

BOARD OF TRUSTEES
Regular Meeting
Monday, February 13, 2017
Vevay Township Hall – 7:00 p.m.

MINUTES

Members Present: Supervisor Jesse Ramey, Clerk JoAnne Kean, Treasurer Shaun Sherwood, Trustees Richard Lacasse and John Lazet
Members Absent: None
Staff Present: Deputy Clerk Lindsay Brower
Others Present: Sheriff Scott Wriggelsworth, Chief Deputy Jason Ferguson, and Garry Rowe

The meeting was called to order by Supervisor Ramey at 7:00 p.m. and followed by the Pledge of Allegiance.

Set/Amend Agenda. The following items were added to the Agenda:

Supervisor’s Report: Transfer Authority Update

Payment of Granger Refuse Invoice for February

Treasurer’s Office: Late Penalty Fee for 2016 Tax Payments

Consent Agenda

- **Meeting Minutes for 1-9-17 Regular, 1-17-17 Special & 1-25-17 Joint Board & Planning Comm. Meeting. *approved & filed**
- **Financial Reports – January 2017: 1) Fund Balances 2) Balance Sheets and 3) Revenue & Expenditure Report. *received & filed**
- **Planning Commission Regular Meeting on 1-4-17.*distributed**
- **January 2017 AGS Building/Zoning Report. *received & filed**
- **Correspondence from:**
 - Mason Fire Department re: December 2016 Response Report. *filed**
 - MI Bell Telephone Co./AT&T Video Service Franchise Fees Rpt. Oct – Dec 2016.*filed**
 - MI Assoc. of Municipal Clerk re: Clerk JoAnne Kean has recertified as CMMC. *filed**

MOTION Kean, seconded Lazet, to adopt the Consent Agenda as published.

Roll Call Vote **Ayes: Ramey, Sherwood, Lazet, Lacasse & Kean**
Nays: None

Public Comment. Newly elected Sheriff Scott Wriggelsworth spoke in detail on the recent re-organization and his vision for the Sheriff’s Office.

Clerk's Office Reports: MERS Update. Clerk Kean informed the Board that the recently retired Trustee has contacted MERS regarding the completion of the necessary paperwork in order to start receiving monthly pension payments.

Groundwater/Drinking Water Project. Garry Rowe provided handouts containing information on a project completed in the 80's when the Ingham County Health Department (ICHD) was doing a groundwater quality study. This comprehensive survey of the quality of drinking water yielded some interesting results which Mr. Rowe provided an overview.

Garry Rowe, a retired ICHD/Environmental Health mid-level manager, will be performing a groundwater quality testing around the area. This is a follow-up of testing 30 years ago. He wants to test our Township well and would like for us to incur the cost. Currently, the state requires the Township to perform many of the requested tests at the Township's expense. The cost above and beyond the normal obligation would be approximately \$86. If approved, the water sampling could begin as early as March or April.

Furthermore, Mr. Rowe asked the Board if they would be willing to help assist in finding the original owners of the wells that will be re-tested. Trustee Lazet commented that he would be voting "no" on this matter as this expense was not budgeted for and other high priority matters are underfunded, such as road repair.

MOTION Ramey, seconded Sherwood, to authorize the expenses and payment up to \$100 and also authorize Supervisor Ramey to work with the groundwater/drinking water Project (expensed from GL# 101-265-932.000.)

Roll Call Vote **Ayes: Sherwood, Ramey, Kean & Lacasse**
 Nays: Lazet

Resolution re: A Partial Termination of a Farmland Development Rights Agreement (PA116) with Pre-Existing Structure Request from Ron & Penny Launstein Agreement #33-61393-123116 on Hawley Road. A request from Ron Launstein has been submitted for a partial release of 2.1 acres, with one structure, from an existing PA116 Agreement. The Township Board must approve this request by resolution, and a sample Resolution was obtained from the State's website. Clerk Kean worked with Assessor Mackenzie to review, verify, and complete the necessary assessing documents. A land division has been completed with a new legal description. If approved, Clerk Kean will forward to the State the necessary documents.

MOTION Kean, seconded Lazet, to adopt the following:

**VEVAY TOWNSHIP
RESOLUTION NO. 17-01
RESOLUTION FOR A PARTIAL TERMINATION
OF A FARMLAND DEVELOPMENT RIGHTS AGREEMENT (PA116)
WITH PRE-EXISTING STRUCTURE**

WHEREAS, on February 6, 2017 the Township Board received a request from Ronald and Penny Launstein for approval to have a certain parcel released from **Farmland Development**

Rights Agreement number 33-61393-123116, which was executed in accordance with the provisions of PA 116 of 1974, commonly known as the Farmland and Open Space Preservation Act (“The Act”); and

WHEREAS, the Township Board has reviewed this request and DETERMINED that AT LEAST ONE STRUCTURE LOCATED ON THE PARCEL WAS PRESENT PRIOR to the original execution of said agreement; and

WHEREAS, the parcel proposed for release from the agreement is larger than two acres in size with appropriate documentation provided; and

WHEREAS, the Township Board finds that the request for release of the particular parcel is acceptable;

NOW, THEREFORE, BE IT RESOLVED BY THE VEVAY TOWNSHIP BOARD AS FOLLOWS:

1. **That the Township Board** hereby approves the request to release the following described piece of property from said Farmland Development Rights Agreement: Commencing at the East ¼ corner of Section 26, T2N, R1W, Vevay Township, Ingham County, Michigan; thence N 89d47m44s W 1324.03 feet along the East-West ¼ line of said Section 26 to the West line of the East ½ of the Southeast ¼ of said Section 26 (also being the centerline of Hawley Road, 66 feet wide); thence S 00d02m53s W 177.35 Feet along said West line to the Point of Beginning; thence continuing S 00d02m53s W 250 feet; thence N89d57m07s W 375 feet, thence N 00d02m53s E 250 feet, thence S89d57m07s E 375 feet to POB; being a part of the Southeast ¼ of Section 26, T2N, R1W, Vevay Township, Ingham County, Michigan, containing 93,750 square feet, of 2.15 acres, more or less, subject to easements and restrictions of record.
2. **That the Township Board hereby** certifies that at least one structure located on the certain piece of property was present prior to the original execution of said Farmland Development Rights Agreement.
3. **That the Township Clerk** is hereby directed to transmit certified and sealed copies of this resolution to the person making the request **and** to the Farmland Unit of the Michigan Department of Agriculture.

Roll call vote

YEAS: Lazet, Sherwood, Ramey, Kean & Lacasse
NAYS: None ABSENT: None

THE RESOLUTION DECLARED ADOPTED.

Authorization Request for: Payment of the Ingham County 2017 HazMat Dues Invoice

Clerk Kean handed out Resolution #96-04 which provides that “The Township agrees to

annually appropriate funds to support, maintain, and train Team personnel as outlined in the plan.” Also, the dues amount has remained the same since 1996.

MOTION Kean, seconded Sherwood, to authorize the expense and payment of the Ingham County 2017 HazMat dues invoice in the amount of \$500 expensed to GL# 101-336-813.000.

**Roll Call Vote Ayes: Lacasse, Lazet, Sherwood, Ramey, & Kean
 Nays: None**

Folding Machine Annual Maintenance Agreement – Pitney Bowes. Supervisor Ramey stated that the Township has a maintenance agreement which allows for a couple of routine repair visits each year for a cost of \$674.40; however, he is uncertain of the entirety of services covered in this agreement. He (Ramey) has asked the Clerk Kean to provide a copy of the agreement to the Board for knowledge on exactly what is covered. Clerk Kean expressed the importance of renewing the folding machine agreement as it will expire on 2-28-17. Repairs without an agreement are \$250/hour with a 2 hour minimum charge.

MOTION Sherwood, seconded by Lacasse, to authorize the expense and payment for the equipment maintenance agreement with Pitney Bowes for the paper folding machine in the amount of \$674.40 for the period of 3-1-17 to 2-28-18 expensed to GL# 101-210-818.000.

**Roll Call Vote Ayes: Kean, Lacasse, Lazet, Sherwood, & Ramey
 Nays: None**

Request from Joint Mason/Vevay Township PC Members Cady & Minster for No Per Diem Payment. Jack Cady and Jim Minster have e-mailed Clerk Kean requesting they not receive the per diem for their attendance at the February 7, 2017 Joint Planning Commission meeting. Clerk Kean stated that the 2-7-17 meeting was very brief, less than 5 minutes, and that was the reason the members requested no payment.

MOTION Kean, seconded Lacasse, to approve the request from Mason/Vevay Joint PC members Cady and Minister for No Per Diem Payment for their attendance at the 2-7-17 meeting.

**Roll Call Vote Ayes: Ramey, Kean, Lacasse, Lazet, & Sherwood
 Nays: None**

Payment of Granger Invoice for February Townhall Refuse Service. This invoice was received after the Disbursement Report was created.

MOTION Kean, seconded Ramey, to authorize the expense and payment of the Granger Refuse Invoice for February in the amount of \$79.92 expensed to GL# 101-526-819.00.

**Roll Call Vote Ayes: Sherwood, Ramey, Kean, Lacasse, & Lazet
 Nays: None**

Rezoning Petition by Steve Hanks Trust @ Hull Road, Mason from A-1 Ag to M-1 General Industrial on Parcel #33-10-10-28-100-033. Supervisor Ramey informed the Board that Steve Hanks has requested to rezone his property on Hull Road from A-1 Agricultural to M-1 General Industrial (Parcel #33-10-10-28-100-033). Trustee Lazet said that the Planning Commission recommended to the Board of Trustees to deny this request. As stated by PC member Jim Minster at their meeting, he (Minster) summarized the view expressed by several other Commissioners that he would like to see the project move forward, but this petition is not in compliance with the Master Plan or the Zoning Ordinance. Supervisor Ramey informed the Board of their two options:

- 1) Accept the recommendation of the PC. The application would be formally denied. A letter would be sent to Mr. Hanks informing him of the ZBA appeals process with a 14-day timeline to appeal.
- 2) Reject the recommendation and send back to the PC with a written explanation for reconsideration.

MOTION Ramey, seconded Lazet, as recommended by the Planning Commission to deny this proposed rezoning of parcel #33-10-10-28-100-033 as it would conflict with the intent of industrial development in the Master Plan as envisioned in its map of Future Land Use.

**Roll Call Vote Ayes: Lazet, Sherwood, Ramey, Kean, & Lacasse
 Nays: None**

Community Room (CR) Rental Policy. Supervisor Ramey stated that Legal Counsel Revore prepared for the Board a proposed Rental Agreement Policy.

MOTION Ramey, that “2.1 this rental agreement document be modified or amended to read rental available for Township resident and property owners only. The resident or property owner renting the Township Community Room must be present during the event.”

Supervisor Ramey then opened this motion up for discussion.

Trustee Lacasse asked “from the property owner’s viewpoint” if Supervisor Ramey is talking about anybody with a business. Supervisor Ramey replied that he would like everyone who pays taxes in the Township to be able to rent the CR. Trustee Lacasse stated that property owners and those who pay property taxes via rent payments are not one and the same and that while a person may be paying towards property taxes, they may or may not own the property.

Trustee Lazet stated his preference for the language “Township residents and individuals who own real property in the Township.” Trustee Lacasse agreed that would be much better. Supervisor Ramey stated that he finds that perfectly workable. Trustee Lazet confirmed that it is the intent of the Board at this point that the CR be available for rental to residents and individuals who own land in the Township. Supervisory Ramey stated that would be one intention; however, at this point it would leave out the people that lease aviation hangers at Jewett Airport.

The Board deliberated on whether or not to allow those that lease the aviation hangers at Jewett Airport to rent the CR. It was the consensus of the Board that allowing this one small group of lessees, or any group of lessees to rent the CR, would make the Township vulnerable to be challenged by all lessees. Trustee Lazet stated that there is a public good that comes from the CR, which he supports, and taxpayers deserve the benefit of the use of the CR, as they pay for it.

Supervisor Ramey stated that his understanding is that the CR rental is done for the greater good of the community and the welfare of the community and it is not a business for the Township, so he does not understand why then the Board would be concerned if someone would be making money while using the CR.

Trustee Lazet stated that his overall concern is avoiding any legal challenge to the policy, and the Township's rationale basis for the policy should be noted. He (Lazet) stated he does feel it is reasonable to limit the rental to people who have contributed to the CR as part of their tax payments and if this is the way to best define that he is on board with Supervisor Ramey's verbiage choice. He (Lazet) noted that if Trustee Lacasse has a better way of defining it he would like to hear that as well.

MOTION Ramey, seconded Sherwood, that 2.1 of the rental agreement that was given to the Board from the Attorney, be amended to read "Township hall rental available to Township residents and individuals who own real property in the Township only. The individual renting the Township Community Room must be present during the event."

Supervisor Ramey stated that the rationale basis for this is to limit the cost of maintenance and repair by limiting the frequency of rental. The rentals and property owners are finite groups which have a history of rentals and required maintenance but give the Township control over expenses.

Trustee Lazet expanded on Supervisor Ramey's statement of rationale basis. He (Lazet) stated that if the CR were to be available to non-residents, the Township would then be putting its residents in a position of subsidizing the use of the room by persons who have not contributed to the building maintenance and upkeep of the room; therefore, it is in the best interest of the Township's taxpayers to keep the benefit within the group of those who have helped to pay for this CR.

Roll Call Vote

Ayes: Kean, Lacasse, Lazet, Sherwood, & Ramey
Nays: None

Supervisor Ramey presented option 2.3, waiving the rental fee. He (Ramey) stated he amended the presented option from waiving the fee for funeral luncheons to waiving the fee at the discretion of the Township Board prior to the event. Ramey suggests "Rental fee may be waived prior to the event at the discretion of the Township Board." Trustee Lazet asked how the Board would decide which fees would be waived, and why. Ramey responded that the need would play a factor in the decision making; for example, someone wanting to rent the hall for a graduation party and not having the money to be able to do it, could have the fee waived based on need.

Trustee Lacasse stated that would need to be worded specifically. Treasurer Sherwood stated that waiving the funeral luncheons has been done as a good will gesture towards the residents. Supervisor Ramey stated that it was his intention to leave this open so that the Board could be thoughtful when the needs of their residents arrive. Trustee Lacasse stated that he believes this would be a problem because there would be no guidance for the decisions of the Board. Trustee Lazet expressed appreciation for Supervisor Ramey's intent on this topic, but agreed with Trustee Lacasse on the need for consistency. Supervisor Ramey asked the Board its thoughts on waiving the fees for any reason or if they think the policy should be written in the original verbiage. Clerk Kean stated that although the Board recently authorized the Art Guild a fee waiver, they could inform them that this is the last year they would be able to use the room at no cost. If they would like to use the hall next year, they would need to pay the fee. Treasurer Sherwood asked for clarification from the Board regarding waiving the fee for resident's funeral luncheons. Trustee Lacasse stated that the verbiage says it may be waived, and feels this could create problems with perceived abuse of discretion. Supervisor Ramey expressed his supportiveness on waiving the fee for all funeral luncheons. Trustee Lacasse stated that the \$100 rental fee is very small, and Clerk Kean agreed. Lacasse stated that the CR still provides a lot of convenience and low cost, and so does not feel the fee should be waived. Trustee Lacasse stated that discretion without standards is what he believes presents the problem.

The Board further deliberated on whether or not the fee should be waived. Trustee Lacasse stated that although it would be nice to waive the fee there may not be a practical way to do so.

MOTION Ramey, seconded Lacasse, that the option for waiving the rental fee be removed from 2.3 so that there will be no waived fees for any reason.

Roll Call Vote

**Ayes: Ramey, Kean, Lacasse, Lazet, & Sherwood
Nays: None**

Use of Community Room 5.1. Supervisor Ramey stated that he modified 5.1 to read in the Legal Counsel's Rental Agreement: the Renter may use the CR for lawful purposes to include private events such as social and cultural events, seminars, and classes and for no other purposes without prior written authorization approval from the Township. The rental of the CR for commercial purposes and the sale of goods or services would be strictly prohibited.

Trustee Lazet stated that the language needs to be carefully written, to avoid discrimination. He (Lazet) stated that what he believes is being proposed is no commercial purposes, specifically no sales of items or services. Trustee Lazet stated that the CPL class would be commercial as it would be selling a service, and therefore would be prohibited with the current line of thinking expressed by the Board.

Supervisor Ramey asked if, for example, a rental for a yoga class would be considered commercial use. Trustee Lazet asked if the instructor would be charging for the class. Supervisor Ramey expanded the question by asking if the instructor charged those taking the class so that the fee can be paid, if that would be considered commercial or not, as she would not be making extra money, only having the rental fee paid. Trustee Lazet stated that from his perspective if somebody is allocating the cost of the rental fee he doesn't feel that is commercial because there

Treasurer Sherwood will be reviewing resolution #16-08 for clearer language on the effective date for imposing the late penalty fee. This matter may return to a future Board meeting.

Any Other Business: Announcements: Reminder that the MTA-Ingham County Chapter Meeting will be held on Wednesday, February 22, 2017 at 6:30 p.m. at Williamstown Township Hall, Williamston MI. The special guest speaker will be David R. Williamson, CPA, teaching on building a budget.

The Ingham County Board of Commissioners has invited the Vevay Township Board to the State of the County Address on Wednesday, March 1, 2017 at 6:30 p.m. at Potter Park Zoo, Safari Room, 1301 S. Pennsylvania, Lansing MI.

Additional Public Comment. Jeff Carter stated his family has benefited from using the hall for a family member's funeral with the fee waived but understands that expenses such as this would be a burden on the Township. He also understands the legal issues influencing the Board's decision to no longer allow free use of the Hall. He commended the Board on their deliberations on the difficult decisions regarding Town Hall Community Room Rental.

The meeting adjourned at 10:13 p.m.

JoAnne Kean, Clerk

*Transcribed by Deputy Clerk Lindsay Brower
February 13, 2017 Board of Trustees Minutes.doc*

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