

**Board Meeting**  
**Approved Meeting Minutes**  
**ROSS TOWNSHIP**  
**KALAMAZOO COUNTY, MICHIGAN**  
**August 15, 2023, at 6 pm**

<b>Attendee Name</b>	<b>Title</b>	<b>Roll Call Status</b>
Christina Hutchings	Supervisor	Present
Alexander Harris	Clerk	Absent without notice
Syndee Genung	Treasurer	Present
Diana Langshaw	Trustee	Present
Michael Bekes	Trustee	Present
Lynn Harmon	Trustee	Absent with notice
Mike Sulka	Trustee	Present

Also in attendance were about 25 interested people.

Supervisor Hutchings called the meeting to order at 6:04 pm with all rising to Pledge Allegiance to the Flag.

**APPROVAL OF AGENDA:**

Trustee Langshaw motioned to approve the agenda as written. Trustee Bekes seconded, and the motion passed unanimously.

**CONSENT AGENDA:**

Trustee Bekes motioned to approve the Consent agenda with pulling the draft July 18<sup>th</sup> Board Meeting Minutes per Trustee Sulka's request out. Trustee Langshaw seconded, and the motion passed unanimously.

Trustee Sulka discussed the July 18<sup>th</sup> Board Meeting minutes including:

- An addition to the move to approve ordinance 235 of 'Trustee Sulka was assured by Attorney Thall that approving this motion would not set a precedence for future commercial re-zoning on RR property'. Attorney Thall agreed with Trustee Sulka on this addition.
- Regarding Development Agreements, a change on the motion to accept Zoning Ordinance Text Amendment in section 1 by adding Section 21.6K, Development Agreement, to the Zoning Ordinance. Changes to the first sentence and last sentence as board advised 'as recommended by Trustee Sulka, Trustee Harmon and supported by Attorney Thall'.
- Change: Trustee Sulka – Asked (strike – the Police Chief for) about reports from the Richland Police Department contract. (add-'which have been missing for the last two months').
- Change: Trustee Sulka asked for budget reports, Strike – 'had not received any from the Supervisor' for the current quarter, also did not receive any budget reports for the whole 2022-2023.

- Trustee Langshaw then asked for a correction on page 4 to G avenue and M96 as there is no 96<sup>th</sup> Street.

Bekes motioned to approve the July 18<sup>th</sup> board meeting minutes with the changes presented by Trustees Sulka and Langshaw and Trustee Sulka seconded. The motion passed unanimously.

#### **PUBLIC COMMENT:**

Supervisor Hutchings opened Public Comment at 6:10 pm.

David Scott talked about the recall going on for Alex Harris. Petitions are floating around and word about what is going on in our Township needs to get out. He also opined the noise ordinance needs to be addressed by saying we should either have one and enforce it or not have one.

Larry Stehouwer, the liaison commissioner to the road commission to Kalamazoo County shared the Road Commission is busy with their schedule of road repair and expect their new building to be ready for occupancy in the Spring of 2024.

Tom Boyd shared that he attended the hearing in downtown Kalamazoo for the Alex Harris recall hearing on August 7<sup>th</sup> along with other members of our community and Clerk Harris. The petition was considered valid, and signatures are now being collected. Mr. Boyd wanted the board to know this was happening and provided the board with materials including the recall petition and talking points.

Bob Vaccaro, a 50-year resident opined on not enough parking at the Bay and the dangerous traffic situation with heavy pedestrian use. He also said the parking along East Gull Lake Drive is troublesome because the road is very narrow and people park there, citing 22 cars at one point. He stated there used to be No Parking signs on that side of the road but today there are none. Very concerned about the overall safety of people.

Attorney Thall told the board to address the no parking signs or 25 MPH speed signs, it would need to be done through our Ordinances. His expectation is if the request is not considered unreasonable it should be acceptable to the Road Commission.

Nancy Boyd stated she supports the Alex Harris recall and proceeded to read the talking points used by the petition circulators. The document will be part of the meeting minutes as Mrs. Boyd contributed the talking points for the meeting minutes and public record.

Tim Walters stated he had issue with the election equipment calibration prior to the election, concerns with potential invalidation of not only the prior election but future elections too. He asked the Board to report his concerns to the Bureau of Elections at the State as soon as possible.

Dan VanderMeulen thanked the Ross Township Board and Police Chief for the quieting of the sand bar area this past summer. He described the Chief as a gift, he is "golden" and he is so good. This happiness is shared by his neighbors too.

There being no additional people who approached the microphone, Supervisor Hutchings closed Public Comment at 6:28 pm.

Kellie Cody talked about the importance of support for the upcoming Kalamazoo Veterans millage scheduled for the upcoming November 7<sup>th</sup> election in order to best serve our local veterans. It will help veterans get benefits if deserved with gas cards, utilities, housing and other benefits per the Soldiers and Sailors relief funds. Currently the fund is very low and is expected to be exhausted before the end of the year. He would appreciate any support by individual board members in passing the millage. The millage would result in approximately \$1,000,000 of funds of which 10% would go to the County and 36% would go to operating expenses to help our veterans. A copy of the materials he brought to the meeting will be kept with the final approved meeting minutes.

James Baker of the City of Kalamazoo Public Services Department ([BakerJ@KalamazooCity.org](mailto:BakerJ@KalamazooCity.org)) wanted to start an open discussion with the Ross Township board about the reliability of the PFAS impacted wells on the east side of Ross Township. He shared several options of how water can be provided within Ross Township, and he stated we are at least two years out to start water main construction to tie into the Richland water main for help to those properties impacted by PFAS, even though some of the impacted properties may be close to an existing water main. The delay would be due to being at the end of the line where additional infrastructure needs to be built to maintain target pressures across the main. He shared the City of Kalamazoo would be happy to work with Ross Township in this area. The average cost today is between \$300 and \$400 per foot for residential water mains but shared there are State Programs that are available for help.

Erica Bays of EGLE (269-350-0080) shared information about collected data on PFAS to date. She reported they are continuing to monitor the edges of Ross Township in approximately 100 wells for metals and will monitor ground water for PFAS. They know PFAS is an issue in the area but do not know exactly where it is. She shared a filter is not a great long-term solution to wells testing positive for PFAS in terms of long-term human health. She and Lucas Pols ([LDPOLS@kalcounty.com](mailto:LDPOLS@kalcounty.com) and 269-373-5356) shared there is some PFAS over target within the township and the community can track the travel pattern of PFAS through the MPART website in the file named 'N. 34<sup>th</sup> Street'. Her recommendation is to connect to public water in various areas (where options exist) but acknowledged the board cannot be forced to do anything.

Supervisor Hutchings asked about a well that was not permitted for PFAS and although the property was very close to Ross Township, it was not within Ross Township.

Fire Report – Doug Bogema shared the team responded to 57 calls last month including the water rescue attempt at Ross Township Park. He shared an upcoming mass casualty response exercise, training needs and recent purchases to help the department. The 130-year celebration for the Village Fire Department was upcoming and the annual car show was scheduled for the weekend of August 19<sup>th</sup>.

Police Report – Chief Martin Brown shared the water rescue was the first joint Fire/Police operation at the park and opined it went very well. He then discussed the Richland Police contract and recommended it be maintained as the best option within the Ross Township budget to provide 24/7 services to our citizens. He committed to getting his report to the board for their review prior to the September board meeting.

Trustee Bekes shared there were no special land use requests at the July 24, 2023, Planning Commission meeting so the time was spent to determine the top two work items for the balance of the year. Draft meeting minutes were sent to the board prior to this meeting describing the top two priorities as a geothermal/alternative energy ordinance review and work to best provide education material to

residents regarding planning. Upon questions about viewshed by Trustee Sulka, Trustee Bekes posited the desired changes to the Ordinance discussed in prior board meetings are currently in the hands of Attorney Thall and Planner Rebecca Harvey. Their recommendations will be forwarded to the board for consideration when they complete their assignment. Trustee Sulka asked that new technology should be taken into consideration as it may be able to provide consistent measurement, resolving the current concern of inconsistent measurement availability.

Trustee Bekes also shared the August 2<sup>nd</sup> ZBA meeting was postponed and scheduled for August 16, 2023.

#### **OLD BUSINESS:**

The ballot drop box update agenda item was skipped due to no update due to Clerk Harris being absent.

#### **NEW BUSINESS:**

Trustee Bekes motioned for approval to post the Deputy Treasurer, Board of Review position and the Grant Writer positions, with the Grant Writer posting including 2% of grants attained as compensation. The Grant Writer position will still have the \$4000 budget from ARPA funds for the balance of the year. Trustee Langshaw supported the motion and the motion passed unanimously.

After this vote, Supervisor Hutchings motioned she would like approval to appoint Casey Alger to the Board of Review. Trustee Bekes seconded the motion and the motion passed unanimously.

The board discussed concerns about the accuracy of the June 20<sup>th</sup> and June 28<sup>th</sup> meeting minutes as the board approved changes were not made to the draft copies in full before being published as final. Attorney Thall explained published approved meeting minutes could not be changed, but the changes can be discussed in the current meeting with those updates captured in the current meeting's approved meeting minutes. The board understood and agreed to Attorney Thall's explanation. The changes just need to be referenced in the current set of minutes as specific issues.

The changes approved by the board include:

- June 28 minutes – Page 5 - STRIKE the sentence that reads – “Attorney Thall questioned the safety and security of employee’s working with an office”. Replace with a sentence that reads – “Attorney Thall was tasked with researching access to public records when an official’s door is locked, blocking access from Township Records.”
- June 20 minutes – Page 2 - Public Comment from Connie Lavender should read – “Praise of the hard work of Planning Commission. She is against development of high rise around the lake and would like to keep the rural character. STRIKE ‘Oppose the Clerk the right to record’ and REPLACE with “Concerned the Clerk may have ease drop recording”.
- June 20 minutes – Page 4 – STRIKE ‘The Township Board had told Clerk Haris he is entitled to be reimbursed for Attorney fee’s (sic) in regard to this matter’.
- June 20 minutes – Page 4 - On the Audio & Visual Office section – Strike ‘Waive the right for “one party Consent” law.’
- June 20 minutes – Page 5 – STRIKE ‘Trustee Langshaw Proposal to Restrict’ and replace with ‘Reinforced/suggested Policy’ .....Building Access.



Trustee Bekes motioned to approve these updates for the June 20<sup>th</sup> and June 28<sup>th</sup> Board meetings minutes as they were previously approved but not applied to the meeting minutes that were published as final. Trustee Bekes amended the motion per Supervisor Hutchings request that Clerk Harris must email the updated draft minutes with approved changes to the board for review prior to making them official by punching the holes and adding them to the binder. Trustee Sulka seconded the amended motion and the motion passed unanimously.

Trustee Bekes moved the Township Board officially declare support for Attorney Thall and Attorney Kaufman to determine the process in regard to their identified next steps to ensure connection to the sewer for the 13 Sherman Lake residents and properties falling out of compliance at the September 1, 2023 deadline. As part of the motion, the price protection afforded to residents who declined to participate in the SAD via GLSWA's procurement in advance of materials is to be both recognized and appreciated. Trustee Langshaw seconded the motion and the motion passed unanimously.

Attorney Thall discussed complaints about music playing in the South Bay as it pertains to the current noise ordinance and zoning considerations. There may be site plan amendments necessary for those sponsoring events and grandfathering may exist with any zoning changes. A police power anti-noise ordinance is not subject to grandfathering. Attorney Thall's recommendation is to verify issues (vibrations, decibels, etc.) with Chief Brown to attain a better understanding of how bad the problem is. Then apply that information to a review of the noise ordinance and zoning. Chief Brown committed to getting measurements and reporting the results to the board by the September board meeting.

#### **SECOND CITIZEN COMMENT:**

Tom McDougal was concerned about loud boats on the lake, in addition to music. Attorney Thall reported that tickets have been issued on loud boat engines.

Christine Russell asked about restoration of the Sherman Lake properties with the SAD. What is needed to bring the properties back to their original condition. Supervisor Hutchings offered to connect her to the groundskeeper of the project.

There being no additional people who approached the microphone, Supervisor Hutchings closed the second public comment.

#### **TRUSTEE UPDATES:**

Treasurer Genung stated the Township received an overpayment of \$5400 from the Local Community Stabilization Authority on their annual check to the Township. She requested permission to send the overage back to them via a check to not have to compensate for the overpayment next year.

Trustee Bekes motioned to allow Treasurer Genung to pay back the overpayment of \$5400 by check to Local Community Stabilization Authority. Supervisor Hutchings seconded the motion and the motion passed unanimously.

Treasurer Genung asked about sponsoring an Eagle Project dedicated to ~~Alan~~ Allen Harmon, brother of Lynn Harmon. She was directed to discuss the opportunity with Trustee Harmon.

Trustee Langshaw would like to request that the Board receive a copy of the most recent election meeting minutes, held by the Ross Township Election Commission to verify the precinct inspectors for the August 8, 2023 election and minutes for the February, 2023 election. And to also include a list of those inspectors.

In addition, Trustee Langshaw would like the Board to know if the public accuracy test (on voting machines) was conducted, on what date, verified by whom, who was present and was the event properly noticed and where?

Regarding Trustee Langshaw's update, Attorney Thall stated Clerk Harris told him he was compliant on the subject matter but that he (Attorney Thall) could not confirm it. Both Supervisor Hutchings and Treasurer Genung shared their experience indicating Clerk Harris was not compliant. Attorney Thall recommended putting the concerns in front of the Bureau of Elections to investigate.

Trustee Bekes motioned to report said election issues to the Bureau of Elections and Trustee Sulka seconded. The motion passed unanimously.

There being no additional Trustee updates Trustee Sulka motioned for adjournment and Supervisor Hutchings seconded. The motion passed unanimously.

Submitted by:

Michael Bekes  
Ross Township Trustee  
Temporary Acting Recording Secretary