

ARMADA TOWNSHIP BOARD
23121 East Main Street
Armada, MI 48005

SPECIAL MEETING

September 5, 2017 7 p.m.

Special Meeting: Amended: 9/13/17

Call to Order: 7 p.m. by Supervisor Paterek

Pledge of Allegiance

Members present: Paterek, Finlay, Kanehl, and Swiacki. Smith arrived at 8:12 p.m.

Members absent: None

Guests: Attorney Christine Anderson; Seibert & Dloski, Dave Richmond Engineer; Spalding DeDecker, Rod Arroyo, Planner; Giffels Webster.

PUBLIC COMMENT(S): Supervisor opened public comment session stating that everyone will be given 4 minutes to speak. (Short synopsis of each speaker)

Monica Job-19040 33 Mile Rd, asked if each board member viewed the site. There are many violations from the zoning ordinance this site. Has a whole list of violations if anyone wants to see it. Zoning ordinance violations are not being brought to the public. Said supervisor does not bring full information to the board.

Ed Kerner-16695 Cobblestone West Blvd. Macomb Twp, he is owner of Fox Acre Farms, asked everyone to say name and address and speak up. Not a place to state anything about is his status as a veteran.

Carol Marcath-78601 North Avenue – has no problem with him farming the land. Tomatoes or vegetables he could have been doing that for that last few years. They used to lease the property Ed owns. Joe Salome purchased the property in 1997 to construct and replace wetlands, this project was never completed. It is her understanding that wetlands cannot be disturbed. It is in the best interest for everyone that the township to submit appeal to the MDEQ before September 7.

Dave Marcath -78601 North Avenue, has never seen such flooding in the last years. Has seen piles of dirt over the winter eroding into the river. Is there an ordinance about working a bulldozer seven days a week? Can't enjoy life. Have bombs, guns and machine guns shooting. Is not very happy.

Maria Gibson – 23233 McPhall, township ordinances were set forth to protect residents, wants township to appeal and enforce the ordinance violation before September 7. Asked for meeting minutes from August 24 and wondered where they were. Asked about appeal to the DEQ. Said supervisor ~~new~~ knew about this since 2014. If you don't enforce ordinance what is the point in having them.

Chad Baln-26245 29 Mile Rd., looked up data and for three years, there has been record amounts of rainfall. He lives in a flood plain. Asked if the DEQ is state authority or does township ordinance supersede? Have we met with the DEQ to discuss this project?

Jeff Burton-79779 North Avenue, is a witness to the flooding its up in his pasture and back of pond. Cannot walk creek anymore because there is three foot of sediment from this.

Steve Conroy-77155 North Avenue, lives south of issue, is concerned that it will effect downstream, wants land put back the way it was not to encourage more flooding in his area.

Mark Puls 22850 McPhall, his property backs up to property in question. Flooding on July 13 was the worst in last seven years. Drain management is his concern. Sediment is growing causing more of a spread. Finds it impossible for one activity to cause all this. Is Macomb County supposed to maintain the drains? What due diligence has been done? Has the flood zoning change based on lack of maintenance?

Ron Wandel- 79395 North Avenue, over the years we have had good size storms every year where the creek overflows. Takes less time before the creek over flow and it has not dried up all summer long. There is more water quicker.

Carol Marcath asked about grants to clean out the drains.

Al Patchek-23923 Irwin Rd., said article part 31 for every yard of dirt you have to replace someplace else is that correct?

Ed Kerner – there has been a lot of miss information out there. Shooting machine guns and blowing bombs is not true that is for the ATF. Wants to present resident with facts. Said can't fill in a flood plain its one for one, he has the cut sheets to show. There is not three feet of sediment caused by his actions. A survey has been done before and after. Took three years to get flood plain permit not one day. Everything is engineered, stamped and approved by MDEQ authority. Have only one regulated authority over a flood plain not two. Flooding is only caused by rain he cannot cause flooding. Calculations were done on the bridge culvert by engineers from state and private engineer, the bridge culvert is too small it backs up, said he opened up the drain and made a hydraulic connection from the creek to flood plain to lessen the flooding downstream when it backs up at the bridge.

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Supervisor was there for all of the meetings with the DEQ and drain commission and soil erosion on site. Aside from two stop work orders no one told Mr. Kerner he was doing anything wrong. He was just recently legally contacted by township ~~recently~~ from a letter from our attorney? He has his engineer present for any questions. Terry Constantine-21787 Armada Center, asked who his MDEQ storm water operator and who fills out the form. Ed Kerner - farms are not required to have a storm water operator. All engineering drawings have been approved. Supervisor indicated that Mr. Kerner's engineers are checking his own property. We would like our engineers to check the property at some point and provide us with as-builts. Mr. Kerner will provide as-builts when project is completed. Dave Richmond indicated that we are seeing more intense rain falls everywhere. They are starting to change calculations based on intense rain events then what they have been in the past.

NEW BUSINESS: McPhall Road – Zoning Ordinance Violation:

Attorney Anderson indicated that we need to determine what is causing the flooding. We need to do an investigation. DEQ is not going to do this. Treasurer Smith arrived at 8:12 to read report from the meeting held on August 24 at the Public Works Commission.

Motion by Kanehl supported by Finlay to contest the DEQ Permit based on the wrong tax ID number on the permit based on the flood plain issue.

Ayes: Paterek, Finlay, Kanehl, Smith, Swiacki

Motion CARRIED

Motion by Finlay supported by Swiacki to direct attorney to go after the violation of the construction as a private road which against our ordinance in this township in a similar fashion to what they did in Richmond Township.

Ayes: Paterek, Smith, Kanehl, Finlay, Swiacki

Motion CARRIED

PUBLIC COMMENT(S): None

ADJOURNMENT: Motion by Paterek seconded by Finlay to adjourn the meeting at 8:41 p.m.

Motion CARRIED

Mary K. Swiacki
Armada Township Clerk

John W. Paterek
Armada Township Supervisor

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