

**PAW PAW TOWNSHIP BOARD
REGULAR MEETING
October 10, 2022
114 N. GREMPS STREET
PAW PAW, MICHIGAN 49079**

Supervisor Stull called the meeting to order at 7:00 P.M.

Pledge of Allegiance

Public comment:

Greg Kinney- road patching repairs starting this week

Susan Stender- voiced concerns about election inspectors pay and training. She asked for more training to be made available and to go back to stipend pay not hourly for whole day workers.

Clerk Payne stated that training is run by the county, and they have no plans for additional training at his time.

Char Raber- questioned pay of inspectors and feels disrespected.

Gentleman in the audience asked if training could be done in another county at another time.

Clerk Payne stated that training is done county by county so it is possible there may be a training available somewhere else in the state.

Board members present:

Donald Stull, Matthew Miller, Fran Sanders, Lisa Zinkil, and Rebecca Payne

Board members absent:

None

Guests present:

Tom Palenick, Catherine Kaufman, Kyle Holland, Greg Kenny, Susan Stender, Char Raber, and several others.

Supervisor Stull closed the regular meeting at 7:15 and opened the public hearing on Lake Cora SAD.

Supervisor Stull than asked for any comments or objections from the public to the proposed aquatic plant control project, the cost estimates and plans for the project, and the proposed establishment of the special assessment district.

Tony Thompson questioned what the money in the SAD covers.

Attorney Kaufman advise that it will cover what ever was listed in the plans that were approved at last months hearing.

Gentleman in the audience wanted to know if he combines his two lots would he still have to pay two assessments and why he had been told he could not combined them.

Supervisor Stull asked if there was a house on each. After the gentleman confirmed that there are two houses the Supervisor said that our zoning does not allow for two houses.

Attorney Kaufman advised that once the roll is set tonight each property in it will owe for the length of the SAD even if a combination was done next week. If the SAD is renewed the roll will be adjusted at that time.

Supervisor Stull closed the Public Hearing and opened the Regular Meeting at 7:19.

Approval of minutes.

Motion by Stull seconded by Zinkil to approve the September 12, 2022, regular and the September 21, 2022, special meeting minutes.

In Favor Aye: All Aye

Motion Carried

Additions to Agenda:

Delete one item under the Clerk and add two to the Supervisor.

Approval of Agenda

Motion by Stull seconded by Sanders to approve agenda as presented with one deletion and two additions.

In Favor Aye: All Aye

Motion Carried

SUPERVISOR'S REPORT

Sheriff's Report

Deputy read highlights from the 84 calls on the September 2022 sheriff's report.

**RESOLUTION CONCERNING LAKE CORA AQUATIC
PLANT CONTROL SPECIAL ASSESSMENT DISTRICT NO. 866**

WHEREAS, the Township Board of the Township of Paw Paw, Van Buren County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the Supervisor and Assessing Officer of the Township for the purpose of defraying the costs of an aquatic plant control program proposed to be undertaken within the LAKE CORA AQUATIC PLANT CONTROL SPECIAL ASSESSMENT DISTRICT NO. 866 as shown on the plans and specifications for such project; and

WHEREAS, such public hearing was preceded by proper notice in the Paw Paw Courier, a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said District and upon said assessment roll; and

WHEREAS, comments were received from those present at such public hearing concerning said assessment roll and opportunity given to all present to be heard in the matter; and

WHEREAS, a record of those present to protest and of written protests submitted at or before the public hearing were made a part of the minutes of the meeting; and

WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as amended, to be correct, just and reasonable.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The assessment roll submitted by the Supervisor and Assessing Officer of the Township, as amended, shall hereafter be designated as the LAKE CORA AQUATIC PLANT CONTROL PROJECT SPECIAL ASSESSMENT DISTRICT NO. 866 and shall hereby be confirmed as the assessment roll for LAKE CORA AQUATIC PLANT CONTROL PROJECT SPECIAL ASSESSMENT DISTRICT NO. 866 in the amount of \$69,500, which is the amount proposed to be raised by special assessment. The proposed assessment against each property in the district will be \$196.33 per year per parcel.*
- 2. The assessments in said LAKE CORA AQUATIC PLANT CONTROL PROJECT SPECIAL ASSESSMENT DISTRICT NO. 866 ROLL shall be divided into three (3) annual installments of principal as described in the Roll with the first installment to be paid with the Winter 2022 tax bill, which will be due and payable by as required by law and the following installments to be due in the same manner every year thereafter. (2022 through 2024 inclusive). All unpaid installments prior to their transfer to the tax roll as provided by Public Act 188 of 1954, as amended, shall bear interest payable annually on each installment due at a rate of 5 % per annum commencing on the first installment due date hereinbefore set forth. Any payments made before such first installment due date shall not bear any such interest.*
- 3. Future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected a penalty at the rate of one (1%) percent for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, and interest shall accrue thereafter in accordance with said Act 188 of the Michigan General Property Tax Act.*
- 4. The assessments made in the special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver the assessment roll to the Treasurer with her Warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the Township Board and said Public Act 188.*
- 5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same are hereby rescinded.*

Motion by Miller seconded by Sanders to approve Resolution 221010 on Assessment Roll.
Roll Call Vote: Sanders Yes, Payne Yes, Stull Yes, Zinkil Yes, Miller Yes
Yeas: (5) Nays: (0) Absent (0). Motion carried.

Cannabis Coordinator Tom Palenick referred the Board members to the letter from Kyle Holland requesting a 6-month extension. He advised that it is the only outdoor grow that had been approved and the first that was required to have odor mitigation. He then asked Mr. Holland to speak further on the request.

Mr. Holland then gave the board members a handout of his updated timeline. He went over the series of events that lead to the need for an extension. The property on 40th street is in a PA 116 protection making it only usable for agriculture. The state did not put in writing until March that cannabis growing is agricultural.

As an outdoor grow he can not grow in the winter, so it needs to be ready in the spring or he can't grow. They had put their efforts in to lobbying the state into clarifying the use of PA 116 for cannabis growing.

Also focuses on getting bids and preparing financial components. Mr. Holland thanked the board for their time to ask for this extension and welcomed any questions.

Treasurer Zinkil asked if they have considered an indoor grow.

Mr. Holland stated that indoor grows have a huge environmental footprint and are prone to failure. He does not believe it is the right thing to do. Growing is meant to be done outside. It does not smell outdoors.

Many interjections of "yes it does" from the audience and Board.

Supervisor Stull asked if he spent the last year fighting the PA 116?

Mr. Holland said yes, it is a process.

Supervisor Stull could you have moved forward even during that?

Mr. Holland, they didn't have PA 116.

Attorney Kauffman Mr. Holland if he could have paid back taxes to get the land out of the PA 116?

Mr. Holland said he was told they don't really do that. If they do it for you we would have to do it for others. They told him to try something different.

Attorney Kauffman asked where to find the States determination that growing cannabis is AG use of property.

Mr. Holland in roll of farmer, has another operation with MDARD review, he must answer to them.

Supervisor Stull asked if he was aware of the moratorium?

Mr. Holland stated yes.

Supervisor Stull didn't that rush you, give a sense of urgency?

Mr. Holland many aspects, rules of special use permit, what constitutes performance is it building a barn? Needed Special use permit. Closed on the property in January/ February. Is it paying the permit fee? Then we have.

Attorney Kauffman Timeline of 1 year is coming up payment of permit fees is not performance.

Mr. Holland reinterpretation of Special use permit and asks for an extension.

Supervisor Stull asked how he was doing on odor mitigation?

Mr. Holland has hired engineers who are very educated on the topic. It is a sophisticated plan.

Supervisor Stull it is unfortunate that neighboring Townships were not able to get misters in this year so we could have seen the effectiveness.

Trustee Sanders if misters break, we will shut you down. Are you sure you want to move forward with this?

Mr. Holland yes, we want to do this.

Treasurer Zinkil asked if it was vacant land.

Trustee Sanders there are blueberries.

Mr. Holland we are keeping some blueberries.

Discussion on how many licenses and total number of plants are involved. There are 5 class C recreational and 2 class C medical a total of 14,000 plants.

Trustee Miller outdoor cannabis doesn't smell to you?

Mr. Holland distance helps with smell.

Trustee Miller you said it doesn't smell, so if we shut you down for the odor you are ok with that?

Mr. Holland indoor grows smell. Outdoor environment equals less smell. 100 yards away the smell is diluted to an unoffensive amount.

Trustee Sanders recalled that at the PC meeting for special use Mr. Holland commented that he liked the smell.

Mr. Holland yes it smells but so does the turkey farm and manure apply to fields in the spring. There are smells associated with farming. Trustee Sanders stated she has relatives allergic to the smell.

Trustee Miller you don't have to live by it.

Mr. Holland said he currently lives in Bangor but plans to move to the farm.

Trustee Miller asked if we could vote on the extension?

Supervisor Stull asked for any more questions.

Clerk Payne asked when the permit expires.

Mr. Palenick said in November.

Attorney Kauffman is it before your November meeting?

Mr. Palenick should be after.

Trustee Sanders under the current moratorium can we even give an extension?

Attorney Kauffman yes but limit is one 6-month extension.

Supervisor Stull how do we define up and operational?

Attorney Kauffman we need to see exactly what is in the special use permit that was approved.

Trustee Sanders, I believe you were going to use hoop houses.

Mr. Holland only good for the spring.

Trustee Sanders plant in April in hoop houses and then transfer outside.

Mr. Holland yes. Mr. Supervisor good question what constitutes performance. Does the special use permit mean we always have to be in cannabis. We can't grow in the winter so we can always be growing.

Attorney Kauffman you need to look at his approved special use and site plan language for what to accept for performance.

Treasurer Zinkil can we find and review the special use and site plan than have more discussion. When did you get the land?

Mr. Holland February the MDARD approval in March. Lobbying in Lansing to clarify exactly what can be done with PA 116 before and after closing.

Trustee Zinkil you were aware we were in a moratorium.

Supervisor Stull concerned with no progress so far and giving an extension and have success but can't control the smell. We will need to shut you down that is why we have the moratorium.

Mr. Holland is confident he can mitigate the smell when the plants flower in the fall. No smell in January. No flowers in the spring means no smell. Outdoor grows smell in the fall. Other 11 months no smell. One month process to control the smell.

Supervisor Stull you have experience with that?

Mr. Holland yes.

Trustee Sanders lets talk with David Jirousek and see what was approved.

Supervisor Stull we can bring it back at the November meeting.

Treasurer Zinkil do we need a special meeting?

Mr. Palenick it should be fine for the regular meeting.

Mr. Holland contrary to the opinion of a few very vocal residents the Michigan votes support the program.

Attorney Kauffman recommended it be tabled to look at site plan.

Motion by Stull seconded by Miller to get more information and revisit at the November meeting.
Roll Call Vote: Miller Yea, Sanders Yea, Payne Yea, Stull Yea, Zinkil Yea
Yeas: (5) Nays: (0) Absent (0). Motion carried.

Attorney Kauffman asked Mr. Holland for information on the language of cannabis being AG use.

Discussion on Pine Grove Townships partnership with the Senior Center. Their Board approved going with Paw Paw Township and contributing the quarter mill they are getting. They want to get meals for \$5 not the \$6 the board had previously agreed upon. An agreement will need to be written up and signed by both Townships with a starting date in December after they start bringing in the millage monies.

Motion by Stull seconded by Miller to have lawyer draft contract for both Townships waving any conflict of doing both sides for it to start December 1st, 2022.

Roll Call Vote: Miller Yea, Sanders Yea, Payne Yea, Stull Yea, Zinkil Yea

Yeas: (5) Nays: (0) Absent (0). Motion carried.

Supervisor stull advised that our realtor for 35 ½ street suggest we lower the price of the lots to \$25,000 do to lack of movement.

Motion by Stull seconded by Zinkil to lower price on lots to \$25,000.

Roll Call Vote: Zinkil Yea, Miller Yea, Sanders Yea, Payne Yea, Stull Yea

Yeas: (5) Nays: (0) Absent (0). Motion carried.

Treasurer's Report

Zinkil presented Board with expenditure report.

General Fund expenditures \$ 26,780.52

Sewer Fund expenditures \$ 18,130.42

Payroll expenditures \$ 39,635.04

Motion by Zinkil seconded by Sanders to approve expenditures as presented.

Roll Call Vote: Sanders Yea, Payne Yea, Stull Yea, Zinkil Yea, Miller Yea

Yeas: (5) Nays: (0) Absent (0). Motion carried.

Zinkil gave the Impress Fund balance of \$762,660.32.

Trustee Sanders asked about the negative balance in the building fund?

Treasurer Zinkil explained that the zoning permits were being coded wrong since we went with Safebuilt so the monies are sitting in the wrong spot the negative is getting better each month now that it is being coded properly. Will also have the auditor look at it next week.

Treasurer Zinkil started a discussion on updating the transfer passes. It is running \$20 per yard with a 4 yard pass it is \$80. Lisa used her home as an example, and it only brings in \$50 in tax

monies for the Township. The new tracking has helped some. She recommended we go with only property with a PRE.

Supervisor Stull agreed we need to cut back and an empty parcel should not have junk.

Clerk Payne agreed the tracking has helped but the property should have a dwelling or PRE at least.

Treasurer recommended we keep the 4-yard limit but only on PRE properties.

Supervisor Stull to clarify, a home of out of state like a lake house has no Pre no pass?

Treasurer Zinkil Yes.

Motion by Zinkil seconded by Miller to keep transfer pass at 4 yards but only for PRE starting in 2023.

Roll Call Vote: Zinkil Yea, Miller Yea, Sanders Yea, Payne Yea, Stull Yea

Yeas: (5) Nays: (0) Absent (0). Motion carried.

Treasurer Zinkil updated the board on the My Senior Center software. Discussion on waiting till January to get or move ahead now.

Motion by Zinkil seconded by Miller to move forward with the purchase of My Senior Center program for \$4,500

Roll Call Vote: Zinkil Yea, Miller Yea, Sanders Yea, Payne Yea, Stull Yea

Yeas: (5) Nays: (0) Absent (0). Motion carried.

Treasurer Zinkil advised that the investing rates had gone up since the last meeting. Discussion on how much and which funds the board was comfortable with putting in the accounts.

Motion by Zinkil seconded by Stull to invest \$250,000 from sewer, \$550,000 from imprest, and 150,000 from ARPA funds.

Roll Call Vote: Stull Yea, Zinkil Yea, Miller Yea, Sanders Yea, Payne Yea

Yeas: (5) Nays: (0) Absent (0). Motion carried.

Clerks Report:

Clerk Payne updated the board on the purchase of the two replacement laptops.

TRUSTEES REPORT

PLANNING COMMISSION

Sanders informed the board that the Planning Commission had a meeting on September 20th, and they had a public hearing on White Flower and finished the rezoning on the Moyle property. Both were approved.

FIRE BOARD

Sanders read fire report with 4 calls to Township in September. Sanders also informed the Board that the generator delivery was pushed back to February or March.

Public comment:

None.

Supervisor Stull adjourned the meeting at 8:54 PM.

Respectfully submitted,
Rebecca F. Payne, Clerk
Paw Paw Township