

of the Planning Commission meeting of August 7, 2006. Motion voted and carried.

VOUCHERS

Seeger moved, Daggy seconded, to approve Operating Fund Vouchers 50450-50605; Tax Fund Vouchers 6521-6527; and Electronic Transfer August 24. Motion voted and carried.

UNFINISHED
BUSINESS

None.

NEW BUSINESS
Set Spartan Printing
IFT Public Hearings

Mosier moved, Daggy seconded, to schedule a public hearing for Monday, September 25, 2006, at 7:00 p.m. to consider the creation of an Industrial Facilities Tax Exemption District for Spartan Printing, 15551 S. US 27, Lansing, MI and authorize the Clerk to do the appropriate notices and publication. Motion voted and carried.

Calder moved, Daggy seconded, to schedule a public hearing for Monday, September 25, 2006, at 7:00 p.m. to consider the application for an Industrial Facilities Tax Exemption submitted by Spartan Printing, Inc. Motion voted and carried.

Supervisor Galardi pointed out that the committee appointed to review the application from Spartan Printing, as it relates to the Township Policy on Industrial Facilities Tax Abatements, will meet on September 7th.

Set 2007 Proposed
Budget Public Hearing

Mosier moved, Daggy seconded, to schedule a special meeting of the Board for September 11, 2006, at 3:00 p.m. with the purpose to be posted as a workshop on the 2007 Budget, and authorize the Clerk to make the necessary postings. Motion voted and carried.

Trustee Appointment

Each Board member submitted a written ballot indicating their first, second, and third choice of candidates interviewed earlier this date, to fill the vacant Trustee position. The first choice selection from each Board member was Brian Ross, making further discussion unnecessary.

Mosier moved, Daggy seconded, to appoint Brian Ross to fill the vacant Trustee position created by the death of Trustee Baumann.

Trustee Musselman asked for a roll call vote.

**AYES: Musselman, Seeger, Galardi, Mosier, Daggy, Calder
NAYS: None**

Supervisor Galardi thanked Brian Ross for his application and welcomed him to the Board. Clerk Mosier explained that proper procedures will be completed as soon as possible and Ross will be sworn in prior to the next meeting.

Building Dept Fee
Refund Policy

The Board reviewed the memo and proposed policy from Chief Building Official St. Pierre relating to Building Department fee refunds.

Musselman moved, Seeger seconded, to adopt the Building Permit Fee Refund Policy. Motion voted and carried.

Utility Agreement
Buckingham Estates

Planning Director Gray's reviewed his memo, dated August 21, 2006, relative

to the Buckingham Estates Subdivision Utility Agreement.

Seeger moved, Calder seconded, to approve the Utility Agreement with Buckingham Landtec Holdings, LLC for the Buckingham Estates subdivision and authorize the Supervisor and Clerk to execute the same. Motion voted and carried.

PUBLIC COMMENT

Supervisor Galardi explained that the Board will be entering into Executive Session, noting that Public Comment will be received after reconvening to Regular Session. As a courtesy, he then offered anyone who did not want to wait, the opportunity comment.

Kevin Coveart, 3760 Mulberry, and President of the Willow Creek Farms Association, read a written statement regarding Riverside Estates. (attached to these minutes). He also provided the Board with a copy of an unsigned letter from Maynard R. Dyer, P.S. Director, Office of Land Survey and Remonumentation, also attached, and said letter was read into the record by Debbie Coveart, same address. She explained that the letter was received this date by email and that a signed copy is in the mail.

There was a brief discussion regarding the Dyer letter which stated that the land division approved by the Township was incorrect, resulting in the creation of too many parcels. Planning Director Gray stated that he believes there are differences in the Sotelo case referred to in the Dyer letter, and the lot split adjacent to Willow Creek Farms. He explained that he has not seen the letter provided until this evening and he has not been contacted by Mr. Dyer, the author of the letter.

Clerk Mosier stated that she does not understand how Mr. Dyer issued his written opinion without speaking with anyone at the Township. Kevin Coveart stated that he provided Mr. Dyer with the information which resulted in the written opinion.

Supervisor Galardi stated that the Township will review the information and consult legal counsel. He informed the residents present that if the Township has made a mistake in this matter, then we will own up to the mistake.

Planning Director Gray stated that he wants the to residents to be informed that the Drain Commission has now accepted the storm drainage system, the Road Commission has accepted the roads into the public system, and we are then obligated to issue a final approval of the land division, which has been done, since the developer has met all of his conditions.

Residents asked what can be done if a mistake was made. Supervisor Galardi stated that the question is one of a legal nature and will need to be answered by the Township Attorney.

Kevin Coveart indicated that there are still problems with storm drainage which are flooding the road next to Outlot B. He questioned how the Drain Commission could have accepted this project when the developer has admitted that the elevations of the drains are not correct.

Supervisor Galardi asked Coveart if he heard this statement made by developer Feldpausch?

Les VanAlstine, 3709 Ivy Lane, stated that the Supervisor is throwing up feathers in the air and accusing a lot of people. He stated that he understands that the Road Commission and Drain Commission have now accepted the project. He stated that there are forty people from Willow Creek Farms present at this meeting, and they are not present to hear this banter, so we should delay further discussion on this letter from a State agency until it is reviewed. He stated that the Supervisor is asking inappropriate and non-meaningful questions about the drains and compounding the issue with meaningless questions. He stated that it is not up to residents of Willow Creek Farms to keep providing the Township Supervisor with tidbits of information about the Riverside Estates development.

Supervisor Galardi stated that the Township Attorney will be asked to contact Mr. Dyer and ask to meet with him; to find out if the Dyer opinion is valid, and find out if a mistake was made. He stated again that if a mistake was made we will admit it and find out from our legal counsel what needs to be done.

Clerk Mosier asked Coveart if his comments are available in writing for the record. She also asked if the issue from the last meeting, the improper location of the road onto private property, has been resolved. He stated that a representative of the Road Commission has staked the area of Outlot B because the cul-de-sac will be going away, and when completed, he believes the road will be within Outlot B.

Clerk Mosier asked that residents contact the Township if the shield being used for the streetlight on Outlot B does not resolve their concerns about intrusive light.

Linda Grandy, 3719 Ivy Lane, stated that she believes she is speaking for the residents of Willow Creek Farms who are present this evening. She stated that they have been pursuing their concerns aggressively, and they feel they are doing work that the Township Board should be doing, that they have had to step up and talk to lawyers and the Attorney General. She stated that they have always trusted their local representatives to represent them and it has not happened at any level and they are at their wits end. The new subdivision is going through and everything is being approved whether it is ok or not and nobody will stand up and say "ok we screwed up." She stated that all the residents of Willow Creek Farms want is an exit to Airport Road, and she knows the Township can't do it, but Supervisor Galardi has told the residents in meetings that there is nothing the Township can do and that was a bold face lie. She stated that they now know that the Township oversees the Land Division Act and Supervisor Galardi tried to let the residents believe that the Township had nothing to do with it.

Planning Director Gray explained that the State establishes the number of lots that can be created on every parcel outside of a subdivision. The Township has a zoning ordinance that determines what size those lots must be so we review plans to make sure the lots sizes meet the zoning ordinance, but in terms of how many splits can be made, the state statute determines that issue.

Linda Grandy stated that the Township supervises the land division and she does not see any supervision that has happened.

Les VanAlstine stated to the Board that the residents seem to be "a thorn in your side" and that they are treated with less than respect by the Board. He suggested that the Board not focus on the small issues. He

stated that the people present this evening are not skilled in these issues, but despite the interaction, they, the residents, have never prevailed on even one issue. He asked how it is that a group of moderately intelligent highly educated folks can be consistently wrong. They have never prevailed on even one issue.

Debbie Coveart, 3760 Mulberry Lane, asked Planning Director Gray how he can not accept what the letter from the State determines, when he just stated that it is the State who established the provisions for land division.

Supervisor Galardi stated that the Township Attorney will look at this issue and the Board will provide, to the residents of Willow Creek Farms, any and all information we receive.

Richard Lape, 3893 Sage Lane, stated that he and his wife have lived in Willow Creek Farms Subdivision longer than anyone, for over 42 years. He stated that they are sick to death of what this developer has done. He stated that Riverwalk Estates is in his back yard, the place is a disaster and looks like a dump. The developer gets in trouble and declares bankruptcy, and he then goes on his merry way. He has seen what the guy has done in Clinton County in the past 40 years, and he is a skunk. He stated that he is opposed to what is being done and is sick that this developer can get away with doing whatever he wants to do. He stated that he has a \$1600 tax bill waiting to be paid to this Township, and he does not feel very good about paying that bill. He stated that those taxes pay the Board members' wages and the Board members work for him. He stated that there is a way of not working for him anymore, it is called the ballot box, and the Board should remember it.

Kevin Coveart stated that he is sure that if Auto Owners came in and said that they were going to do A, B, & C using egress 1, 2 & 3 but then instead do A, B, C, D & E using egress 4, 5, & 6 through Saffron Hills, that the Township would take immediate action. Why not in this case? He stated that they are on record as not being opposed to this development, however, the reckless manner in which the developer has chosen to act is within the Township's control.

Debbie Coveart stated that they would not have wasted all these months if the developer had done what he said he would do at the beginning of this project. All they want is for him to do what he said he would do.

Les VanAlstine, asked why, since the Road Commission has accepted the road, is it still closed to the public? He stated that if this is now a public road, then everyone should now have access, but the Road Commission has agreed to keep the road closed.

Kevin Coveart asked why the information he provided on Tuesday, to Planning Director Gray after the last Board meeting on Monday, was not conveyed to the Road Commission until Thursday afternoon, after the road was accepted.

Planning Director Gray stated that he communicated with Coveart and visited the site on Tuesday/Wednesday, and communicated with the Road Commission on Thursday. He noted that he was unaware that the Road Commission was even addressing the issue on Thursday.

Clerk Mosier asked Coveart if he is alleging that Planning Director Gray intentionally delayed contact with the Road Commission until after their meeting to accept the road?

Kevin Coveart stated that he is not accusing anyone. However, he is asking if the issue had been brought before the Road Commission before their meeting, would they have delayed the permits.

Supervisor Galardi stated that he cannot answer that question, however, he is certain there was not intentional delay on the matter to benefit the developer.

Kevin Coveart apologized to Planning Director Gray. He also pointed out that the Clinton County Road Commission web site states that utility permits require notification to adjacent property owners of work proposed prior to approval of the permit. He stated that no such notifications were received from the Road Commission and requested that the Township investigate, on behalf of the residents, why said notices were never received. He provided a print out of the information on the Road Commission's web site. He stated that when asked, the Road Commission said "oops, sorry."

Clerk Mosier stated that although this is clearly a Road Commission issue, she will attempt to find answers to the question.

Kevin Coveart stated that the residents of Willow Creek Farms are requesting that the Township Board do whatever is possible to get an access to Airport Road to this development.

Clerk Mosier stated that she is sure the Board and the staff believe that they have acted properly with regards to the land division issue. However, she will not say that we never make mistakes, so we will certainly make every effort to find answers to the questions raised by the Dyer letter. She stated that the Board will need a little time to find out if an error has been made.

Kevin Coveart explained that his association contacted Representative Hummel, who then contacted the Attorney General's office, who then directed the question to Mr. Dyer. It was at that time the association provided Mr. Dyer with copies of the deeds of the properties in question. He noted that James Riley, the cc on the letter provided, was his contact at the Attorney General's office.

Supervisor Galardi stated that when a resolve is found to this matter, all of the residents in Willow Creek Farms will receive correspondence from the Township. It was discussed that if an answer is not available by the next Board meeting, Kevin Coveart will be notified.

Coveart expressed his concern that the developer is using Airport Road to access the development for the purpose of selling lots, when it is now the number of lots available that is in question.

Richard Lape stated that he realizes that answers to the questions raised will take some time, however, time favors the developer since the more he gets done the harder it will be to make any change. He requested that the Board expedite the process.

Supervisor Galardi stated that the Township has not experienced these types of

problems on other developments with Feldpausch, however that does not mean there were not issues. He stated that it appears he does land split developments, but he has checked with Manager Kulhanek and was informed that we did not have these types of problems previously. He stated that in previous developments, Mr. Feldpausch did not use an access through an existing neighborhood.

There was discussion regarding the variance granted by the Township, that variance being for lot dimensions on two lots. It was clarified that although Mr. Feldpausch made statements at that Public Hearing with the residents present, about access from Airport Road, the issue before the Board of Appeals for consideration was the dimensions of two lots, and had nothing to do with approval of any access from any road.

Kevin Coveart stated that at the Board of Appeals meeting, Mr. Feldpausch stated that the plan proposed was his only option for lots when he knew that he would have an additional ten acres to use for lots within this development. He stated that Mr. Feldpausch withheld information from the Board of Appeals and that is fraudulent.

Richard Lape stated that the Attorney General says that the splits are illegal, and he believes that this entire development should be stopped now, based on this opinion.

Les VanAlstine stated that this development is not the first dilemma the residents of Willow Creek Farms have had with this developer. He stated that he believes there is a great deal of information that this Board does not have. He stated that he finds it curious that the Supervisor would make a statement that this developer has been successful in previous Township developments. He stated that he understood the Township Supervisor to say that this developer has had a spotless record on two additional developments within the Township.

Supervisor Galardi restated that he consulted with the Township Manager to find out if these types of issues were experienced with previous developments done by Mr. Feldpausch, and Manager Kulhanek stated that he was not aware of any of these types of issues within Mr. Feldpausch's previous developments within the Township. He clarified that the Township did not have previous ordinance issues with Mr. Feldpausch.

Les VanAlstine asked, under the Freedom of Information Act, that the Township review the tape and report back to their Association as to the Supervisor's comments.

Clerk Mosier stated that it has never been, nor will it ever be while she is in charge of drafting minutes, the practice to do a verbatim record of conversation that occurs at Township Board meetings. She stated that the law does not require such a record, nor does Township legal counsel encourage it.

Richard Lape made several statements about the development south of Willow Creek Farms, the developer's involvement in lawsuits, etc. He stated that he wants to make the point that there are problems with this developer.

Supervisor Galardi stated that in his opinion, this developer manipulated the land division act, and the result was a subdivision, which appears to be legal. He stated that the question at this point is the number of lots allowed.

The issue of signs was briefly discussed.

Debbie Coveart asked if the Township can help the residents get a road access to Airport Road.

Supervisor Galardi stated that the Road Commission controls road access and they have control of this issue.

Kevin Coveart stated that the Road Commission (Board) never denied the Airport Road Access. Trustee Seeger stated that the Road Commission staff engineer informed Feldpausch access to Airport Road based on Road Commission standards. Supervisor Galardi stated that that same staff member made the statement in his meeting with the residents and involved agencies that access to Airport Road at this location was not allowed based on Road Commission standards would not be allowed. Kevin Coveart stated that Road Commissioner Bauerle stated in a public meeting that their Commission has voted in contrary to staff recommendations in the past, however, no request for consideration was ever made to the Road Commission (Board) to act upon.

Clerk Mosier stated that DeWitt Township has no control or jurisdiction over Airport Road. She stated that this is the first time she has heard that the Road Commission (Board) did not take any action to deny Airport Road access, or that it matters if that was done by staff or the actual Commission.

Supervisor Galardi and Planning Director Gray both agreed that this issue needs to be turned over to the Township Attorney. Kevin Coveart stated that the last correspondence from the Township Attorney contained factual errors, so he questions whether he will accurately represent the facts.

Planning Director Gray asked if the Willow Creek Farms Association has a private attorney's opinion regarding this information. Kevin Coveart stated that they do have an attorney's opinion on the matter.

Les VanAlstine stated that the Association is not prepared to answer the question regarding their attorney's opinion.

Julie Smith, 3790 Mulberry Lane, stated that she has two children and she bought property because it was a dead end. She stated that her five year old loves to ride her bicycle on their road. She stated that all they want is a different road.

Supervisor Galardi declared a brief recess at 9:00 p.m.

Supervisor Galardi reconvened the meeting at 9:10 p.m.

Executive Session

Musselman moved, Calder seconded, to enter into an Executive Session to discuss a personnel evaluation at the request of Manager Kulhanek.

AYES: Musselman, Seeger, Galardi, Mosier, Daggy, Calder
NAYS: None Motion carried.

Supervisor Galardi reconvened the Regular meeting at 9:45 p.m.

Supervisor Galardi provided a packet from the Township labor attorney

Resignation of
Manager

containing documents relative to the Manager's resignation.

Mosier moved, Musselman seconded, to accept the resignation of Manager Matthew Kulhanek. Motion voted and carried.

Termination of Contract
And Waiver of Claims
Agmt/Manager

Mosier moved, Musselman seconded, to approve the Termination of Contract and Waiver of Claims Agreement as provided by Attorney Cohl and executed by Matthew Kulhanek. Motion voted and carried.

Interim Manager
Appointment

Supervisor Galardi stated that he is requesting that the Board approve his recommendation to appoint Planning Director Jeffrey Gray as an Interim Township Manager. He explained that Gray will assume the Manager duties in addition to those he currently has as Planning Director.

He stated that he feels this is necessary after spending several days in the Township offices. He pointed out that it is obvious that there is a lot of leadership within the staff, a staff that is here to serve, and that staff is a very connected staff both professionally and personally. He noted that the staff, at their own initiative, participates and volunteers in events like the Meet the Meadows event, adopting a family at Christmas, and the annual Relay for Life.

He stated that the appointment of the Interim Manager will maintain stability within the office structure on a daily basis. He pointed out that a Manager is also the buffer between the staff and the political body. He reported that another employee considered for the interim position was Fire Chief Koos. However, because many of the more difficult issues currently before the Board are from within the planning structure, he is recommending that Planning Director Gray to fill the Interim Manager position.

Supervisor Galardi also requested that the Board authorize him to negotiate a contract for the interim position.

Musselman moved, Mosier seconded, to concur with the Supervisor's recommendation to appoint Planning Director Jeffrey Gray as the Township Interim Manager, and authorize the Supervisor to negotiate the terms of said service, which will be approved by the Board at a later date. Motion voted and carried.

Supervisor Galardi explained that although Matthew Kulhanek did discuss his resignation during the time he was on vacation, the resignation was not received until late this afternoon, so plans now need to be made. He suggested that the Board take 30 days and then discuss the issue of filling the position.

PUBLIC COMMENT

Trustee Musselman stated that he is very comfortable with the interim appointment of Gray.

BOARD COMMENT

None.

Trustee Musselman stated that he concurs with the Police Chief's letter (correspondence) regarding danger existing at the Wood/Clark Road intersection and thanked the Chief for taking the initiative to pursue a remedy. Trustee Calder spoke in agreement.

Musselman moved, Calder seconded, that the Board go on record as supporting the request for a traffic signal at the intersection of Wood and Clark Road, said request made to the Clinton County Road Commission by Police Chief Russell. Motion voted and carried.

ADJOURNMENT

Seeger moved, Musselman seconded, to adjourn at 10:02 p.m. Motion voted and carried.

Respectfully submitted,

Diane K. Mosier, Clerk

Rick Galardi, Supervisor