broad band infrastructure. The use of the funds will be from March 3, 2021 until December 31, 2024, so there is time to decide what Pine Grove Township will do with the monies. All the monies have to be put into an account which can be an interest-bearing account. Any extra money made on it while deciding what to use the money on can be used for things that might benefit the township. It can also be used to pay for the requirement of a single audit. A resolution is not needed by the board but it

might be helpful, for the board to say that they are going to go forward with this. There is no repayment of the debt. The application process for the stimulus money has not been set yet, but as soon as it is, they will send us the application. What the monies are spent on absolutely has to be something connected to the pandemic. The slide show and Q&A will answer more questions. The monies can also be used to promote tourism.

9. **Old Business:**

1. **Medical Marijuana Ordinance** – *Motion made by Smith to adopt the two marijuana ordinances after the attorney reviews and adds the language to relinquish the existing ordinance.* Hephner asked if there had to be support for the motion to have a discussion and Smith stated yes. *Seeing no support, motion denied.*
2. **Recreational Marijuana Ordinance** – same as #1
3. **Fees at Recycling Center** – Smith stated that this topic has been touched on in past meetings and it seems that there needs to be some more digging into what the township wants and done out there. The sign out front clearly says Gobles Pine Grove Recycle Center; however, Gobles does not pay anything for its operation. The board agreed that fees, and options will be addressed at the next meeting.
4. **2021 Road Projects** – Smith stated that they received a solid bid back on the 18th Avenue project of \$54,000.00 which is less than half of the original estimate. *Motion made by Hephner, supported by Meert to accept the bid for the 18th Avenue Project for \$54,987.63.00. Roll Call: Richardson – yes, Meert – yes, Smith – yes, Sell – yes, Hephner – yes. Motion carried.* *Motion made by Smith, supported by Hephner to have the County Road Commission put the original 32nd Street Project out for bid. All yes, motion carried.*
5. **Burning Ordinance #90** – OEO Smith has complained in prior meetings that the ordinance prohibiting open burning in a front yard is prohibitive to enforcement, however, the setbacks are good. *Motion made by Sell, supported by Richardson, to amend Ordinance #90, by removing the stipulation of banning front yard burning. All yes, motion carried.*
6. **Short Term Rental Ordinance** – Hephner stated that this ordinance should go back to the attorney for clarification on what changes should be made and table until the next meeting after Katherine has a chance to review. All board members agreed to table until next meeting after review by Attorney Kaufman.

10. **New Business:**

1. **Joint Fire Agreement with City of Gobles** – Smith stated that this agreement expires next March and that some changes need to be made before it is signed again. When the agreement was originally drafted, Attorney Katherine Kaufman depended on the Urban Cooperation Act and did not make any reference to Chapter 41 of the Township Revised Statutes, which clearly dictates how the board is made up, who's on it, how long they can be there. Smith stated that he has discussed this with Catherine and after she read Chapter 41, was in complete agreement with him. Hephner stated that she had sent an email to the attorney, and copied everyone on the board. Hephner stated that if the board wants to continue the interlocal agreement with the City of Gobles, the Township should send a letter now to the City of Gobles counsel indicating the townships willingness to continue the interlocal agreement with some changes. The changes could be qualified in the letter for the purpose of discussion if there is a will to continue the interlocal agreement by both parties, the municipalities can authorize the attorneys to negotiate or appoint a subcommittee. Hephner stated that it might be helpful if the city council and the township decided to hold a joint meeting to discuss any provisions. Smith stated that he did not see a response from the attorney. Hephner stated that she would like to speak to the fact that it is really important that every entity that contracts with the fire dept. and those in the interlocal agreement, pay their bills. Hephner stated that being on the Fire Board, we had to go to Gobles two months after the year was up and give them a letter encouraging them to pay and they hadn't paid anything for a year and we have spent a lot of time and energy

going to meetings encouraging them to pay. Hephner stated that if we are providing fire services for an entire year to a governmental agency for free, that is not good for Pine Grove Township citizens and believes that the township should draft a letter to send to Gobles tonight. Smith stated that traditionally, the City of Gobles always paid their bill in July when he was involved with the Fire Dept. Sell stated that she would be interested in hearing more about what it would entail to end the interlocal agreement or continue it and Hephner stated that the attorney could do that and lay it all out, all the options. ***Motion made by Smith, supported by Meert, to send a letter to the City of Gobles that Pine Grove Township is looking at making some changes in the interlocal fire agreement and solicit a response from the City of Gobles regarding their interest in continuing the interlocal fire agreement.*** Hephner asked if Attorney Kaufman could write the letter. Smith asked why not have the attorney come in and run the whole township. Hephner stated that this is pretty important that this interlocal fire agreement gets done correctly and in order to not make any missteps and not to say anything that is inappropriate, have the attorney write it. Smith stated that he was not in favor of that, that if he or Michelle or anyone on the board could not write a letter asking them their intent moving forward and asking for a response on it, I mean, wouldn't you feel comfortable writing a letter Donna? Sell stated that when it comes to legal jargon, she would like to have the attorney write the letter, that is why they have retained an attorney. Smith stated that the attorney is not on retainer. Sell stated that that is why the Township hired Katherine Kaufman as the township attorney. Smith stated that there is a motion and support to write a letter to the City of Gobles. ***Two yes and no nays.*** Sell asked if the motion included having the attorney write the letter. Smith stated no. Smith stated that he would write the letter and copy everyone so that the letter can be reviewed. Hephner asked if the letter could be copied to the attorney for input as well and Smith stated that he would do that. ***All yes. Motion carried.***

2. **Charter Communications** – Meert stated that Charter Communications has sent the Uniform Video Service Local Franchise Agreement for renewal, which will be for 10 years if signed. Pine Grove Township must also select what percentage they would like Charter to collect from customers to go to Pine Grove Township per PA480 for Franchise Fees and PEG fees, which is currently zero percent. ***Motion made by Smith, supported by Richardson to sign the Charter Communications Uniform Video Service Local Franchise Agreement at zero percent for both the Franchise Fees and the PEG fees. All yes, motion carried.***
3. **Gypsy Moth Concerns** – After a lengthy discussion of the local concern over Gypsy Moths this season, it was determined that it is too late this year to address the concern, that this needs to be addressed in February/March. The board will attempt to make this a township concern to get more citizens involved for next year.
4. **Tire Collection with Soil Conservation District** – Smith stated that the Van Buren Conservation District contacted him and stated that they have some extra money and they could offer one trailer with the condition that they pay \$1000 for the first half of the trailer to be filled, and there is a commitment for another \$600 to fill up the rest of the trailer and they pay \$2 a tire for anything over 500 tires, up to the \$1600- \$1800 to have the trailer. Smith stated that if they had them come to Pine Grove Township and Pine Grove didn't collect enough tires to completely fill up the trailer, Pine Grove would be on the hook for anywhere from \$10 to \$600. This is for one day at the Pine Grove Recycle Station. Smith stated that he will get with the Conservation District to get more specific information. A citizen stated that there are approx. 50 tires in the ditches, west of 26th on 8th Avenue and wanted to know if there was any help available for cleaning these up. Sell suggested the Van Buren Co Sheriff's Inmate Trustee program as Pine Grove has used them before on a project. Smith stated that he will check on that. This could be done in conjunction with getting the trailer for tire pickup. ***Motion made by Richardson, supported by Hephner, to contact Van Buren Conservation District and have one trailer delivered to the Recycle Center for car/truck tire collection, 5 tires per citizen, for later this summer. All yes,***

motion carried. Motion made by Sell, supported by Richardson, that Pine Grove Township contribute \$1000 to the Van Buren Recycling Program for disposal of household hazardous waste, electronic, tires and more. All yes, motion carried.

5. **No Dumping Signs** – Hephner stated that she was contacted by a couple of citizens that live on roads that are a little bit more secluded which makes them a target for dumping of garbage and tires, etc. They would like to know what the township can do about placing NO DUMPING signs. Hephner will contact the Road Commission to see what is needed to place NO DUMPING signs in Pine Grove Township.
 6. **Change Meeting Day** – Hephner stated in the event the board needed Attorney Kaufman at a board meeting, she is not available on the second Tuesday of the month. Hephner asked if it would be beneficial to the board to change the board meeting date to a date that Attorney Kaufman would be available. Attorney Kaufman stated that she could be available on the first, second, or third Wednesday of the month. Sell stated she preferred the first, Hephner stated she would prefer not the third Wednesday. Smith stated that a Wednesday was not an issue, what he has a problem with is that Attorney Kaufman has been representing the township for 5-6-7 years now and she just took on the City of Portage last year and now she is indicating that she cannot be here because she has them, I just don't think that is good business, its kind of upsetting. Sell stated that she was not aware of that and asked if Attorney Kaufman attends other meetings and Smith stated apparently. Smith stated that he inquired as to what it would take to have someone at each of the Pine Grove Twp. meeting and was told it would be \$600 to \$800 each meeting. Meert stated that Pine Grove has never had her attend every monthly meeting, and believes that the City of Portage now does have her attending their monthly meetings regularly. *Motion made by Sell, supported by Richardson, to change the Pine Grove Township regular monthly meeting to the first Wednesday of every month at 7:00 p.m. effective July 1, 2021. All yes, motion carried.* This information will be posted on the website, the door, the sign and in the paper.
11. **Public Discussion:** Joe Smit stated that he was disappointed about the marijuana ordinances and the fact that the board wouldn't even talk about them, as the township had clearly voted for them. It wasn't about saying yes or no, it could have just been a discussion. Smit stated that someone put that second motion out there and there was no discussion and I think you owe it to the township an explanation as to why you are going against the voters, you won't even put it up for discussion and I don't think that is appropriate. Smit stated that this has been going on for months now and you are not acting, not providing any reason or rationale, you have been given copious amounts of information that indicate all the benefits of this, including the voice of the community, which you indicated last month that it was very important to you, and we voted for it and you're saying no and I don't understand why. Richardson stated that he voted not to because of what he has seen in the past and he knows that once you get it in you can't get it out. Richardson stated that I guess I'm set in my ways and I am totally against it. Sell stated that she asked 10 people and 8 people stated no. Smit stated that means the registered vote doesn't matter. Sell stated that she was asked her reasoning and that is her reasons. Smit stated how can we vote for something, and say this is what we want, this is the direction we want to go and just have the board say no. Sell stated that she did a lot of fact finding for herself when she thought of going into this direction with her business and stated that she is informed and is allowed to vote any way she wishes. Smit stated to go against exactly what the township voted for, that is not how our system works. Hephner asked when this was voted on and Smit stated in 2018. Smit stated that he talked with Catherine Kaufman and she explained that she had advised to put a place holder in to see how the stated would handle it as did many municipalities. Smit stated that at that time it made a lot of sense, but since that time, the State has shown that it is doing it right, that they are leading the way for the nation as a whole. Hephner asked again when the people of Pine Grove voted on this. Smit stated 2008 and 2018, Recreational Use and Medical and Recreational was about 55% and medical was about 60%. Meert stated that the vote was to legalize it, not to put up these monstrous facilities. Other townships have people coming in from out of state that do not live in the Township, but own these facilities. They put them up and you never see them

again and that she did not one of these next to her house. Smit stated that he understood that but that he has 60 acres and doesn't understand why those of us that have the land and the ordinance to support it and you guys won't even discuss it. Meert stated that she works in Arlington Twp. and you cannot buy a piece of land there anymore as people from out of state came in and bought all the land and put these monster facilities on every corner and come September, the odor is horrendous, they smell and you can't stop the odor. Smit said you can control the odor with carbon filters, and if the use of filters is not in the ordinance, they will not use them due to the costs. Smith stated to Smit that the 2 minutes was up and Smit continued and stated that's disappointing, that's shameful, that you say you care about the community, the voice of the people, the vote, the Township voted and said yes and you are saying no. A Citizen asked why the issue was on the agenda and then was not even discussed. Smith said if you are asking why it was not discussed it was because I made a motion and it was not supported, so the issue is dead. That is why there is no discussion. The Citizen stated she was disappointed there was no discussion about this issue. Smit asked if it was possible to do a zoning variance on this issue as a pilot. Would the township be willing to ask the Attorney if this is a possibility? Don stated he would pose the question to her.

12. **Member Comment:** None.

Motion made by Smith, supported by Hephner, to adjourn. All yes, motion carried.

Adjournment: 8:58: p.m.

Respectfully submitted,
Michelle Meert, Pine Grove Twp. Clerk