

CHARTER TOWNSHIP OF DELTA
Public Meeting Room A
Delta Township Administration Building
7710 West Saginaw Highway
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR
MONDAY, JULY 20, 2009**

I. CALL TO ORDER

Supervisor Ken Fletcher called the meeting to order at 7:00 p.m.

II. OPENING CEREMONIES – Pledge of Allegiance

III. ROLL CALL

Members Present: Supervisor Ken Fletcher, Clerk Janice Vedder, Treasurer Howard Pizzo, and Trustees Jan Cunningham, Barb Poma, Jeff Hicks, and Cara Spagnuolo

Members Absent: None

Others Present: Finance Director Jeff Anderson, Planning Director Mark Graham, Utility Director Tom Morrissey, Township Engineer Dennis Williams, Lt. Jeff Warder, Manager Richard Watkins and Executive Secretary Kathy Ernst.

IV. PRESENTATIONS AND PROCLAMATIONS – None.

V. SET/ADJUST AGENDA

TRUSTEE CUNNINGHAM MOVED THE AGENDA BE APPROVED AS PRESENTED.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 7 TO 0.

VI. PUBLIC HEARINGS - None

VII. COMMUNICATIONS

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Steve Hayward, President of the Mar Moor Subdivision Homeowners Association, said the Board was aware of the fact that Circuit Court Judge Eveland had issued his opinion on the respite care home at 4233 Appletree Lane finding in favor of Community Mental

Health. Mr. Hayward indicated that the residents had decided to pursue this matter further.

Stefanie Huffaker, 4225 Appletree Lane, said she wanted to thank the Board for supporting the Mar Moor residents. Ms. Huffaker noted the residents would continue to pursue this matter and hoped the Township would do the same.

IX. INTRODUCTION OF ORDINANCES – None.

X. PASSAGE OF ORDINANCES – None.

XI. CONSENT AGENDA

TREASURER PIZZO MOVED THE CONSENT AGENDA BE APPROVED AS PRESENTED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION.

ROLL CALL:

AYES: SUPERVISOR FLETCHER, CLERK VEDDER, TREASURER PIZZO, TRUSTEE CUNNINGHAM, TRUSTEE POMA, TRUSTEE HICKS, AND TRUSTEE SPAGNUOLO.

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

1. Minutes

TREASURER PIZZO MOVED THE TOWNSHIP BOARD APPROVE THE JULY 6, 2009 REGULAR BOARD MEETING MINUTES AS PRESENTED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7 TO 0.

2. Bills and Financial Transactions

TREASURER PIZZO MOVED TO APPROVE BILLS AND FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$3,055,704.96.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7 TO 0.

XII. ITEMS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION – None.

XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA – None.

3.

4.

XIV. ITEMS OF BUSINESS

5. **Proposed Ethics Policy** – The Administrative/Personnel Committee recommends the Township Board adopt the proposed Ethics Policy.

Trustee Poma felt the overall policy was good, but she is opposed to the exception that allowed relatives of Township officials to work as temporary election workers.

TREASURER PIZZO MOVED, SECONDED BY HICKS, THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE PROPOSED ETHICS POLICY.

TRUSTEE POMA MOVED, THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA AMEND THE PROPOSED ETHICS POLICY AND DELETE THE EXCEPTION OF TEMPORARY ELECTION WORKERS.

Treasurer Pizzo noted that Clerk Vedder had indicated that the need for qualified election workers was great. He suggested that the proposed policy be reviewed on a yearly basis to determine whether there had been any problems with the policy and discuss them at that time.

Clerk Vedder said with new changes continually being made in election law, it became more difficult to find people that had the knowledge of elections and the capability to run a computerized precinct. She indicated that it was not only difficult to find people who were willing to serve as chairman, but it was hard to keep them because it was a very demanding job that took accumulative hours of training and education.

Trustee Poma said there were many individuals who were looking for work that she didn't feel an employee of the Township should be working the election.

Mr. Pizzo said as an alternative, the election committee could review this issue over the next few months and report back to the Board.

Mr. Fletcher said the motion before the Board was to approve the recommendation from the Administrative/Personnel Committee.

MOTION PASSED 7 TO 0.

Delta Township Compiled Policy Manual

Title:	Delta Township Ethics Policy
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Adoption Date:	July 20, 2009
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General Purpose: To establish a code of ethics for public servants of the Charter Township of Delta that is applicable to all persons in the Township's service, whether compensated or not.

Summary Statement of Policy: It is the intent of this policy that a public servant shall avoid any action which might result in or create the appearance of using public office, position or employment for private gain, giving improper preferential treatment to any person or organization, impeding government efficiency or economy, exhibiting a lack of independence or impartiality of action, making a government decision outside of official channels, or affecting adversely the confidence of the public in the integrity of the Township.

Actual Policy as written:

Definitions

Whenever in this policy the following terms are used, they shall have the meanings described to them as follows:

1. **Business entity** – A business entity includes a corporation, limited liability company, partnership, sole proprietorship, joint venture, unincorporated association, trust, or other business form.
2. **Township** – The Charter Township of Delta, a Michigan Municipal corporation.
3. **Interest** – any right, title, or share in something, personal, financial, legal, or equitable, which is owned, held or controlled, in whole or part, directly or indirectly, by a public servant.
4. **Public Servant** – A member of the Township board, the Township manager, a director, full or part-time Township employees and any person elected or appointed to any public body of the Township.

5. Public Body – The Township board, and any board, authority, commission, committee, department, office, or other agency of the Township, and including the Township.
6. Compensation – Any money, thing of value, or other compensatory or pecuniary benefit received or to be received in return for, or as a reimbursement for, services rendered or to be rendered.
7. Relative – A spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, niece, nephew, corresponding in-law or “step” relation.
8. Ethics Policy – This policy.

Public Policy

It is hereby declared to be the policy of the Charter Township of Delta that all public servants must avoid conflicts between their private interests and those of the general public whom they serve. To enhance the faith of the people and the integrity and impartiality of all public servants, it is necessary that adequate rules be provided for separating their roles as private citizens from their roles as public servants. Where government is based upon the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his/her government.

It is not the intent of this policy to, in any way, limit the right or ability of any public servant to exercise his or her discretion in making legitimate policy decisions which are within their discretion so long as such action does not provide a benefit, which is defined as a benefit not otherwise generally available to others, to that person, relieve the public servant of a particular duty, or treat that person differently than other similarly situated Township residents.

No public servant shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All public servants shall treat all citizens of the Township with courtesy, impartiality, fairness, and equality under the law.

No public servant shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, labor or service, or money, for the personal convenience or the private advantage of one’s self or of any other person. This requirement shall not be deemed to prevent any public servant from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which is made available by general practice, to the public at large, or which is provided, as a matter of public policy for the use of public servants in the conduct of official business, as approved consideration for their services to the Township.

Disclosure of Conflicts of Interest, Actual and Potential

In connection with any actual or potential conflict of interest, the following requirements are established with this policy:

1. Business Transactions - No public servant, either on his or her behalf or on behalf of any other person, shall have an interest in any business transaction with any public body of the Township, unless the person shall first make full public disclosure of the nature of such interest, and comply with the requirements of Act 317 of 1968, as amended, MCL 15.321 et seq.
2. Proposed Legislation or Pending Decisions – Any public servant of the Township who has an interest in any proposed legislation or decision pending before anybody of which the public servant is a member shall publicly disclose on the official records of the body, the nature and extent of such interest prior to any vote or official action on the matter. The member shall be excused from voting on the matter if excused by the unanimous consent of the other members present.
3. Perceived Conflicts of Interest – A member considered to have a conflict of interest shall publically disclose the nature and extent of the potential conflict of interest on the official records of the body prior to any vote or official action on the matter. The member shall be excused from voting on the matter if excused by the unanimous consent of the other members present.
4. Dual Employment – No public servant shall engage in employment with any other agency or department of the Township. No public servant shall render services for private interest, when such employment or service is in conflict with or is incompatible with the proper discharge of his/her duties.

Appointees to multi-member boards or commissions ~~which are policy-making bodies~~, whether paid or unpaid, shall disclose any financial, business, commercial, contractual or other private transaction interest prior to any official action or vote taken, for which the appointee's vote or other official action is in conflict with or is incompatible with the interests of the Township.

5. Dual Representation – A public servant shall make full public disclosure of business involving the Township when attempting to use his or her official position to secure special privileges or exemptions for self or others, and shall comply with Section 1 and 3 above.
6. Familial Interest - Any public servant whose has an interest in any proposed legislation or decision pending before anybody of which the public servant is a member shall publicly disclose on the official records of the body, the nature and extent of such interest prior to any vote or official action on the matter. The

members shall be excused from voting on the matter if excused by the unanimous consent of the other members present.

7. Disclosure Statement – Each public servant shall annually sign a disclosure statement which will address conflicts of interest, actual and potential as described in items 1 through 6 of this section. The disclosure statement shall include the date, month, and year, the name, address, and public position held by the public servant. The purpose of such statement will be to remind public servants of those financial interests that might impair their judgment on behalf of the public; informs the public of those interests; and, assists in instilling confidence in the actions of public servants.

Offer or Acceptance of Gifts or Favors

No public servant, whether paid or unpaid, shall solicit or accept, or give anything of such value which could be interpreted to influence a vote, decision, or other exercise of official authority in any matter involving the Township and does not create the appearance that the public servant is using their position for personal gain. Nothing in this section is intended to preclude campaign contributions which comply with state and federal law.

Gifts to the Township: Nothing in this policy shall prohibit any official or appointee from accepting a gift on behalf of the Township, providing the person accepting the gift shall promptly report the receipt of such gift to the finance department, for the purpose of adding the inventory of property to the Township.

Meals and Entertainment: The Township recognizes that its public servants may, from time to time, attend functions as representatives of the Township where meals and entertainment are provided as part of a business related function. When representing the Township at a business related function, public servants may accept meals and entertainment valued at less than one hundred dollars (\$100.00) so long as: (1) acceptance of the meal or entertainment does not violate any other section of this policy; (2) acceptance of the meal or entertainment does not create the appearance that the public servant is using their position for personal gain; and, (3) the meal or entertainment is available to other attendees of the business related function. Public servants may exceed the one hundred dollar (\$100.00) limit as long as they seek prior approval from the Township Manager. In turn, the Township Manager shall seek prior approval to exceed the one hundred dollar (\$100.00) limit from the Township Supervisor. Township Board members shall seek prior approval to exceed the one hundred dollar (\$100.00) limit from the Township Board.

Prohibited Conduct

All public servants are prohibited from engaging in the following conduct:

1. Divulging confidential information to any person not authorized to obtain such information.
2. Benefitting financially from confidential information.
3. Representing his or her individual opinion as that of the Township.
4. Act on behalf of the Township in the making of policy statements, in authorizing any action, agreement or contract, or in promising to prevent any future action, when such public servant has, in fact, no authority to do so.
5. Misusing Township personnel resources, property, funds, or assets for personal gain.
6. Soliciting or accepting a gift or loan of money, goods, services, or other things of value which tend to influence the manner in which the public servant performs his or her official duties, except as allowed under Offer or Acceptance of Gifts or Favors, herein.
7. Engaging in a business transaction which may cause the public servant to derive a personal profit or gain directly or indirectly as a result of his or her official position, except as allowed under Disclosure of Conflicts of Interest, Actual and Potential, herein.
8. Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties or that tend to impair his or her independence of judgment.
9. Participating in contracts, loans, grants, rate-fixing, or issuing permits involving a business entity in which he or she has an interest, except as allowed under Disclosure of Conflicts of Interest, Actual and Potential, herein.

Employment of Relatives

Delta Township permits the employment of qualified relatives of employees as long as such employment does not create actual or perceived conflicts of interest. The Township will exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

1. The Township shall not hire a relative of the Township Manager, the Human Resources Generalist, a Department Director, or any member of the Township Board.
2. Individuals who are related by blood or marriage are permitted to work in the same facility, provided no direct reporting or supervisory/management relationship exists. That is, no employee is permitted to work within the "chain of command" of a relative such that one relative's work responsibilities, salary, discipline or career progress could be influenced by the other relative.
3. No relatives are permitted to work in the same department or any other positions in which the Township Manager believes an inherent conflict of interest may exist.
4. Employees who marry while employed are treated in accordance with these guidelines. That is, if, a conflict or an apparent conflict arises as the result of

the marriage, one of the employees will be transferred at the earliest practical time.

This policy applies to all categories of Township employment at with the exception of temporary election workers.

An applicant or employee of the Township shall notify the Township in either the application for employment, in the case of an applicant, or in writing to the Township Manager, if presently employed by the Township, of such a relationship.

Public Workplace Environment

Public servants shall support the maintenance of a positive and constructive workplace environment for other public servants and for citizens and businesses dealing with the Township. Public servants shall recognize their special role in dealings with each other, Township residents, and businesses dealing with the Township so as to in no way create the perception of inappropriate conduct during the course of their work. It is the policy of the Township to ensure that all public servants conduct themselves in a manner that fosters public confidence in the integrity of the Township, its processes, and its accomplishments.

Public Disclosure

Whenever a public disclosure is required by this policy, it may be made orally on the record at a meeting of the public body involved, or in a writing filed with the presiding officer, or if the conflicted official is the presiding officer, the clerk. In both cases it shall be made a part of the record of a regular Township board meeting, and in either event, where applicable, shall include:

1. The identity of all persons involved in the interest.
2. The source and amount of income derived from the interest that may be considered as resulting from employment, investment or gift. The person required to file a disclosure statement in accordance with this policy must verify, in writing, under penalty of perjury, the information in the statement is true and complete as far as he or she knows.
3. Any disclosures required by Act 317 of 1968, as amended, MCL 15.321 et seq.

Compliance and Enforcement

This Ethics Policy expresses the standards of ethical conduct expected for public servants of the Township. Each public servant has the responsibility to ensure that they understand and meet the ethical standards expressed in this policy. This policy shall be included in the regular orientations for all new public servants. A statement affirming that that have read and understood the Ethics Policy shall be signed by all public servants.

Any individual who believes that a violation exists as prohibited by this policy may make a complaint which shall be a signed, written formal complaint to the Township Board, who shall cause same to be investigated by controlling authority as follows:

1. Elected and appointed public servants of the Township to the Township supervisor. In matters concerning the Township manager to the Township supervisor. In matters concerning the Township supervisor, to Township clerk.
2. Employees, full and part-time, of the Township to the Township manager.

The above listed authorities shall take appropriate action upon any complaint or request for information concerning the code of ethics of the Township. The appropriate action to be taken in any individual case shall be at the discretion of the controlling authority involved, which may include but is not limited to any of the following:

1. Referral of the matter to a Township attorney;
2. Pursuing further investigation by the controlling authority;
3. Recommending appropriate disciplinary action, including removal from appointed position or employment, in accordance with the regulations or policies of the Township or the requirements of any collectively bargained agreement;
4. Deeming no action be taken and/or,
5. Pursuing such other course of action which is reasonable, just and appropriate under the circumstances.

The above listed controlling authorities may render written advisory opinions, when deemed appropriate, interpreting the code of ethics as set forth in this policy.

Acknowledgement of Ethics Policy and Annual Training

Upon initial adoption of the Ethics Policy, all existing public servants will receive a copy and shall sign an acknowledgment of receipt of same. Thereafter, a statement acknowledging the Ethics Policy shall be completed on an annual basis by all public servants.

1. New employees shall be provided a copy of the policy at the time of orientation.
2. Newly elected/appointed public servants shall receive a copy at the time of taking office or appointment.
3. The Human Resources Generalist shall be responsible for providing mandatory annual training for all employees of the Township.
4. Acknowledgments of initial receipt and annual acknowledgments shall be filed with the Human Resources Generalist and remain in effect until a party is no longer a public servant.

6. **User Surcharge Rates** – The Utility and Environmental Committee recommends the Township Board adopt the proposed surcharge rates to be effective August 1, 2009.

TRUSTEE SPAGNUOLO MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA ADOPT THE FOLLOWING SURCHARGE RATES FOR POLLUTANTS THAT FALL WITHIN THE ADOPTED SURCHARGE RANGE, EFFECTIVE AUGUST 1, 2009, AS AUTHORIZED BY SUBSECTION (C), SURCHARGE RATES, SECTION 18-292, RATES, CHAPTER 18, UTILITIES OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF DELTA:

\$0.07 PER POUND – BOD5 – (BIOCHEMICAL OXYGEN DEMAND-5 DAY)
\$0.35 PER POUND – TSS – (TOTAL SUSPENDED SOLIDS)
\$0.45 PER POUND – AMMONIA-N (AMMONIA NITRATE)
\$4.58 PER POUND – TOTAL-P (TOTAL PHOSPHORUS)

TRUSTEE HICKS SUPPORTED THE MOTION. MOTION PASSED 7-0.

7. **Michigan Avenue Extension** – The Transportation Committee recommends the Township Board approve the proposed full extension of the Michigan Avenue extension project.

Supervisor Fletcher said over the past several months, the Board had spent a considerable amount of time discussing the pros and cons relating to the extension of Michigan Avenue. He said this was an issue the Board had put a lot of time and consideration into.

TRUSTEE POMA MOVED THAT:

WHEREAS, THE EXTENSION OF MICHIGAN AVENUE TO CANAL ROAD HAS BEEN RECOMMENDED IN THE DELTA TOWNSHIP COMPREHENSIVE PLAN AND THE REGIONAL TRANSPORTATION PLAN SINCE 1973, AND

WHEREAS, THE “FULL EXTENSION” OF MICHIGAN AVENUE WILL PROVIDE A FIVE MILE CORRIDOR FROM DELTA TOWNSHIP TO MARTIN LUTHER KING BOULEVARD IN THE CITY OF LANSING, AND

WHEREAS, 80 FEET OF RIGHT OF WAY FOR THE EXTENSION OF MICHIGAN AVENUE HAS BEEN ACQUIRED BY DELTA TOWNSHIP FROM VARIOUS PARTIES DURING THE PAST 25 YEARS, AND

WHEREAS, DELTA TOWNSHIP HAS ALREADY EXPENDED \$660,000 FOR THE CONSTRUCTION OF A BRIDGE STRUCTURE FOR THE “FULL EXTENSION” OF MICHIGAN AVENUE OVER THE CARRIER CREEK, AND

WHEREAS, PROVISIONS WERE MADE TO ACCOMMODATE MICHIGAN AVENUE DURING THE DEVELOPMENT OF THE FOREST GLEN CONDOMINIUMS (AKA GLEN TERRA CONDOMINIUMS) AND GETTYSBURG FARMS #3 SUBDIVISION INCLUDING RIGHT OF WAY ACQUISITION & STREET CONNECTIONS, AND

WHEREAS, THE “FULL EXTENSION” OF MICHIGAN AVENUE WILL PROVIDE SECONDARY ACCESS TO THE NORTHERNMOST PORTION OF WILLIAMSBURG ROAD AND MANDELL CIRCLE ALLEVIATING A PUBLIC SAFETY CONCERN IN THIS AREA, AND

WHEREAS, THE “FULL EXTENSION” OF MICHIGAN AVENUE WOULD IMPROVE EMERGENCY VEHICLE ACCESS AND RESPONSE TIMES TO THE CENTER OF SECTION 15 OF THE TOWNSHIP, NOW

THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA ACKNOWLEDGE THEIR SUPPORT OF THE “FULL EXTENSION” OF MICHIGAN AVENUE BETWEEN CREYTS ROAD & CANAL ROAD. FURTHER, THE TOWNSHIP MANAGER SHALL SUGGEST TO THE EATON COUNTY ROAD COMMISSION MEASURES TO MITIGATE POSSIBLE NEGATIVE IMPACTS ON RESIDENTIAL PROPERTIES ADJACENT TO THE ROADWAY. IN ADDITION, THE TOWNSHIP CLERK IS HEREBY INSTRUCTED TO OFFICIALLY INFORM REPRESENTATIVES OF THE EATON COUNTY ROAD COMMISSION & THE TRI-COUNTY REGIONAL PLANNING COMMISSION OF THE PASSAGE OF THIS RESOLUTION.

CLERK VEDDER SUPPORTED THE MOTION.

Doug Kosinski, 7305 Glen Terra Drive, said he was present this evening on behalf of Citizens Against Extending Michigan Avenue. He noted that the Committee had spent a lot of time over the past few months on this issue with discussion focusing on the history of the proposed road extension. Mr. Kosinski responded to the seven points that had been made in favor of the extension of Michigan Avenue by noting that things had changed since the extension had been proposed in 1973. He said the area was now a very densely populated area, traffic patterns had changed, and it was felt that the full extension of Michigan Avenue would achieve minimal gains in the way of alternative routes for motorists.

He noted that the remaining right-of-way needed for the extension had not been acquired from the Grand Ledge School District until 2006 so that many home buyers who purchased their homes before 2006 would not have been aware of the road extension. He noted that past expenditures for right-of-way and the bridge crossing over the Carrier Creek would still be utilized by extending Michigan Avenue half way. Mr. Kosinski said the Township had approved residential development with full knowledge that the road would be constructed in the future and thus should be partly culpable. He noted that a secondary access to Williamsburg Road could be provided by a mixed use pathway/emergency access road and that the Committee had demonstrated that emergency response times would be better served by an access road that would be available exclusively for the use of emergency vehicles.

Mr. Kosinski noted that a professional traffic study had indicated that the full extension of Michigan Avenue would not significantly improve traffic on Saginaw Highway, but would make one of the two signalized intersections substantially worse. He addressed issues in support of the ½ mile extension of Michigan Avenue by noting that it would provide adequate access to the church and Eyde properties without traversing near the Gettysburg Farms, Forest Glen, and Glen Terra properties. He felt it was important to point out that the full extension of Michigan Avenue would traverse within 30 feet of homes in the Glen Terra and Forest Glen developments. Mr. Kosinski noted that the cost of the ½ mile extension was less than the full extension and that funding could be spread out over a longer period of time. He indicated that a 150 foot cul-de-sac at the ½ mile point of the road extension was not a requirement and that the standard only pertained to subdivision plats. He indicated that the Road Commission's standards also provided for a variance process for relief from this requirement which he strongly urged the Board to pursue. He addressed the fact that the Road Commission had expressed concerns about snow plows being able to turn around, but he noted that research had showed that snow plows could turn around within the existing 80 feet of right-of-way. Mr. Kosinski indicated that the Board had been provided with a commitment from the Forest Glen Homeowners Association to provide property on both sides of the Carrier Creek that could be developed as wildlife habitat or whatever was deemed appropriate if wetlands were compromised by the construction of the road. He requested that the Board deny the full extension of Michigan Avenue and move on to a far better development that would be best for the Township now and in the future.

Dave Arking, 223 Williamsburg Road, noted that he wanted to clarify that he didn't feel it was Mr. Kosinski's intent to suggest that the removal of snow on the pathway would be any more involved than the removal of snow if the road existed.

Rick Peiffer, 6662 Halloway Lane, said he was opposed to the extension of Michigan Avenue. He questioned the benefits of extending a road ½ mile when studies had shown that the road would not provide any significant transportation

benefits to the general public. He felt extending the road would create on-going costs and would only benefit a few local developers at the expense of taxpayers. Phil Chisholm said the issue came down to the fact that a few people chose to buy next to a future road. He questioned where these people were in 2006 when the Township was spending nearly \$700,000 on this project. He noted that members of the Township Board were responsible to all 32,000 residents of Delta Township and not just a small handful of residents. Mr. Chisholm urged the Board to do the right thing and continue with the Michigan Avenue project that would benefit future residents of Delta Township.

Kevin Konen, 415 Sherman Road, felt some of the expenses of the Carrier Creek project were forced upon the Township. He felt this would be a good opportunity for the Township to compromise on this issue and support a Greener Delta.

Andy Spagnuolo, 7134 Mandell Circle, said he had lived in Delta Township for 41 years and the extension of Michigan Avenue would only generate more traffic through his neighborhood. He felt motorists always attempted to avoid 25 m.p.h. speed limits and stop signs and would cut-thru residential neighborhoods. He noted that traffic on Canal Road had increased tremendously and that northbound motorists could wait three to four traffic lights in order to make westbound turning movements onto Saginaw Highway. Mr. Spagnuolo felt the extension of Michigan Avenue would have a drastic impact on property values in the area and that a recent traffic study had indicated that extending Michigan Avenue would not solve the traffic problems on Saginaw Highway. Mr. Spagnuolo asked the Board to do the right thing and vote no on this issue.

Patrick Wallace, 110 Williamsburg, said he had purchased his home on July 1st. Mr. Wallace said he was the northernmost house in the subdivision and would be directly affected by the extension of Michigan Avenue. He was told that the road would not be extended. He would like the Board to consider the effects the road extension would have on a lot of people.

Deanne Arking, 223 Williamsburg, said 10 years ago, someone may have mentioned the fact that Michigan Avenue would be extended in the future, but people didn't feel the extension made sense because residential development had occurred. Ms. Arking questioned why the Township allowed residential development to happen when Michigan Avenue had been proposed to be extended.

Al Brotherton, 426 White Pine Boulevard, said Greenwood Condominiums was located one block south of the proposed extension. Mr. Brotherton noted that the police had caught a tremendous amount of motorists who raced along Canal Road through the area when school was in session. He hoped that a traffic signal would be installed on Canal Road as a result of Michigan Avenue being extended in order to slow traffic down. Mr. Brotherton noted that Delta Township was a

growing community and he felt there was a very small minority of people who would be affected by the extension of Michigan Avenue. He felt berms or sound barriers could be constructed in order to modify some of the effects on the homes located in close proximity to the road.

Jim Osieczonek, 316 N. Creyts Road, felt the extension of Michigan Avenue would affect many people and he felt the full extension of Michigan Avenue would damage the residential neighborhoods in the area and result in a lot of cut-thru traffic. He noted that a recent traffic study had indicated that there wouldn't be any significant change in traffic patterns at the signalized intersections on Saginaw Highway. He didn't feel the extension of Michigan Avenue served the public well and he didn't feel the citizens should have to sacrifice.

Mark Sands, 6652 Halloway Lane, didn't feel that in 1973, the plan was to construct a three lane roadway next to an elementary school playground.

Mark Abood, 209 Harpers Way, said there would be a domino effect. There was a concern with the extension of Michigan Avenue and the proposed development of the Mt. Hope Church property which would impact that area. He noted that the church was willing to compromise and install a cul-de-sac however, he felt there could be pressure to continue the road at the dead-end of Roanoke near Harpers Way.

Jeanne Pearl-Wright, County Commissioner for District 5, said she lives in Gettysburg and she believed in the citizen's cause and didn't feel the extension of Michigan Avenue was needed. She felt the ½ mile extension was a good compromise and that it would satisfy the needs of the people. Ms. Wright said she was in favor of the ½ mile extension.

Supervisor Fletcher was appreciative of the comments and information the Board had received. He felt the Board had taken a fresh look at this project and had weighed the pros and cons. Mr. Fletcher noted that regardless of how the Board voted this evening, he felt every Board member had attempted to make a decision based on what was in the best interest of the residents in 2009 and not just look at a project as it was presented in 1973.

Treasurer Pizzo said that over the time that he had been aware of the plans for extending Michigan Avenue from Creyts to Canal, he had not seen the value in the extension. But if he needed any convincing it happened last fall when he stood on Shirley Lorencen's rear deck and looking into her back yard and visualizing the proposed street and sidewalk cutting thru the edge of her property. He proposed the compromise, which six months back, seemed quite daunting if not impossible. But the citizens group was able to answer all the perceived shortcomings of the compromise. They put much time in developing their position and trying to convince the Board that the extension should be stopped. Mr. Pizzo

said he would vote against the extension because he was not convinced it was needed and the loss of the open green area was too costly of a price to pay.

Trustee Spagnuolo said when considering the extension of Michigan Avenue, public safety was her number one priority. As a resident and as a member of the Public Safety Committee, she appreciated everything that Chief Hilbert, the Township's Fire Department, and Lt. Warder and the Delta Patrol did every day to ensure the residents safety in the community. Ms. Spagnuolo said she had walked the entire Michigan Avenue extension several times and in doing so, became clearly aware of the close proximity to which the road would come to residences backyards. She said at first glance, the ½ mile extension seemed to be a good solution, however, after researching the ½ mile extension and the cul-de-sac proposal and reviewing the results of the traffic study, she learned that the ½ mile proposal was not a viable option. Ms. Spagnuolo said she had safety concerns for the residents on Holloway Lane and the fact that the property Mr. Eyde owned would be developed as residential and office. She felt the traffic generated by this new development would have to be serviced using the adjacent West Ledge neighborhood in order to have access to Creyts Road via Whispering Lane and Holloway Lane.

Ms. Spagnuolo also understood, as reiterated by Chief Hilbert, how important ingress and egress was when dealing with public safety emergencies and she supported the need for two means of egress in and out of all subdivisions. Ms. Spagnuolo said extending Michigan Avenue would create another east/west alternative for traffic. The extension would provide a direct route for Fire Station #3 to Gettysburg Farms subdivision, the mobile home park, Canal Club #2, Tammany on the Pond, Greenfield Acres, and the Glen Terra subdivision. She said the extension would also disperse traffic coming out of the Mt. Hope Church development onto Michigan Avenue. Ms. Spagnuolo said her job as a trustee was to gather facts, to listen to the concerns of residents, to make the best decision she knew how based on the information that she received. Ms. Spagnuolo felt she had made the right decision for the right reason and that that decision was to vote yes for the full extension of Michigan Avenue.

Trustee Poma said as a Delta Township Trustee, she was responsible for evaluating the impact of each project or circumstance as it effected the whole. She said the proposed extension of Michigan Avenue had been thoroughly researched utilizing exhaustive amounts of data and input from professionals within the State and Township, as well as the Township's fine residents, both for and against the extension. Ms. Poma said the Michigan Avenue Extension would relieve traffic on Saginaw Highway. Traffic studies have confirmed that while Michigan Avenue's full extension would not lower the rating of Saginaw Highway from a D to a C rating, it would have an impact on traffic. The Township would need a lot more Michigan Avenues to really make a significant impact, but it would make an impact. She said 22 acres of land west of the West Ledge subdivision

was zoned for office, as well as 320 apartment units and would be served by the extension. Absent the extension, traffic from these developments would cut thru Holloway Lane which she couldn't accept. Ms. Poma said all fire and police correspondence had been strongly in favor of the extension. She said decreased response times and overall safety of residents would be easier if the full extension was approved. Ms. Poma noted that she had had the privilege to work with some very talented individuals, residents, field experts, and staff regarding this project. Ms. Poma said it had not been an easy decision, but she believed in her heart that she was doing the right thing by voting for the full extension of Michigan Avenue.

Trustee Hicks said residents both for and against changes to the existing state of Michigan Avenue had been vocal. While opponents had been more openly vocal, advocates for the full extension had been busy corresponding via e-mail and phone calls as well. Mr. Hicks wanted to take a moment to recognize the efforts of the Citizens Against the Extension of Michigan Avenue and for conducting themselves in a focused and civilized manner. He felt Mr. Kosinski had acted as a zealous advocate for the residents and had done a yeomen job of representing their cause. Mr. Hicks said whatever the outcome of the vote this evening, it would certainly be the product of a tremendous amount of time and effort by the Board. As Supervisor Fletcher had indicated, the Board had spent the last six months on this particular issue encompassing more Board time than any other issue in the past six months. While we will likely never agree on all things, he was certain that we could all agree that the efforts of all involved were always aimed at doing what we all believed was right.

Mr. Hicks said having taken the feedback of all of the residents into account, and always being mindful of trying to do the greatest good for the greatest number of residents, as well as researching the issues and studying all of the materials that had been submitted, it was his belief that the future interests of the Township would best be served by extending Michigan Avenue from Creyts to Canal. When he was elected to this Board, he made a pledge to serve the interest of all of Delta Township's residents. He noted that while there may be a personal cost aspect to taking a position contrary to those who had been most vocal, the residents of the Township did not elect him to merely mimic shifts in popular opinion, but rather to exercise his judgment. It had often been said that it took more courage to make the right decision than it did to make a popular decision.

Mr. Hicks noted that based on his review and research, this decision was one involving the choice between the full extension or extending the road 1/2 mile. He said one key point for him in the traffic study was that the study used overall county population trending when calculating background traffic conditions, as opposed to the Township's population trending. As a result, the study stated that no increase in traffic volumes was assumed for background traffic growth. All of the findings of the traffic study were based on that assumption of no background traffic growth. However, Township population had continued to grow through the

years and in fact, there had been a 1.4% annual growth rate since 1990. Mr. Hicks stated that no matter the outcome of this evening's vote, Township residents would have found this process to be an open one and one that afforded them every opportunity to express their views and opinions. It had also been his hope that this Board would always be judged by its body of work over the term of office, rather than by a single vote on a single issue.

Supervisor Fletcher said when the Board received a recommendation from the Transportation Committee; he voiced his reasons why he opposed the extension of Michigan Avenue. Mr. Fletcher noted that when this issue was first brought forward, he was skeptical that extending Michigan Avenue would alleviate traffic on Saginaw and St. Joe Highway, but he was open to considering all of the facts and moving forward. He said as different facts and debate were brought forward and a traffic study had been prepared, it came down to whether the benefit Township residents would experience by having an alternative route from Creyts to Canal out weighted the impact the extension would have on the surrounding neighborhoods. Mr. Fletcher said after considering all of the facts, he had come to the conclusion that the impact the extension would have on the surrounding neighborhoods outweighed the benefits and that he would be voting against the extension of Michigan Avenue.

ROLL CALL:

AYES: TRUSTEE CUNNINGHAM, TRUSTEE POMA, TRUSTEE HICKS, TRUSTEE SPAGNUOLO, CLERK VEDDER.

NAYS: TREASURER PIZZO AND SUPRVISOR FLETCHER.

ABSENT: NONE

MOTION PASSED 5 TO 2.

8. **2009 Sidewalk Project** – The Engineering Department recommends the Township Board award the contract for the 2009 Sidewalk Project.

Supervisor Fletcher said at the July 6th Board meeting, there was a proposal from the Transportation Committee to install sidewalks within the Willowbrook subdivision at which time; residents voiced their opposition to the sidewalks. The Board requested that this item be sent back to the Transportation Committee in order to determine whether the Willowbrook sidewalks would be included in the 2009 sidewalk construction projects. He indicated that upon reviewing the issues surrounding the sidewalk project, the Transportation Committee asked that this item be placed on this evening's agenda.

Trustee Poma said after reviewing the information that had been provided to the Transportation Committee, it was recommended that the Willowbrook sidewalks be included in the 2009 Sidewalk Project.

Trustee Hicks felt the compromise made at the Board's July 6th meeting was to exclude the Willowbrook sidewalks from the 2009 Sidewalk Program without compromising other sidewalk projects. Mr. Hicks said he was now in the unfortunate position of having to vote against the entire sidewalk program because one particular section of sidewalks was not excluded.

Supervisor Fletcher indicated that the Transportation Committee wanted all of the information presented so that the Board could base their decision on factual information.

Trustee Hicks said at the July 6th meeting, it was his understanding that the Township's Engineer would look into whether the current contract bid for the construction of sidewalks would still be honored with the omission of the Willowbrook sidewalks.

Mr. Watkins said the contractor had agreed to honor his bid price without the Willowbrook project because most of the traffic control issues were on other roads.

TRUSTEE POMA MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA AWARD THE CONTRACT FOR THE CONSTRUCTION OF THE 2009 SIDEWALKS TO RUMSEY & SON CONSTRUCTION INC., 6757 LANSING ROAD, P.O. BOX 388, DIMONDALE, MICHIGAN 48821 IN THE AMOUNT OF \$89,798.58.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION.

Ed Purchis, 1706 Willowbrook Drive, said he had lived in his home since 1963 and was not aware of any traffic accidents that had occurred in the subdivision. He didn't feel sidewalks were necessary and were a waste of taxpayers' money. Mr. Purchis noted that he didn't know of anyone who was in favor of sidewalks along Willowbrook and he questioned why the Township would spend tax money on something the taxpayers did not support.

Mike Sturley, 1744 Willowbrook, said the goals and objectives contained in the Township's 2002 Sidewalk Plan focused on heavily populated sections of the Township and the installation of sidewalks between major activity areas. He noted that the Township had 16 high priority sidewalk projects listed in the sidewalk plan and nine of those projects were not completed. Mr. Sturley felt there were several areas within the Township where money could be better spent on sidewalks.

Mitch Wood, 5909 Bradford Lane, felt the Willowbrook Subdivision was very unique in that there were no street lights or curb and gutter. Mr. Wood didn't feel there were any safety issues in the subdivision that warranted sidewalks. He recommended that the Township exclude the Willowbrook sidewalks from their 2009 construction schedule.

Richard McKinley, 1807 Willowbrook, said at the Board's July 6th meeting, several people spoke in opposition to sidewalks. Mr. McKinley felt the Willowbrook sidewalk project was different from the other sidewalk projects that were currently being considered and that they didn't fall within the same category as the other sidewalk projects. He indicated that 90% of the residents within the Willowbrook subdivision were opposed to sidewalks.

Jo Ann Hubbard, 6038 Bradford Lane, said she had walked the neighborhood and had found 120 spots in the sidewalks that were in need of repair. Ms. Hubbard said she was opposed to sidewalks in her subdivision.

Supervisor Fletcher said the motion on the floor was to approve the construction contract as submitted.

Trustee Hicks offered a friendly amendment to delete the Willowbrook sidewalk project from the 2009 sidewalk construction projects.

Trustee Poma supported the friendly amendment.

Trustee Cunningham supported the friendly amendment.

Supervisor Fletcher said the motion on the floor was to exclude the Willowbrook sidewalks from the 2009 construction projects.

Clerk Vedder asked for clarification as to why the Willowbrook sidewalks were being omitted from the 2009 construction schedule.

Trustee Hicks said he didn't treat all sidewalks equally. He felt sidewalks were needed on main roadways between points of interest, but it was hard to retro-fit sidewalks in older neighborhoods. Mr. Hicks said he was interested in reviewing the Township's Sidewalk Plan.

Mr. Watkins said if the Board postponed the Willowbrook sidewalk project for further discussion, he felt the entire Sidewalk Plan should be reviewed and brought back in 2010.

Treasurer Pizzo said he liked the loop route idea mentioned in Mr. Graham's memo and walkable paths which connected to other sidewalks. He felt sidewalks

were needed so that pedestrians could reach their destinations safely without having to walk in the road. Mr. Pizzo supported a walkable community.

Clerk Vedder said she was not in favor of the friendly amendment to exclude the Willowbrook sidewalks from the 2009 construction projects. She felt it was important to study the sidewalk plan, but she didn't want to delay the Willowbrook sidewalks until 2010.

Supervisor Fletcher questioned whether it was the consensus of the Board to exclude the Willowbrook sidewalks from the 2009 construction projects and conduct a thorough review of the sidewalk plan before proceeding with the Willowbrook sidewalks.

Trustee Cunningham said she was in favor of going forward with the original contract without the friendly amendment. She felt the Willowbrook sidewalk was a critical part of what the Township had already accomplished and what the Township wanted to do in the future. Ms. Cunningham noted that sidewalks were positive for safety and health reasons and that she agreed with staff's responses in regards to the Willowbrook sidewalks being a key component of the sidewalk system.

Supervisor Fletcher said the motion on the floor was the approval of the contract with the removal of the Willowbrook sidewalk project.

ROLL CALL:

AYES: TRUSTEE POMA, TRUSTEE HICKS, AND TRUSTEE SPAGNUOLO.

NAYS: TRUSTEE CUNNINGHAM, SUPERVISOR FLETCHER, CLERK VEDDER, AND TREASURER PIZZO.

ABSENT: NONE

MOTION FAILED 3-4.

TRUSTEE CUNNINGHAM MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA AWARD THE CONTRACT FOR THE CONSTRUCTION OF THE 2009 SIDEWALKS TO RUMSEY & SON CONSTRUCTION INC., 6757 LANSING ROAD, P.O. BOX 388, DIMONDALE, MICHIGAN 48821 IN THE AMOUNT OF \$89,798.58.

CLERK VEDDER SUPPORTED THE MOTION. MOTION PASSED 5-2 (HICKS, POMA).

XV. ITEMS FOR DISCUSSION ONLY

9. **Licensing of Amusement Devices** – A report is provided concerning the licensing of amusement devices and staff recommendation regarding the current ordinance.

Mr. Graham provided an overview of his memo dated June 30, 2009 regarding the licensing of amusement devices. He reviewed the Township's existing regulations, a cost revenue analysis, and pros and cons of licensing amusement devices.

It was the consensus of the Board that Mr. Graham initiates amendments to Chapter Three of the Township's Code of Ordinances pertaining to Amusements and Entertainment.

XVI. BOARD MEMBER, MANAGER AND DEPARTMENT REPORTS AND COMMITTEE MINUTES

XVII. PUBLIC COMMENTS (*maximum five minutes*) – None.

Philip Brown noted that there was a crossing on Ivan Drive with no pavement markings and asked that the Township's Public Safety Committee look into this matter. He also requested that the Committee look into the fact that the parochial schools on St. Joe Highway were in need of crossing signs and reduced speed limit signage.

Trustee Cunningham said it was her understanding that school districts had to request signage.

Mr. Brown noted that he was a former Township Board member and had asked CATA to appoint a Delta Township resident to their board, but CATA never allowed any outside representation. He noted that Phil Chisholm was the architect and advocate for the Michigan Avenue Extension project when he had served on the Township's Planning Commission. Mr. Brown felt Treasurer Pizzo had the right position on the road extension.

Kevin Konan, 415 Sherman Road, said he was discouraged with the process that had taken place this evening. He indicated that the citizens had a voice in the process.

Mr. Kosinski said the residents were disappointed with the decision that had been made this evening regarding Michigan Avenue, but he emphasized the fact that he felt the process had worked, the Board had listened to the residents, and that the Board voted on the basis of what they truly believed to be right.

XVII. ADJOURNMENT

The meeting was adjourned at 9:08 P.M.

CHARTER TOWNSHIP OF DELTA

JANICE VEDDER, TOWNSHIP CLERK

KENNETH FLETCHER, TOWNSHIP SUPERVISOR