

December 11, 2014

Special Meeting of the Essex  
Township Board

## Essex Township Clinton County, Michigan

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Carla Wardin, Supervisor  
Angela Bunn, Clerk  
Kathy George, Treasurer  
Rex Ferguson, Trustee  
Aurelio (Hank) Zamarron, Trustee

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### 12/11/2014 SPECIAL MEETING

Township Supervisor Carla Wardin called the meeting to order at 8:00 pm in the Bengal Township Hall. This meeting was held jointly with Bengal Township and Dallas Township. She began the meeting with the Pledge of Allegiance.

### ROLL CALL

Present: Supervisor Carla Wardin, Trustee Rex Ferguson, Treasurer Kathleen George and Clerk Angi Bunn  
Absent: Trustee Hank Zamarron

### BENGAL AND DALLAS TOWNSHIP BOARDS

Bengal Township Board: Steve Mahoney, Supervisor; Deborah Schafer, Clerk; Denice Schultheiss, Treasurer; Marilyn Irrer, Trustee; Elizabeth Ayoub, Trustee  
Dallas Township Board: Vern Feldpausch, Supervisor; Therese Koenigsknecht, Clerk; Gerald Arens, Treasurer; Philip Schafer, Trustee; Stephanie Schafer, Trustee

### INVITED GUESTS

William Fahey, Attorney; Chris Patterson, Attorney; Gordon VanWieren, Attorney for Bengal Township

### VISITORS

Judy Huhn, Ken Farley, Kathy Farley, Tom Thelen, Jane Theis, Tyler Theis, Tom Irrer, Diane Hart, Frank Hart, Robert Boettger, Stephanie Schafer, Lori Conner, Chris Conner, Dennis Morrison, Jon Morrison, Dan Rademacher, Tom Miller, Jill Feldpausch, Rene Rosenbaum, Cherie Anderson, Jack Anderson, James Gavenda, Gerrie Dixon, John Dixon, Steve Pung, Marcia Pung, Ralph Armbrustmacher, MaryLu Boettger, Gerald Arens, Phil Schafer, Louise Ferguson, Lynn Ferguson, Ron Wieber, Jim Rademacher, Kathy Boak, Duane Pung, Jeremy Boak, Kurt Koenigsknecht, Darlene Miller, Rodney Platte, Steve Pung

### Background

Attorney Bill Fahey gave a brief background of the Forest Hill Fowler Farms LLC. court case, including the decision issued by the Michigan State Court of Appeals. The unpublished decision upheld the decision made by Judge Tahvonen in the Circuit Court,

ruling that the Township's Police Power Ordinance looks like a zoning ordinance.

#### CLOSED SESSION

George motioned to convene a closed session to consult with Township Attorneys regarding trial strategy specific to the Forest Hill Energy Fowler Farms LLC. court case. The motion was supported by Ferguson. Roll call vote: Supervisor Wardin – Aye; Trustee R. Ferguson - Aye; Treasurer George – Aye; Clerk Bunn – Abstains citing a conflict of interest, however, there being no objection from the Board, the Clerk continued as record-keeper for the closed session. Motion passed and carried. Supervisor Wardin convened the closed session at 8:10 pm.

#### RECONVENE

Bunn motioned to reconvene the open meeting at 9:10 pm, support by George. Motion passed and carried (MPC).

#### Approval of Attorney recommendations

Supervisor Wardin motioned for Essex Township to approve the recommendations made by the Township attorneys during the closed session, which would include appealing the decision of the Court. Motion supported by George. Roll call vote: Ferguson – aye, George – aye, Wardin – aye, Bunn abstains. MPC.

#### VISITOR COMMENTS

Dennis Morrison – Essex Township resident – expressed concern regarding the expense to the Township of the ongoing litigation.

Steve Pung – Bengal Township resident – expressed appreciation and encouragement to the Boards, encouraged them to continue the fight against the wind turbines.

Rene Rosenbaum – Bengal Township resident – thanked the Boards for protecting homeowners' rights. Inquired how the Townships could form their own Planning and Zoning Boards. Upon Township Boards' approval, Attorney Fahey addressed the question, briefly explaining the process of forming a planning and zoning ordinance.

Andrew Boettger – Essex Township resident – wondered what the process will be from here, how long the Townships would pursue this issue.

Cherie Anderson – Essex Township resident – spoke to the cost to taxpayers if the wind turbines are built – costs in increased energy prices, property devaluation, etc. Asked the Township Boards to continue protecting residents from wind turbines in this community.

Marsha Pung – Commended the Boards for protecting their residents, expressed disappointment that the County did not protect residents from the health hazards posed by wind turbines. Pung believes the Boards' chose the correct course of action in continuing to pursue the issue.

Rene Rosenbaum – Wanted to know who will be representing the Townships in Court.

Dennis Morrison – Objected to what he sees as a 'political delay'.

Ken Wieber - Dallas Township resident – Commended the Boards in their addressing this issue, and spoke to the overall cost of doing nothing, including health, safety, and economic costs.

Dan Rademacher – Bengal Township resident – Believes the County 'missed the ball' on this issue. He thanked the Boards for their actions thus far, and expressed concern as to how the wind turbines may affect his handicapped child. He believes this issue has drawn some of the community together, what he calls the majority, in a fight against the wind turbines. He encouraged the Boards to develop local zoning ordinances.

~~Unknown male visitor~~ Greg Eichorn – Believes the people should be able to vote whether taxpayer money should go toward paying attorney fees for this issue.

Paul Armbrustmacher – Essex Township resident – Said if the wind turbines are built, everyone will be paying to operate them.

Dennis Morrison – again expressed concern over the cost of the legal fees to the Townships.

Robert Boettger – Bengal Township resident – Expressed concern that his Township (Bengal) has spent more than \$20,000 in legal fees over this issue, inquired as to whether the Township could withstand the expense.

## ADJOURNMENT

There being no further business before the Board, George moved to adjourn the meeting at 9:40 pm. Support by Ferguson. MPC.

The next regular meeting of the Essex Township Board will be December 17, 2014 at 8:00 pm at the Maple Rapids Community Center.

Respectfully submitted,  
Angela Bunn  
Essex Township Clerk