



Solon Township Hall
15185 Algoma Avenue NE
Cedar Springs MI 49319
616-696-1718

**Minutes of the Special Meeting of the Solon Township Board of Trustees
March 16, 2020**

Meeting called to Order by Supervisor Ellick at 10:08am.

Members Present: Robert Ellick, Mark Hoskins, Mary Lou Poulsen, Fred Gunnell

Members Absent: Arthur Gerhardt

Also Present: Township Attorney Mark VanAllsburg, Keith Sawade, Mr. & Mrs. Robertson

Discussion of situation regarding stop order for construction of building on Simmons.

Mr. Sawade asked the board what the likely results of the stop order will be.

Supervisor answered that it currently appears a judge may end up deciding that.

Mr. S asked what information the judge will need to see.

Supervisor: whatever pertains to Right of Way. Advised probably want to get a lawyer about that. Township has turned pictures over to our litigating attorney.

Mr. S: what is a typical timeline.

Supervisor: depends on the judge – recent matter has taken 2 years to get close to a resolution. Starts with tickets and goes from there. Stop orders may be handled differently by a judge because it involves access.

Mr. Robertson: Is this issue a safety issue? Now propane company won't deliver their propane because of the road condition. They expect the township to require the same of Mr. Fosburg to follow ordinances as they were previously held to. They've kept a log of communications with Mr. Fosburg. Had been polite up to know – getting a little more testy. Mr. Sawade blocked the road with vehicles to keep it from being destroyed with heavy machinery.

Mr. R and Mr. S stated they understand they are all responsible to fix the road, but what will keep Mr. F from ruining it?

Supervisor: Mr. F has been told he needs a current survey and have it staked.

Mr. R: has a survey with stakes for the easement (Roosien). Starting to worry Mr. F. will get overly upset with them.

Mark V.: there are 2 separate issues. Private responsibility: folks with common easement to maintain it and problems concerning trespassing, or other inappropriate actions. That is a Civil matter as are issues concerning joint easement arrangements such as the early 1990's agreement.

Public responsibility:

Township is only involved where it concerns public health, safety, and wellness. Emergency access without jeopardizing our emergency service providers (such as unsafe bridge). This is a non-conforming private roads in existence prior to township ordinances so residents have legal right to still use it, but have to have ability for emergency vehicles to safely get to new structures.

Range of possibilities – township says he can't build – can he get variance – ZBA can give waiver, but need compelling justifiable reason. Robertson waiver several years ago was done but not in the way the township

recommended. So if it goes to ZBA, they can require certain things – such as township personnel will not respond to emergency situations. ZBA can impose some minimal road standards. It is a frustrating situation, but Twp can only address what affects health, safety and wellness. If the variance ties it to emergency response, he'd have to sign off emergency response. Neighbors have to deal with the rest of the problems.

Supervisor: Judges tend to want to give more chances to residents to correct their offenses, but if the court orders are ignored, will likely come down hard on them. That turns a criminal infraction into a criminal misdemeanor.

As far as condition of road – Township has moved to Stop construction and issued more than one stop order. Court could tell owner them to pull out what has already been built, especially if it has been built in wrong place, which appears this may be. Reason for Building Code – this case they are working without regard to code AND building process requirements.

Mrs. R: have records showing have followed what was required by township to maintain it.

Mr. R: Mr. F keeps them from being able to fix the road.

Mark V: again advises they get a lawyer involved.

Mr. S: Mr. F is destroying their road.

Mark V: residents have a road that the township is not involved with except to make it safe for emergency access. Township is following through on their stop order. We have that right and authority. That won't be sufficient to solve all the residents' road issues. Advised again to get an attorney with knowledge of real estate and litigation law to attempt to stop destruction of the road.

Mr. S: can we call police if they violate building stoppage?

Mark V: can try that, not sure if they would do anything.

Mark H: if appealed and he signs waiver for Emergency Service, can he still sue?

Mark V: yes, but township a lot less vulnerable then.

Mark H: is the waiver recordable?

Mark V: can be made a recordable document.

M&M Robertson and Mr. Sawade left the meeting at this point.

Discussion on closing the office in view of the Coronavirus situation. Office to be closed from March 17 to April 6 with employees working behind locked doors and by telephone and email. Posting as Public Notice.

Motion by Ellick to reschedule the regular March board meeting and the Budget Hearing to Thursday, March 26 at 7:30pm, second by Hoskins. Motion carried 4-0.

Mark H: question to attorney – can township add language to our requirements to prove developments and land owners who allow dumping/knifing on their land are following State requirements for levels of PFAS, etc.?

Mark V: will look into that.

Motion to adjourn by Ellick, second by Gunnell, carried 4-0. **Meeting adjourned**