

Augusta Charter Township
8021 Talladay Road, Whittaker, MI 48190
Regular Board of Trustees Meeting
April 28, 2015 7:00 pm

1. Meeting called to order by Hafler at 7:00 p.m.
2. Pledge of Allegiance
3. Roll Call: Dew, Giszczak, Hafler, Howard, Keefe, Thornton, and Todd. Absent: None.
4. Motion by Howard, 2nd by Keefe to approve the agenda with the following amendments, to move 9D FOIA Fees to 8I FOIA Report. Motion passed.
5. Motion by Keefe, 2nd by Dew to approve 4/13/15 Meeting Minutes as submitted. Motion passed.
6. Public comment opened at 7:07 p.m. closed at 7:07 p.m.
7. Motion by Hafler, 2nd by Keefe to accept Fire Department Report for March 2015 as submitted. Motion passed.
8. Motion by Hafler, 2nd by Keefe to accept Supervisors Report and Utilities Report as submitted. Motion passed.
9. Motion by Giszczak, 2nd by Keefe to authorize warrant # 15982 - # 16110. Roll Call: Aye: Dew, Giszczak, Howard, Keefe. Nay: Hafler, Thornton and Todd. Absent: None. Motion passed.
10. Motion by Hafler, 2nd by dew to add Rehmann to the prepay list effective immediately. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe, Thornton and Todd. Nay: None. Absent: None. Motion passed.
11. Motion by Hafler, 2nd by Thornton to accept the Assessor Report for March 2015 as submitted. Motion passed.
12. Motion by Howard, 2nd by Giszczak that Peter Hafler, having made a series of Freedom of Information Request, which he insisted be provided as hard copies for which has been the practice and policy of the Township to charge \$0.10/page rather than accept scanned copies that are free to all individuals making FOIA Requests of Augusta Township pay the full fee of \$346.60 within 30 days that would be charged if he were not a member of

the board of Trustees. Roll Call: Aye: Giszczak and Howard. Nay: Dew, Hafler, Keefe, Thornton and Todd. Absent: None. Motion Failed.

13. Motion by Hafler, 2nd by Howard to approve for the supervisor to sign and send to AT & T Right of Way Permit Extension, friendly amendment Giszczak accepted by Hafler to provide a copy for the clerk's office file. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe, Thornton and Todd. Nay: None. Absent: None. Motion passed.
14. Motion by Keefe, 2nd by Hafler to request supervisor contact Washtenaw County Building Department to inspect township hall to recommend safety and structural improvement recommendations. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe, Thornton and Todd. Nay: None. Absent: None. Motion passed.
15. Todd left meeting at 8:34 p.m.
16. Motion by Howard, 2nd by none to accept the resolution to enforce zoning ordinance.

RESOLUTION TO ENFORCE ORDINANCE COMPLIANCE

7672 JUDD ROAD, PROPERTY ID # T-20-16-100-006

SECTION 5.19 KEEPING OF FARM ANIMALS

RESOLUTION NUMBER 2015-XX

DATE PROPOSED APRIL 28, 2015

DATE ADOPTED APRIL 28, 2015

WHEREAS on June 21, 2012 Wayne and Diane Huntsman of 7672 Judd Rd. were served a 1st Notice of Violation of Section 5.19 Keeping of Farm Animals paragraphs 2, 3 5 and 8 (inadequate lot size, excess of animals based on size and type, inadequate setback, inadequate area for waste control and inadequate maintenance and accommodation of animals to avoid posing a nuisance, respectively).

WHEREAS additional notices and contacts from the Ordinance Enforcement Officer were implemented from June 2012 through at least July 2014 regarding this violation and the need to comply with the Ordinances of Augusta Charter Township, Washtenaw County MI.

WHEREAS the Ordinance Enforcement Officer and the Township Attorney assisted in facilitating a Leasing Agreement with adjacent property owner Robert Schultz to assist the

Huntsmans to lease property to pasture their horses in compliance with the allowances provided by Augusta Charter Township,

WHEREAS the Township Attorney notified the Huntsmans on August 8, 2014 that they were required to obtain a zoning compliance permit and submit plans for the construction of secure fencing as required by the Augusta Township Ordinances within 14 days, and

WHEREAS the Township Attorney in response on February 26, 2015 to FOIA Request 15-14 ***"We last followed up on this matter with Ralph [Pasola] back in September 2014. We understood that he was pursuing the Mallonen-Huntsman case, to the extent that it was still a live issue"***

NOW THEREFORE, the Augusta Charter Township Board hereby orders, resolves and directs that Wayne and Diane Huntsman must come into complete compliance with all requirements of the leasing agreement including obtaining the zoning compliance permit and having "secure fencing installed" as outlined by the Augusta Township ordinances and the Ordinance Enforcement Officer on or before June 30, 2015 [within 64 calendar days of the adoption of this Resolution].

THEREFORE, the Augusta Charter Township Board also hereby orders, resolves and directs that if such compliance is not achieved by June 30, 2015, that the Township Supervisor will issue a civil infraction citation for continued violation of Ordinance of Section 5.19, contact Animal Control for the removal of the animals and authorize the Township Attorney to present this to the District Court for judgment no later than July 10, 2015..

Upon roll call vote, the following voted:

Motion by Howard, 2nd by _____ to approve the Augusta Charter Township Resolution 15- ___ TO ENFORCE ORDINANCE COMPLIANCE 7672 JUDD ROAD, PROPERTY ID # T-20-16-100-006 SECTION 5.19 KEEPING OF FARM ANIMALS. Compliance to be met by June 30, 2015. Non- Compliance to result in the Township issuance of civil infraction, submission to District Court for Judgement and Request for Removal of Horses by Animal Control by July 10, 2015.

The Supervisor declared the Resolution adopted.

Supervisor

Certificate

I, Kathy Giszczak, the duly elected and acting Clerk of Augusta Charter Township do hereby certify that the foregoing Resolution was adopted by the Township Board of said Township, as presented at a meeting of said Board held on April 28, 2015.

Motion failed for lack of support.

17. Motion by Howard, 2nd by Giszczak to accept the February 2015 FOIA Report as submitted. Motion passed.

18. Todd returned to meeting at 8:40 p.m.

19. Motion by Howard, 2nd by Hafler to authorize Trustee Howard and Supervisor Hafler to work with Ralph Pasola from Carlisle Wortman on developing a written process for serving civil infractions. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe and Todd. Nay: Thornton. Absent: None. Motion passed.

20. Motion by Howard, 2nd by Keefe for Supervisor Hafler, Trustee Howard and Ralph Pasola of Carlisle Wortman to work together effective immediately on how to resolve the Mallonen Huntsman complaints, friendly amendment Giszczak accepted by Howard to authorize contacting township attorney as needed by consensus agreement between Hafler, Howard and Pasola, friendly amendment Todd accepted by Howard to inform Board of Trustees if they decide to contact attorney. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe and Todd. Nay: Thornton. Absent: None. Motion passed.

21. Public comment opened at 8:52 p.m. closed at 8:57 p.m.

22. Motion to adjourn by Howard, 2nd by Todd at 8:58 p.m.

Respectfully submitted:

Pete Hafler, Supervisor

Date

Kathy Giszczak, Clerk

Date