

**Town Board Meeting
December 19, 2017,
7:00pm
Regular Meeting
Minutes**

1. **Call to Order** by Manigold at 7 p.m.

2. **Pledge**

3. **Roll Call Present:** Manigold, Westphal, Bickle, Achorn, Wunsch, Wahl

Absent: Saunders. Also present: Jennifer Hodges of GFA

4. **Brief Citizen Comments-for items not on the agenda** None

5. **Approve Agenda**

Motion to approve the agenda by **Wunsch**; second by **Wahl**.

Passed Unam

6. **Conflict of Interest** None

7. **Consent Agenda**

Any member of the Board, staff, or the public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

1. Meeting Minutes Approval—November 28, 2017 TB meeting 7:00 pm

2. Reports and announcements (as provided in packet)

A. Officers

1. Park Commission Budget*

B. Staff

1. David Sanger, Code Enforcement Officer Report for the month of November, 2017

2. Brian Abbing, Peninsula Deputy, report

3. Correspondence

4. Edit list of Invoices (recommend approval)

5. Accept Sally Akerley and Christina Deeren, PDR In-field Monitoring 3rd and final Progress Reports

* Bickle stated that item no. 2 A. (Treasurer's Report) is not the normal monthly report from his office rather it was the Park Commission Budget and not a report from the Treasurer.

Motion to approve the Consent Agenda as amended by **Wunsch**; second by **Bickle**.

Passed Unam

8. **Business**

A. Approve Vineyard Ridge Sewer and Water Plan Documents.

Manigold; First order of business is the Vineyard Ridge Sewer and Water. Jennifer Hodges of GFA submitted a letter to the Board. Jennifer has reviewed the documents and is doing a comprehensive look at the Vineyard Ridge project. She is specifically looking for compliance content. Currently, she is missing some information from the developer so Jennifer's recommendation at this time is to table this approval tonight until she receives the missing information from the contractor (Mansfield).

Jennifer: Going through the SUP process the contractor has to obtain approval from the Fire Department and Board of Public Works. I have conducted an additional review of the plans to make sure it was compliant with the operations of the water and sewer. The review was submitted to John Davoso, Director of the Board of Public Works. He also reviewed Jennifer's comments. Those were submitted to Mansfield and the applicant on September 20, 2017. From this date, permits were pulled. The applicant pulled the water and sewer which was consistent with the SUP. We have not received a response to the 2nd review letter or to the

outlined items and comments with respect to operating pressures. There is minimal building code and State requirements for water pressures so clarification is needed from the applicant that it will be retained on file. There is also some extensive deep piping that requires a thicker wall sewer pipe. This needs to be further clarified by the applicant. Confirmation of that the Township's engineer for the full time inspection on the site needs to be approved by the applicant. Mansfield, the contractor, responded to the letter of September 20, 2017, on December 5, 2017; as of this date, Jennifer has had the opportunity to go through the applicants responses. Some of the responses are still not to Jennifer's satisfaction. They said they would address some of the issues at the time of construction, and Jennifer would like to see these issues outlined on the plans. Acting as the inspector, she does not want to direct the contractor; her duties are to observe and report their compliance with the approved plans. A clean set of plans should be provided that outlines all the comments of which both the applicant or Township has agreed. The plans once completed, will be brought back before the Township Board for review and approval, if the Board so chooses. Until those plans are submitted, Jennifer is unable to make the recommendation for approval.

Achorn; Were we going to address the issue of having a second escrow?

Bickle; Have they given you an indication on the escrow?

Manigold; Mr. Black came in to the Township Office with the \$9,200.00 check. Unsure if Brian VanDenBrand has asked for the other one. The bond amount?

Jennifer; Correct, the bond amount.

Manigold; Mr. Black said that whatever it takes he will come back in and pay the remainder of the bond.

Achorn; I was not talking about the bond but rather the second escrow. The \$24,950.00 for the GFA fulltime inspection of water and sewer. I was under the impression that it should be delivered to the Township now, so that it will be available to hire Jennifer for the needed work.

Manigold; I do not believe that Brian has submitted that.

Bickle; Brian VanDenBrand?

Manigold; Yes.

Jennifer; The normal process is that there is an escrow letter, and then a contract. The contract we brought to the Township Board for approval would set up the escrow through the Planner's Office.

Bickle; This is in house.

Achorn; I do not think that we have approved the contract for \$24,950.00; the only one we have approved is the \$9200.00 one.

Westphal; Jennifer, we have seen massive earth moving occurring on the site. Gordon went out and cordoned off the trees that will be saved. I had inquired at the Township if they had a soil erosion permit from the County to begin moving earth. I was told by the Zoning Administrator that she had not seen a permit. I am wondering if we are going backwards in the process with the developer in terms of what is expected with permits. They have done this at a time of the year that is least likely to stabilize a ground cover.

Jennifer; They do have a soil erosion control permit; the application was submitted on August 16, 2017. My personal opinion is that they have been afforded some liberties to go ahead and do work outside of what they are allowed to do. I cannot say for certain, but they were permitted as soil erosion permit for Phase I of the development only. Whether the scope of the work exceeds that permit is yet to be determined, and thus far, I have seen no indication of a storm water permit that has been issued by the State. I personally feel that they need to obtain one; this is one of the items that is outstanding on my review and addressed in my letter regarding the utilities. They are supposed to be in possession of the required permits and right

now I do not see this as being the case. The permits maybe outstanding and not yet provided to them, but they really should have these permits.

Westphal; How do other units move forward without clear permitting? Do they fine or penalize them in some way, or is this just how the construction process goes?

Jennifer; It depends on the severity of the situation. A notice can be issued to them, and the Township does have the ability to fine them if they are not in compliance, which is double the permit fee.

Manigold; The whole intent is why we have hired you to conduct inspections and make certain that they are compliant.

Some further discussion between Board members as to the process and fees associated with violations took place.

Jennifer and Brian will create a check list of items to keep things organized and itemized to further avoid people doing site work without the correct permits and inspections.

Bickle; The Township Board needs to educate themselves on these processes so that everyone knows what is occurring each step of the way. So that the broken conditions of the recent past are either few or none. We have people with a lot of strengths and knowledge.

Wahl; We need to establish standards now so that people will remain in compliance.

Westphal; Is it reasonable to set timeframes or windows as to when the developer can move earth so that a sufficient ground covering can be established, whether it is rye or sheeting in order to prevent erosion? Is it reasonable to have that built into the check list?

Jennifer; The ordinance already has this stipulated in it along with the soil erosion plan; it just depends on who is monitoring it and/or enforcing these issues. It is also part of the soil erosion permit plans that are submitted to Gwen from the County's Soil Erosion office outlining the time frame of doing specific work details, and these are subject to her approvals. The process takes a while and sometimes people forget to check them off the list. These are standard practices for the Township.

Achorn; Should there be cover on the grading right now.

Jennifer; Yes, they should have done some winter seeding with a mulch blanket which stabilizes it. I know that there are statements in the soil erosion permit stating this as well. The county is also the enforcing agent. It is their job to levy fines. If they continue to be neglectful then you also have the authority to be the enforcing agent and issue violations. Those are identified by your ordinance 25 & 33. This is where the bond would come into play since you have access to the bond amount as well. I have determined what an amount would be for the bond. This amount gives the Township access to funds if a need exists to stabilize the site and comply with the permit. This information was forwarded to Brian and Rob.

Manigold; I believe the only violation is if soil leaves the site. They can come in the spring and regrade it where they want it, but for a violation to occur, it has to go on someone else's property.

Jennifer; Correct, it has to impact someone else's property.

Manigold; The ones that we deal with are the ones that it erodes and goes down someone else's property. In the case where you have created a problem for someone else, that is when we or the county fines the contractor. We may have to beef up our ordinances.

Westphal; If someone receives a SUP permit and does not act within one year, is it rescinded automatically?

Gordon; No, not automatically. The Township Board is the only authority that can rescind it or take any other action that is appropriate. The permits are good for one year unless they come back to the Township and ask for an extension within that period of time.

Bickle; So if a SUP is issued and they take no action within that year, then it becomes null and void. However if they are delayed, it still stays active until all challenges have been cleared.

Gordon; We have a check list in the department that every time a document comes in that is on the check list, we check it off and put it in the file. Once the planning department has all of that documentation, then the Supervisor signs the check list and the planning department may issue permits. The Township Board approved the project with conditions, and one of the conditions is that they require permits from all of these other agencies.

Westphal; What happens if we find ourselves in a similar situation as the 81 where two of the standards have not been met. They have a set amount of time with their earth moving activity.

Gordon; The 81 is obviously an anomaly because the Township actually approved the project. This is under the control of the courts so it has a little different process.

Westphal; If they ran out on their two year permit timeframe for the County soil erosion permit and the Township's storm water permit, then the permits could be renewed?

Gordon; The soil erosion permit that was originally issued for the 81 has been revised and updated several times over the course of the past four years. They do have a current permit for soil erosion from the County. The county could extend it again which would have run out in 2018.

Wunsch; Point of Order, we are getting off track from the items that are specifically on the agenda.

Manigold; Entertain a motion to table the information from Jennifer.

Motion by Wahl to table business item # 1 to approve Vineyard Ridge Documents based on the advice of the Engineer; second by Bickle. **Passed Unam**

9. **Citizen Comments:** None

10. **Board Comments:** **Manigold;** In regard to the 81 project, once the total package is done from the court then you have the one year clock ticking. All they have to do is construct the road, and they have done something. If they just left it vacant and walked away from the site, then you could enforce it. This is a good question for Greg Meihn. In terms of Township project completion, the bond on the Pelizzari park site ends this year. We have been requested by three people in important viewsheds--Dan Fouch, Brad Thompson and Bev Carroll—about purchase of their farmland through a conservation easement. The Conservancy is working with them. The township is looking to go out for a vote on an extension of the current Purchase of Development Rights (PDR) mileage. If we do not look into this, we may lose some more of our scenic views.

Bickle; We would have to have this on the ballot for the November election. Treasurer also informed the Board of the schedule for tax payments—must be post marked the 31st of December. The Treasurer's office will be open on Friday the 29th to take payments.

11. **Adjournment** Motion to adjourn by **Bickle;** seconded by **Wunsch.**
Meeting closed: 7:35 p.m.

Passed Unam