

## **Charter Township of Gun Plain**

### **Regular Monthly Meeting**

**April 4, 2013**

The regular monthly meeting was called to order by supervisor Vandenberg at 7:00 pm, the following board members were present Meert, Horton, Vandenberg, Pearson, Morehouse and Kopka. Moerman arrive at approximately 8:29 pm.

The pledge was recited.

Approximately 12 guests were present.

#### **Minutes**

Kopka motioned to approve the minutes as written for March 7, 2012. Morehouse seconded. Motion carried.

#### **Approval of Agenda**

Vandenberg added three items, new business, Fire work permits and under old business Broad Band and Fee Chart 2013/2014. Meert motioned to approve the agenda with the amendments. Morehouse seconded. Motion carried.

Kopka ask if the board would mind moving up the item under old business, Joint Recreation so the people in attendance for that item would not have to sit through the entire meeting. The board agreed.

#### **Clerk's Report**

Meert presented the board with a list of checks written for the month of March 2013 and a copy of the enterprise funds. Kopka motioned to accept the clerk's report as presented. Pearson seconded. Motion carried.

#### **Treasurer's Report**

Horton reported that the 5/3<sup>rd</sup> checking balance as of March 31, 2013 was \$1,044,577.90, 5/3<sup>rd</sup> CD was \$37,681.22 and the Raymond James Investment Fund balance was \$236,563.00. Horton also reported on the future banking options that she is currently looking into; at this point she is considering moving most of the fund to Chemical Bank because there institution does not charge fees, currently the township is paying over \$600.00 per month in fees from 5/3<sup>rd</sup>. Vandenberg motioned to authorize Horton to move funds to Chemical Bank. Kopka seconded. Motion carried.

#### **Open to the Public**

Mary from GFWC spoke on scholarships.

The following people spoke on the Joint Recreation Program, Monty Wilson, John Nyberg and Jennifer Button.

Joint Recreation was moved ahead of new business at the request of Trustee Kopka.

### **Joint Recreation**

Gun Plain Township submitted an agreement to the Plainwell Community Schools with five requirements for Gun Plain Township to continue with the Joint Rec program. Three of the five requirements were suggested from Plainwell Community Schools at the Ad Hoc meeting on February 26, 2013. Plainwell Community Schools responded that they would not agree to number 3 in the agreement. Item #3 reads as follows: Gun Plain Township Board requested that the Joint Recreation Committee will make recommendations to the Plainwell School Board. Kopka stated that he liked item #3 in the agreement but could live without it. Kopka motioned to approve the agreement without Item #3 Meert stated that many kids in our community would lose out if we don't continue to support the program. Meert seconded. Roll call Horton no, Pearson no, Vandenberg no, Morehouse no, Kopka yes and Meert yes. Absent Moerman. Motion failed.

### **New Business**

#### **Meth**

Currently meth is a huge problem in Allegan County; the problem is the common cold drug Sudafed is used to make this product, currently the product is behind counters at the pharmacy and there is a quantity limit on what a person can purchase, however drug users are finding ways around the system and still getting the product. Supervisor Vandenberg suggested the board support a resolution to make Sudafed a prescription drug, and support State Representatives and State Senators to make a law that requires Sudafed as a prescription drug. Kopka seconded. Meert yes, Horton yes, Pearson yes, Vandenberg yes, Morehouse yes.

#### **Fracking**

Gun Plain Township board will meet will Flow and the public in three phases the first meeting will be held on June 19, 2013 at 7:00 pm, the second meeting will be July 17, 2013 at 7:00 pm and the third meeting will be held on August 21, 2013 at 7:00 pm. the board will gather information and public comments at the meetings. The meetings will enable the township to write an Ordinance in the future that helps protect our township. Vandenberg requested the board adopt Resolution 2013-5

### **Moratorium on Oil and Gas Drilling and Fracking Operations**

**Whereas**, the Township desires to maintain its long tradition of protecting the natural resources and environment within its borders.

**Whereas**, the State has auctioned off mineral rights it possessed within the Township and Land Owners leasing their mineral rights within the Township leading to concern regarding adverse impacts

resulting from uncontrolled exploration and extraction activities within the Township by those who purchase these mineral rights.

**Whereas**, the Michigan Zoning Enabling Act provides for some limitation on the Township's ability to regulate the exploration and extraction of natural resources within the Township.

**Whereas**, time to fully explore the potential irreparable harm to the natural resources and environment in the Township is required to consider, draft and adopt effective regulation of natural resource extraction within the Township is required, now and therefore:

**Be It Resolved** that effective April 4, 2013 for a period of one (1) year, through March 31, 2014, a moratorium is hereby established. During the moratorium period, no drilling or Fracking operations will allowed in the Township.

**Be It Further Resolved** that during the period of the moratorium established by this Resolution, an aggrieved property owner or business petitioner may request and be entitle to a hearing before the Township Board for the purpose of attempting to demonstrate that the moratorium will preclude all viable economic use of their property or otherwise violate applicable provisions of state and federal law. A hearing will be requested in a written submittal to the Township Clerk that describes the grounds for the request and will be scheduled for the next regular Township Board meeting. Upon concluding a hearing, the Township Board will determine whether the petitioner has make the required demonstration, and if so, will grant relief from the moratorium to the extent necessary to cure the effect or violation.

A motion was made by Vandenberg, seconded by Pearson, to adopt the foregoing Resolution.

Upton roll call vote the following voted "aye" Horton, Kopka, Vandenberg, Meert, Morehouse and Pearson.

The Following Nay: None

The following were absent: Moerman.

Motion carried.

#### **Sewer**

Adoption City Ordinance, this item was tabled until May or June.

#### **Budget Amendments**

Meert presented the board with a copy of the original budget approve in March of 2012 for fiscal year 2012/2013 and a list of amendments that need to be made to the budget. After reviewing the information and discussing the areas that need amending. Vandenberg motioned to approve the amendments, seconded by Kopka. Motion carried.

#### **Fire Work Permits**

Vandenberg explained that under the new State Law, the township can no longer require a resident to apply for a Fire Permit Application to fire off fireworks.

### **Old Business**

#### **Broad Band Survey**

Vandenberg reported to the board that we received 436 surveys back from the residents.

#### **Fee Charts**

Vandenberg explained to the board, while approving the fee rates in March we missed the cost of non resident's ashes opening for Saturday, which should read \$700.00. Morehouse motioned to approve the increase. Pearson seconded. Motion carried.

#### **Monthly Reports**

Warnement reported that the Gun Plain Fire Department responded to 8 calls in March 2013.

Menzie has been out in the township and is sending letters as needed.

Horizon Operations submitted a written report.

Vandenberg motioned to accept the reports as presented. Morehouse seconded. Motion carried.

#### **Comments Township Board Members**

Vandenberg reported that the B-93 has been moved up two weeks.

MTA will host a meeting on May 2, at 9:30 to 4:30 in Lansing Michigan; if any other board members would like to attend with Vandenberg they can contact him.

Vandenberg reported that the Mini Audit Report is available.

The board asks Vandenberg to contact Otsego Township to get dates that we can meet to discuss police protection, recycling and other ways to work together.

#### **Open to the Public**

Allegan County Commissioner Don Black presented the board with a written report on Allegan County activities.

Monty Wilson spoke on the Joint Recreation Program.

#### **Adjournment**

Kopka motioned to adjourn at 8:35 pm, seconded by Vandenberg. Motion carried.