

**ALMENA TOWNSHIP
27625 CR 375
PAW PAW, MI 49079**

**ALMENA TOWNSHIP BOARD
MEETING MINUTES
JUNE 10, 2015**

The Almena Township Board met at the Township Hall. The meeting was called to order at 7:00 p.m. by Supervisor Van Tassel.

Roll Call: Sheri Manning, Deedra Rhoa, Jim Manning, Sandra Rickli, Mark Roman, and Bill Van Tassel

Absent: Jerry Lentz

Others Present: Richard Comi, The Center for Municipal Solutions; Christopher Khorey, Professional Planner; David Lewis, Township Attorney; and Court Stenographer for Verizon.

AGENDA APPROVAL: One addition was made to the agenda. Under New Business, #1 will be a resolution from Ben Brousseau, Assessor, to adjust the Board of Review dates for July 2015 and December 2015. The remaining items under New Business will increase by one.

MOTION: **Motion** by Deedra Rhoa approve agenda as amended, **second** by Jim Manning. **Motion approved.**

MEETING MINUTES APPROVAL – May 13, 2015

MOTION: **Motion** by Deedra Rhoa to approve the meeting minutes of May 13, 2015 as written, **second** by Jim Manning. **Motion approved.**

PRESENTATION/APPROVAL OF BILLS:

The Clerk presented the monthly disbursements for the period of May 14, 2015 through June 10, 2015 in the amount of \$43,614.10.

MOTION: **Motion** by Sandra Rickli to approve bills in the amount of \$41,614.10, **second** by Bill Van Tassel, **Motion approved.**

REPORTS:

Road Commission: Al Svilpe was in attendance and presented his Road Commission Report. The projects on 30th Street and County Road 653 north of M-43 are complete.

Commissioner: Dick Godfrey, Chair of the Van Buren County Board of Commissioners, was in attendance to present his monthly report. The report included the 1 million dollar general fund increase over last year, a Van Buren County Hazardous Waste collection on June 20, the General Fund balances after audit, a proposed loan for RNS Manufacturing, a potential Brownfield Development project, a patrol car purchase for Hartford Township by the Pokagon Band, and John Clements's appointment to the Kalamazoo Area Transit Board.

Sheriff's Department: Deputy Wilton reported 67 dispatches for service in Almena Township for the month of May. Brian Matthews from the Sheriff's Department presented the new statewide program of Summer Safety. Supplies for promoting the program will be coming soon for distribution to townships.

LIMITED PUBLIC COMMENT: No Public Comment

REPORTS:

Clerk: Sandra Rickli announced an educational opportunity through MTA of Money Matters and Better Budgeting to be held July 29, 2015. The township hall will be closed Friday, July 3rd to follow the county's holiday closing schedule.

Treasurer: Sheri Manning reported once the new 2016 *assessing* database is created, she will be able to start the tax database for 2015 taxes.

Supervisor:

Fire Board Report: The Paw Paw Fire Department audit is complete and a hard copy will be available at the next meeting. During the month of May, the PPFD turned out four times in Almena Township. The Supervisor's meeting regarding PPFD expansion has been rescheduled to July 7th. A tornado siren will be tested on June 13th at 1:00 p.m. in Paw Paw.

Supervisor's Report: The Farmer's Market season has begun with the vendors managing and insuring themselves. The Historic Hall has been reserved 10 times already this year.

Planning Commission: The Planning Commission members are reviewing the township's site plan application to make it more user-friendly. Nina Consolatti is working on a new draft. A special use application was received from Justin Staley and is in the process of being reviewed.

NEW BUSINESS

1. **Resolution to change the dates of the Board of Review meetings:** A resolution from Ben Brousseau was read to adjust the Board of Review meeting dates. **MOTION: Motion** by Sandy Rickli to approve the meeting date changes, **second** by Bill Van Tassel. **Roll Call Vote:** Sheri – Y, Mark – Y, Jim – Y, Deedra - Y, Mark – Y, Sandra – Y, and Bill – Y. **Motion approved.**
2. **42nd Avenue crack seal:** The crack seal cost of \$4,290 for 42nd Avenue between 32nd Street and M-40 because of wide and deep cracks was discussed. **MOTION: Motion** by Jim Manning to approve the crack seal on 42nd Avenue from 32nd Street to M-40 for \$4,290, **second** by Bill Van Tassel. **Motion approved.**
3. **Carol Himes Planning Commission Reappointment:** **MOTION: Motion** by Mark Roman to renew Carol Himes Planning Commission appointment for a 3 year term, **second** by Deedra Rhoa. **Motion approved.**
4. **Cemetery Marker Signs:** The Cemetery Board recommended purchasing 7 markers to divide sections when the cemetery mapping is complete. ø
5. **Verizon Wireless Tower Special Use Application:** Jim Manning and Sheri Manning excused themselves from the Board at this time, due to a potential conflict of interest, and sat in the audience. The recommendation from the Planning Commission was to approve the special use permit application with the condition of showing "proof of need" as presented.

Michael Vogt, Attorney for Verizon: Mr. Vogt stated he was taking the place of Mr. Estey to observe the proceedings and reserve Verizon's rights as necessary concerning their special use application. No presentation will be made and no new information will be offered. Verizon has deemed their application administratively complete and feels it has been approved due to the shot clock timing of 90 days. Fred Low was present but did not submit any further information.

Richard Comi, The Center for Municipal Solutions: Mr. Comi introduced himself and described his qualifications and company background in telecommunications. Mr. Comi

has reviewed a few thousand applications for wireless facilities. All information available concerning the Verizon Tower application and the Almena Township wireless ordinance was reviewed, a site visit completed, and the application was evaluated for “proof of need”. The significant major parts of the application did not include a descriptive statement of the objective stating coverage and capacity, documentation that proves need in the township, the correct paperwork making sure the tower is categorically excluded from RF (radio frequency), the two carrier tower proposed when it should accommodate 4 carriers, the lack of information for 10’ increments, and no township boundaries on township maps. The special use application has not proved the need for the facility and is incomplete.

Frank J. DeFrancesco, Attorney: Mr. DeFrancesco represents Sheri, Steve, and Jim Manning in their private capacities. Public safety, health, and public welfare were cited as his client’s opposition to the Verizon special use application.

Grace Turner, 32022 45th Avenue: Would like better cellphone service but is concerned with the adverse health problems a tower may cause.

Rich Wyrwa, 32613 45th Avenue: Mr. Wyrwa stated property values will likely decrease in Almena Township if the tower is built and questioned whether or not the property owners around the tower would be able to take their assessed values to the Board of Review.

James DeMoss, 10670 West R Avenue, Texas Township: Dr. DeMoss owns 40 acres in Almena Township and feels the Planning Commission did not do enough research before approving the special use permit with conditions.

Allan Hughes, 31429 45th Avenue: Mr. Hughes stated the proposed cell tower location is near the township boundary benefitting neighboring townships, the access road is not considered a driveway and questioned the acquisition of the driveway permit, and paperwork should have been provided as to why they did not co-locate with cell towers already in place.

Joe Thorstenson, 44965 County Road 653: Questioned how many members would make a quorum on the Township Board – 4.

Teresa Klan, 31905 45th Avenue: Feels more information is needed to demonstrate “proof of need.”

Laura Sweet, 40421 County Road 652: Shared that according to the National Association of Realtors, 94% of properties located near a cell tower decrease in property value and she also communicated her concerns about the health risks possible from the emissions.

Rick Green, 45737 County Road 653: Mr. Green supplied to the Board Members a letter he read concerning property rights, agricultural concerns, and safety hazards that would result from the placement of the cell tower at that location.

James Alden, 31429 45th Avenue: Shared that the attorney from Verizon gave Mr. Alden the impression their application was complete at the Planning Commission meeting. If taken to court, you can never predict what the judge will do.

Michael Vogt, Attorney for Verizon: Reserved all rights. Verizon will not provide any additional documentation as they feel the application is complete.

Richard Comi: Added that the information provided of RF emissions was not accurate due to incompleteness and the use of the wrong form. The special use application is incomplete, they have not justified proof of need, in particular, as required by the Almena Township Zoning Ordinance.

Supervisor Van Tassel: The supervisor clarified with Verizon that Verizon is asking the Board to make their decision based on the information provided to date. Verizon stated that they rest on their position.

Deedra Rhoa requested the suggested motion language from Christopher Khorey, Professional Planner that he had prepared for both tabling and denying the Verizon special use permit.

MOTION: Motion by Deedra Rhoa: Motion to move that the Township Board of Almena Township make the following findings with regard to the Special Use Application for a Wireless Telecommunications Facility at 31234 45th Avenue. The application is incomplete and the applicant has refused to complete the application by submitting information to prove the need for a facility of the proposed design, at the proposed height, and in the proposed location, as described in the letter from the Center for Municipal Solutions, dated April 24, 2015, and as required by among others, Sections 23.11 H.9.A, 23.11 H.9.B, 23.11 H.9.Q, 23.11 H.11.C, and 23.11 K.1, of the Zoning Ordinance. The applicant has confirmed that no additional information will be submitted. Based on the application submitted, the application is incomplete and the applicant has not proven the need for a facility of the proposed design, at the proposed height, and in the proposed location. Based on the above findings, I move to deny the Special Use Application, **second** by Sandra Rickli. **Motion passed 4-0.**

UNFINISHED BUSINESS: None

OPEN PUBLIC COMMENT:

James Alden, 31429 45th Avenue: Mr. Alden questioned when the last gravel portion of 32nd Street would be paved and the reply was it will probably not be paved.

ADJOURNMENT:

MOTION: Motion by Jim Manning to adjourn, **second** by Sandra Rickli. **Motion passed.** The meeting adjourned at 9:00 p.m.

Approval date: Approved July 8, 2015

ALMENA TOWNSHIP

Lia Will, Deputy Clerk – Recording Secretary for Clerk, Sandra B. Rickli

CC: Township Board (7)
Planning Commission (8)
ZBA (5)
Attorney David Lewis