

DRAFT

MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
MAY 27, 2021

MEMBERS PRESENT: Scott Lloyd, Greg Durbin, Bob Hanvey, Tammy Beal, Les Andersen, and Dan Lowe

MEMBERS ABSENT: Sandy Donovan

OTHERS PRESENT: Christopher Johnson; Phil Westmoreland; Dave Hamann

CALL TO ORDER

Bob Hanvey called the meeting to order at 7:30 pm. The meeting is also available to attend online.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF AGENDA

Greg Durbin motioned to approve the agenda as presented. Les Andersen seconded. **Motion carried.**

CONSENT AGENDA

Les Andersen motioned to approve the consent agenda. Scott Lloyd seconded. **Motion carried.**

COVID POLICY DISCUSSION

Based on new guidance from the CDC, MDHHS, and MIOSHA, the township's policy needs to be updated. The main change is that staff who are fully-vaccinated no longer need to wear a mask. There is also no longer a requirement to keep a record of temperature, etc. for fully-vaccinated employees.

Les Andersen motioned to adopt a resolution to change the township's COVID policy to conform with CDC, MDHHS and MIOSHA guidelines. Tammy Beal seconded. Roll call vote: Lowe, Lloyd, Beal, Hanvey, Durbin, Andersen—all yes. **Resolution passed 6-0.**

SCHROEDER MOTION RESOLUTION

Don Parent on behalf of Matt Schroeder was present online. Bob Hanvey said the township board made a motion at the April 22, 2021 meeting that the property owner would provide the township with an updated plan with grades for the parking lot. Since then, the Drain Commissioner's office has advised the owner that he could put in a swale to remedy the situation. Les Andersen asked who would be responsible, the township or the Drain Commissioner? Christopher Johnson said it seems like the Drain Commissioner is saying that it's NOT their responsibility. Phil Westmoreland said there is no stone filter and the swirl

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chamber is not the correct size, based on the county's rules. Mr. Westmoreland said that a stone filter at the end of the basin would help.

Les Andersen motioned to have the swale redesigned to create a sediment basin on the south side per the engineer's specifications. Scott Lloyd seconded. **Motion carried 5-1 (Lowe—no.)**

Bob Hanvey said he received the easement agreement from the attorney; it has not been signed yet.

LINKS OF MARION OAKS ADJUSTED SITE PLAN

Rick Elkow was present with a modified plan to remove six (6) units from the site plan and add additional parking. Les Andersen said he feels it's an improvement. Dan Lowe suggested moving some of the parking.

Regarding the sewer issue, Mr. Elkow would like the board to consider allowing two (2) houses on one (1) 6" lead because Gilder Drive is already paved and the sewer lines are installed for duplex units. One concern is that when something may need repair, it could create a problem between the two homeowners. Mr. Elkow said it's a common element and shouldn't be a problem to clean out. Phil Westmoreland said a four (4) foot manhole would be better than a clean-out. Mr. Westmoreland also said he feels this would be bending the rules and doesn't agree with this proposal. Mr. Westmoreland suggested that perhaps an agreement could be included in the Master Deed that makes the HOA responsible, not the township.

Les Andersen motioned to accept the proposal with four (4) foot manholes. Tammy Beal seconded. **Motion carried.**

SEWER CONNECTION CONTRACTORS

Phil Westmoreland updated the board members on a recent sewer back-up in Marion Creek. He is recommending that he have a camera used to help determine the problem. He has someone who can do this immediately; they charge \$395 per hour with an eight-hour minimum. He said he's not sure what's causing the problem. He also said it's important to educate people to not put "flushable wipes" into the system. Bob Hanvey said it could be a structural problem.

Ray Nouhan from Allen Edwin Homes said they could send something to all of the residents, and he will work with Mr. Westmoreland on this.

Les Andersen motioned to authorize the engineer to have the camera work done at Marion Creek. Greg Durbin seconded. Roll call vote: Beal, Andersen, Durbin, Lowe, Hanvey, Lloyd—all yes. **Motion carried 6-0.**

Sewer Connection Concerns

Rick Haslock, 5275 W. Coon Lake Road, said he was appointed to a committee to work on a sewer connection policy. The committee met recently, but one of those appointed wasn't even invited to the meeting. Mr. Haslock has concerns about Dan Lowe trespassing on job sites when he's not an inspector. He also said Mr. Lowe didn't identify himself and was yelling at his employees. In a prior meeting, Mr. Lowe made comments about Mr. Haslock's work on a specific lot. Mr. Haslock said if Mr. Lowe had called him, he would have explained the situation and that the work wasn't finished. Mr. Haslock would like to know why a board member is voting on work that he is involved in financially, such as the township parking lot.

Jim Rowell, Livingston County Building Department, was present to let the township board know that they can call for assistance any time. He also wanted to clarify some things that were discussed at a previous meeting. He said the drain slope requirements are different for different pipes. He also said that the

statement that they only inspect up to five (5) feet from the house is incorrect. With regard to the comment that the permit is \$180, that is also not true. He said the township and the county have a common goal and should work together.

Ray Nouhan from Allen Edwin said this should be a partnership between the township, county and the developer.

Brandon Rowe, 1272 Weatherstone, said he works for Allen Edwin Homes and also lives in Marion Creek. He was not happy about the statement made in a previous meeting that Allen Edwin is a "production builder who slaps homes together." He also doesn't think a board member should be on job sites pretending to be an inspector.

Dan Lowe said he had nothing to do with the township parking lot. With regard to the sewer connections, he said this has been an ongoing issue for developments with high water tables, and his goal is to prevent sand in the sewer lines and he's trying to protect the township's investment. He said the correct procedure wasn't followed by having someone from the township see the pipe being cut.

Jim Rowell, LCBD, said the township should make developers aware of lots that have high water tables.

Ray Nouhan said plumbers are now capping all underground plumbing.

Rick Haslock said he would like it clarified that the situation wasn't his fault.

Deanna Holbrook, 4469 Mason Road, asked if it is common practice for the township to have board members on job sites doing inspections. Bob Hanvey said it is not part of the normal procedure.

Concerned Citizen (online) said the township has no authority to be on job sites and why is Dan Lowe inspecting sewer taps.

Bob Hanvey said the sewer permit specifically states that someone needs to observe the process.

Patrick Esper asked if the township is looking for just anyone to witness the process. He said a picture should be sufficient.

Tammy Beal said the township needs to have a procedure in place that is followed and Mr. Lowe should not be involved.

Bob Hanvey said the goal is to protect the integrity of the system.

Ray Nouhan said everyone can agree that the procedure is in place for a reason, but this looks like power for personal gain.

Kim Manson, 3875 W. Coon Lake Road, said that one excavating company shouldn't be overseeing the work of another excavator, and this is a conflict of interest.

Dave Hamann, Zoning Administrator, said the township has a general ordinance for sewer/water that was presented to the board last August, but hasn't been approved. The procedure belongs in this general ordinance.

Greg Durbin motioned to have Phil Westmoreland, Greg Durbin, Dave Hamann, and Tammy Beal work on modifications to the sewer general ordinance and present to the attorney for review. Les Andersen seconded. **Motion carried.**

Luke Stamper, 1039 County Farm, asked if any board members, other than Dan Lowe, know anything about sewers and what authority does Mr. Lowe have to be on job sites and yelling at employees. If there is a problem, it should be discussed with the owner of the company, not the employees.

BUDGET DISCUSSION

The budget and millage rate public hearings are scheduled for the June 24, 2021 board meeting.

TOWNSHIP WAGON EXCHANGE

Les Andersen motioned to have the attorney provide a resolution to proceed with the sale of the wagon to HAPRA for \$1. Tammy Beal seconded. **Motion carried.**

CORRESPONDENCE & UPDATES

The Livingston County update and County Planning Connections are included in the packet.

CALL TO THE PUBLIC

Jim Rowell, LCBD, said the county can also look at sewer taps if the township needs someone in a pinch. Les Andersen asked what the fee would be; Mr. Rowell said no charge.

ADJOURNMENT

Les Andersen motioned to adjourn at 9:33 pm. Greg Durbin seconded. **Motion carried.**

Submitted by: S. Longstreet

Tammy L. Beal, Township Clerk Date

Robert W. Hanvey, Township Supervisor Date