

**PENNFIELD CHARTER TOWNSHIP
REGULAR MEETING MINUTES
NOVEMBER 17, 2016**

Supervisor Behnke called the meeting to order at 6:00 PM at the Pennfield Middle School cafeteria. Present were Supervisor Behnke, Clerk Case, Trustees Beard, Damerow, Harris and Skelding. There were 16 residents present.

CITIZEN/PUBLIC COMMENT

None

ADDITIONS/DELETIONS TO THE AGENDA

It was moved by Trustee Beard and supported by Trustee Damerow to approve the Agenda as presented. **Motion carried.**

APPROVAL OF THE CONSENT AGENDA

It was moved by Trustee Beard and supported by Trustee Damerow to approve the Consent Agenda as presented. **Motion carried.** The Consent Agenda consists of the following items:

1. Meeting minutes of October 11, 2016
2. Utilities Division monthly report – see addendum
3. Code Compliance monthly report – see addendum
4. Permits Department monthly report – see addendum
5. Assessor Department monthly report – see addendum
6. Cemetery Department monthly report – see addendum
7. Zoning/Township monthly report
8. SAW Grant monthly report
9. Life Care Ambulance monthly report

PUBLIC SAFETY REPORTS

POLICE: Lt. Wiersma was present from the Calhoun County Sheriff’s Department to give the monthly report. The monthly stats are as follows: 145 traffic citations, 154 verbal warnings, 16 traffic crashes, 86 arrests, 39 self generated complaints, 172 dispatched complaints and 1,374 property inspections.

FIRE: Chief Smith was present from the Fire Department to give the monthly report. The stats are as follows: 1 fire, 71 rescue & medical emergencies, 2 hazardous conditions, 1 service call and 11 good intent calls.

UNFINISHED BUSINESS

1. Pennfield Charter Township Resolution #16-48.

NEW BUSINESS

1. Adoption of Pennfield Charter Township Ordinance #103C-11-2016

PENNFIELD CHARTER TOWNSHIP ORDINANCE NO. 103C-11-16 of 2016

AN ORDINANCE TO AMEND CHAPTER 30 OF THE PENNFIELD CHARTER TOWNSHIP CODE OF ORDINANCES WITH RESPECT TO WELLHEAD PROTECTION AND TO OTHERWISE PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

THE CHARTER TOWNSHIP OF PENNFIELD, Calhoun County, Michigan, ordains:

SECTION 1. Sub-paragraph 4 of Section 30-58, Article III, Chapter 30 of the Pennfield Charter Township Code of Ordinances is hereby created to read as follows:

(4) It is the joint and several obligation of the property owner, person in charge of the property, if other than the owner, and person who was responsible for the release, if different from the property owner and other person in charge, to ensure that the regulated substance release form is filed with the supervisor as required in this subsection. Only one form need to be filed, if all of the information is accurate and complete. However, if a responsible person knows that the form filed is inaccurate, incomplete, or the circumstances have changed so that the information should be corrected or updated, another form must be filed by the person(s) who have the knowledge.

SECTION 2. Sub-paragraphs 4 and 5 of Section 30-59, Article III, Chapter 30 of the Pennfield Charter Township Code of Ordinances are hereby created to read as follows:

- 4. Notwithstanding the foregoing, if the regulated substance is, in the determination of the supervisor, a significant threat to the health, safety, and/or welfare of the general public, whether based on the characteristics of the regulated substance itself, or the manner of containment, or the potential for unauthorized release, or a combination of any one or more, the supervisor may require the removal of the regulated substance in a lesser time, up to and including immediately.*
- 5. The owner or other person in charge of the facility or activity may appeal the time required to remove a regulated substance in accordance with Section 30-73.*

SECTION 3. Section 30-72 of Article III, Chapter 30 of the Pennfield Charter Township

Code of Ordinances is hereby created to read as follows:

Sec. 30-72. Regulation variance.

If an owner or lessee of property within the WHPA believes one or more regulations set forth in this article impose an unreasonable burden on a property or activity, the owner or lessee may seek a regulation variance from the supervisor as follows:

1. *Such a request must be in writing on a form provided by the supervisor. The form shall require at least the following:*
 - a. *Name, address, and telephone number of the applicant;*
 - b. *Proof of authority to make application, i.e., proof of property ownership, or right to occupy;*
 - c. *The regulation being appealed; and*
 - d. *The reason the regulation is being appealed and the proposed variance with enough detail to allow the supervisor to understand the situation and how the proposed regulation variance would provide substantially the same protection as the current regulation.*
2. *If the supervisor determines that additional information is needed, the request for additional information shall be made to the applicant within thirty (30) days from the date the request for the variance was received by the supervisor.*
3. *Within thirty (30) days of receipt of such additional information by the supervisor or, if no request for additional information is made by the supervisor, within thirty days of the date the request for regulation variance was received by the supervisor, the supervisor shall issue a written determination to the owner.*
4. *The determination shall grant, deny, or partially grant the regulation variance request. A grant, whether partial or complete, may relieve the property owner from strict compliance with one or more regulations in this article, if the proposed variance provides substantially the same protection as the regulation from which relief is sought. Reasonable conditions may be imposed as part of such a grant. The supervisor shall be guided by the facts and circumstances of a particular case with the primary goal of protecting the Township's well fields without creating undue hardship on the property owner or lessee affected. A person may appeal a partial grant or a denial in accordance with Section 30-73.*

SECTION 4. Section 30-73 of the Pennfield Charter Township Code of Ordinances is hereby created to read as follows:

Sec. 30-73. Appeals

A person receiving a notice of violation or a partial or full denial of a request for regulation variance may appeal as follows:

1. Appeal of Notice of Violation.

a. *The person who receives the notice of violation may appeal the notice of violation by filing the appeal in writing with the supervisor on a form provided by the Township Clerk within seven (7) days of the date of the notice of violation. The appeal must state specifically the basis of the appeal and supply any relevant material.*

b. *The supervisor shall issue a written determination of the appeal within thirty (30) days of the date the completed appeal form is filed with the supervisor. The supervisor may affirm the notice of violation or may modify the notice of violation in whole or in part. The determination shall set forth the reasons for the determination. The supervisor's determination is final.*

c. *Except for cases in which the violation is an imminent threat to the health, safety, and/or welfare of the public, the filing of an appeal under this section tolls the running of the period given under the notice of violation to take corrective action.*

d. *Failure to comply with the determination of the supervisor will result in one or more of the enforcement actions available under this chapter or otherwise under law being pursued by the supervisor.*

2. Appeal of Determination of Request for Regulation Variance. *A person whose request for regulation variance was denied in whole or in part may appeal the denial to the Calhoun County Circuit Court.*

3. Appeal of Determination of Time-of-Travel Zone Application to Property. *An owner or lessee of property who is aggrieved by a determination of which time-of-travel zone applies may appeal the determination to the Calhoun County Circuit Court.*

SECTION 5. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 6. SEVERABILITY. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on the date of publication pursuant to MCL 42.22, which publication shall take place within thirty (30) days from the date of adoption and shall be in a local newspaper of general circulation. Publication of a summary of this Ordinance, as part of the published proceedings of the Township Board, shall constitute publication of the Ordinance.

Moved by: Trustee Beard

Supported by: Trustee Harris

Supervisor Behnke – Yes

Trustee Beard – Yes

Clerk Case – Yes

Trustee Damerow – Yes

Treasurer Jackson – Yes

Trustee Harris – Yes

Trustee Skelding – Yes

Vote shows 7 yes, -0- no. **Ordinance 103C-11-16 of 2016 is adopted.**

2. Adoption of Pennfield Charter Township Resolution 16-53

**PENNFIELD CHARTER TOWNSHIP RESOLUTION #16-53
(a Resolution establishing the street lighting ad valorem
assessment/millage rate for Fiscal Year 2016-2017)**

WHEREAS, it has been the policy of the Pennfield Township Board to levy a special ad valorem assessment/millage rate against those properties within two hundred feet of a street light, or within a street lighting district, and

WHEREAS, it has been projected by the Pennfield Township Board that the cost for the operation of street lights will be approximately \$88,500.00 in 2016, and

WHEREAS, the taxable value of those properties is projected to be \$95,294,070.00 for 2016,

SO, THEREFORE BE IT RESOLVED, that the Pennfield Township Board hereby places a special ad valorem assessment against all properties within two hundred feet of a street light, or within a street lighting district, in the amount of **.9170 mills** and that this ad valorem assessment shall become part of the 2016 Winter Tax Roll.

Moved by: Trustee Beard

Supported by: Trustee Harris

Supervisor Behnke – Yes

Trustee Beard – Yes

Clerk Case – Yes

Trustee Damerow – Yes

Treasurer Jackson – Yes

Trustee Harris – Yes

Trustee Skelding – Yes

Vote shows 7 yes, -0- no. **Resolution 16-53 is adopted.**

3. Adoption of Pennfield Charter Township Resolution 16-54

**PENNFIELD CHARTER TOWNSHIP RESOLUTION #16-54
(a Resolution establishing the Pennfield Township
millage rate for Fiscal Year 2016-2017)**

WHEREAS, the Pennfield Township Board held a *Truth in Taxation Hearing* on March 30, 2016 in accordance with Public Act No. #5 of the 1982 Truth in Taxation, and

WHEREAS, the Pennfield Township Board did approve the establishment of a township tax levy for all real and personal property at the maximum allowable millage rate for 2016, as approved by the voters in Pennfield Township, so

THEREFORE, BE IT RESOLVED, that the Pennfield Township Board hereby establishes a millage rate of 8.2572 for 2016:

0.9361 mills for GENERAL OPERATIONS
4.5000 mills for PUBLIC SAFETY OPERATIONS
2.8211 mills for LOCAL ROAD REPAIRS & IMPROVEMENTS

Moved by: Trustee Beard	Supported by: Trustee Harris
Supervisor Behnke – Yes	Trustee Beard – Yes
Clerk Case – Yes	Trustee Damerow – Yes
Treasurer Jackson – Yes	Trustee Harris – Yes
	Trustee Skelding – Yes

Vote shows 7 yes, -0- no. **Resolution 16-54 is adopted.**

4. Adoption of Pennfield Charter Township Resolution 16-55

PENNFIELD CHARTER TOWNSHIP RESOLUTION 16-55
(a Resolution setting the health insurance FSA contributions for 2017)

BE IT RESOLVED, that the Township Board hereby officially sets the health insurance FSA contributions by the Township for those employees and elected officials who are enrolled in the group health plan:

SINGLE COVERAGE-	\$750.00
MARRIED COVERAGE-	\$ 1,500.00
FAMILY COVERAGE-	\$ 1,250.00

Moved by: Trustee Beard	Supported by: Trustee Damerow
Supervisor Behnke – Yes	Trustee Beard – Yes
Clerk Case – Yes	Trustee Damerow – Yes
Treasurer Jackson – Yes	Trustee Harris – Yes
	Trustee Skelding – Yes

Vote shows 7 yes, -0- no. **Resolution 16-55 is adopted.**

5. Adoption of Pennfield Charter Township Resolution 16-56

**PENNFIELD CHARTER TOWNSHIP RESOLUTION #16-56
(a Resolution accepting a citizens petition for the creation of a special assessment district around Clear Lake)**

BE IT RESOLVED, that the Pennfield Township Board is now in receipt of a citizens petition, signed by more than 50% of the property owners around Clear Lake, for the creation of a special assessment district for *aquatic weed and plant control* over a three year period beginning in 2017.

Moved by: Trustee Beard Supported by: Trustee Harris

Supervisor Behnke – Yes	Trustee Beard – Yes
Clerk Case – Yes	Trustee Damerow – Yes
Treasurer Jackson – Yes	Trustee Harris – Yes
	Trustee Skelding – No

Vote shows 6 yes, 1 no. **Resolution 16-56 is adopted.**

6. Adoption of Pennfield Charter Township Resolution 16-57

**PENNFIELD CHARTER TOWNSHIP RESOLUTION #16-57
(a Resolution declaring the township board’s intent to create a special assessment district with designated boundaries as well as tentatively approving the project and its estimated cost)**

WHEREAS, the Pennfield Township Board does hereby tentatively declare its intent to create a special assessment district around the Clear Lake area for the purposes of *aquatic weed and plant control*, and

WHEREAS, the Pennfield Township Board does tentatively designate the special assessment district against all costs associated with the *aquatic weed and plant control* treatment of Clear Lake to be assessed as the proposed Clear Lake Special Assessment District No. 1, which shall include the lands and premises in and around Clear Lake, and

WHEREAS, a public hearing on any objections to the proposed improvement, its estimated costs and the special assessment district being proposed shall be held by the township board on **Tuesday, January 10, 2017 at 6:00pm** at the Pennfield Middle School cafeteria, 8587 Pennfield Road, and

FURTHER IT BE RESOLVED, that all required notifications, as outlined under Public Act 188 of 1954, be done at least 10 days prior to the public hearing date

Moved by: Trustee Beard

Supported by: Trustee Harris

Supervisor Behnke – Yes

Trustee Beard – Yes

Clerk Case – Yes

Trustee Damerow – Yes

Treasurer Jackson – Yes

Trustee Harris – Yes

Trustee Skelding – No

Vote shows 6 yes, 1 no. **Resolution 16-57 is adopted.**

7. Adoption of Pennfield Charter Township Resolution 16-58

**PENNFIELD CHARTER TOWNSHIP RESOLUTION #16-58
(a Resolution re-establishing the Township
Clerk’s annual salary at \$43,888.00)**

BE IT RESOLVED, that the Pennfield Township Board hereby re-establishes the Township Clerk’s annual salary of \$43,888.00 effective November 20, 2016

Moved by: Trustee Beard

Supported by: Trustee Harris

Supervisor Behnke – Yes

Trustee Beard – Yes

Clerk Case – Yes

Trustee Damerow – Yes

Treasurer Jackson – Yes

Trustee Harris – Yes

Trustee Skelding – Yes

Vote shows 7 yes, -0- no. **Resolution 16-58 is adopted.**

8. Adoption of Pennfield Charter Township Resolution 16-59

**PENNFIELD CHARTER TOWNSHIP RESOLUTION #16-59
(a Resolution re-establishing the Township
Treasurer’s annual salary at \$45,210.00)**

BE IT RESOLVED, that the Pennfield Township Board hereby re-establishes the Township Treasurer’s annual salary of \$45,210.00 effective November 20, 2016

Moved by: Trustee Beard

Supported by: Trustee Harris

Supervisor Behnke – Yes

Trustee Beard – Yes

Clerk Case – Yes

Trustee Damerow – Yes

Treasurer Jackson – Yes

Trustee Harris – Yes

Trustee Skelding – Yes

Vote shows 7 yes, -0- no. **Resolution 16-59 is adopted.**

9. Appointment to Planning Commission

It was moved by Trustee Beard and supported by Trustee Damerow to re-appoint Tammi Damerow to the Pennfield Township Planning Commission as the Township Board Representative with the term ending 11/20/20. **Motion carried.**

10. Adoption of Pennfield Charter Township Resolution 16-60

**PENNFIELD CHARTER TOWNSHIP RESOLUTION #16-60
(a Resolution appointing Rob Behnke to the position of Transitional Advisor beginning November 21, 2016 and ending March 31, 2017)**

WHEREAS, a new township supervisor was elected on November 8, 2016, and is scheduled to assume office on November 20, 2016, leaving the new supervisor only twelve days to become familiar with myriad issues and projects, and

WHEREAS, it is the belief of the Pennfield Township Board that a longer transition period between the current Township Supervisor and the newly elected Township Supervisor would be extremely beneficial to the newly elected supervisor and the welfare of the Township, and

WHEREAS, the list of outstanding issues that are of vital importance to the residents of Pennfield Township includes, but is not limited to, *the Local Road Repair & Repaving project, the finalization of the Michigan Department of Environmental Quality SAW Grant project, finalization and implementation of a new Wastewater Treatment Services agreement with the City of Battle Creek, the creation and implementation of the Clear Lake Special Assessment District, the finalization of the Underground Storage Tank Closure project,* and

NOW, THEREFORE BE IT RESOLVED, that the Pennfield Township Board hereby appoints Rob Behnke to the position of Transitional Advisor under the terms and conditions outlined in attached "Exhibit A"

FURTHER BE IT RESOLVED, that the Township Board hereby directs the Township Attorney to prepare the necessary agreement for said appointment.

TOWNSHIP SUPERVISOR COMPENSATION

Rob: (all costs currently budgeted in FY 2106-17)

Salary-	\$47,652.00
Social Security-	\$3,645.00
Insurance-	\$20,844.00
Retirement-	\$6,166.00

TOTAL \$78,307.00

\$ 78,307.00 divide 52 weeks = \$ 1,505.90 per week

Dave: (all costs not currently budgeted in FY 2016-17)

Salary-	\$37,652.00
Social Security-	\$2,881.00
Insurance-	\$12,854.00
Retirement-	\$4,873.00
TOTAL	\$ 58,260.00

\$ 58,260.00 divide 52 weeks = \$ 1,120.38 per week
\$ 1,120.38 x 19 weeks (11/21/16 to 3/31/17)= \$21,287.22
TOTAL ADDITION COST: \$ 21,287.22

Moved by: Trustee Beard	Supported by: Trustee Harris
Supervisor Behnke – Yes	Trustee Beard – Yes
Clerk Case – Yes	Trustee Damerow – Yes
Treasurer Jackson – Yes	Trustee Harris – Yes
	Trustee Skelding – Yes

Vote shows 7 yes, -0- no. **Resolution 16-60 is adopted.**

TREASURER’S MONTHLY REPORT

October, 2016 month report shows the following balances:

General Fund	\$559,367.68
Road Bond	\$2,809,640.21
Metro Act – Maint.	\$4,090.89
Parks	\$5,362.16
Public Safety	\$629.12
Sewer	\$924,216.35
Sewer – SAW Grant	(\$6,616.49)
Water	\$1,127,901.01
Trust & Agency	\$1,700.34
Tax Collection	\$64,516.61
TOTAL:	\$5,490,807.88

It was moved by Trustee Beard and supported by Trustee Harris to approve the Treasurer’s monthly report. **Motion carried.**

PAYMENT OF MONTHLY BILLS

It was moved by Trustee Beard and supported by Trustee Harris to approve the payment of the monthly bills of \$322,624.18. **Motion carried.**

EXTENDED PUBLIC COMMENTS

A resident requested the breakdown of the millage rates. A resident complimented Clerk Case on the election set up.

TOWNSHIP BOARD MEMBER COMMENTS

Trustee Skelding – None

Trustee Harris – It has been a pleasure to serve on the Board

Clerk Case – Thank you and goodbye to Trustee Harris and Trustee Beard

Treasurer Jackson – None

Trustee Beard – It has been a pleasure to serve on the Board and laid out challenges for the new Board Members.

PRESENTATION

Appreciation plaques were presented to Trustee Beard and Trustee Harris by Supervisor Behnke thanking them for their service to the Township Board. A plaque was also presented to Supervisor Behnke by Clerk Case thanking him for his service to the Township over the years.

ANNOUNCEMENTS BY THE CHAIRPERSON

The next regularly scheduled Township Board meeting will be Tuesday, December 13, 2016. The next monthly recycling weekend will be November 18th and 19th. The Township office will be closed on Thursday, November 24th and Friday, November 25th for the Thanksgiving Holiday.

Robert P. Behnke, Jr. – Supervisor

Kathleen R. Case – Clerk

ADDENDUM A – DEPARTMENT REPORTS

UTILITIES

The stats for the month of October, 2016 are as follows: 1,200 meter reads, 10 corrective work orders and 11 Miss Digs.

CODE ENFORCEMENT

The following was completed for the month of October, 2016:

1. Conducted property inspections for new complaints and follow up inspections of previous complaints.
2. Received 20 new complaints: 1 front yard parking, 2 grass, 4 inoperable vehicles, 12 junk/trash, 1 Township Ordinance.

ASSESSOR

1. All Homestead, Property Transfer Affidavits & Deeds are current. There were 21 transfers of property for the month: 18 were regular sales and 3 were foreclosures.
2. Miscellaneous phone & in person inquiries about assessments and descriptions
3. Visited properties with new construction, prepared reports for Rental Ordinance verification and prepared report for Clear Lake Special Assessment.

CEMETERY

Burials – 3	\$1,250.00
Sale of grave – 1	\$1,000.00
TOTAL:	\$2,250.00

PERMITS

Building – 11	\$10,277.50
Electrical – 13	\$4,581.00
Mechanical - 15	\$2,027.50
Plumbing – 8	\$2,166.00
Rental - 25	\$4,030.00
Vacant Bldg. – 3	\$480.00
TOTAL:	\$23,562.00

