Meeting Minutes

Pine Township

Planning Commission

A meeting of Pine Township Planning Commission held at Pine Township Hall 7900 W. 2nd Street, Langston, Michigan on December 20, 2021.

1. **Call to Order**

Meeting called to order at 5:01 p.m., by Scott Millard, followed by the Pledge of Allegiance

Attendees

Attendees include: Bob Behrenwald, Gary Christensen, Jamie Gorby, Dan Main, Scott Millard, Tyler Nadeau

Members initially not in attendance

 Chris Bell (At 5:05 p.m., Chris Bell in attendance)

2. Approval of Agenda

 Moved by Bob Behrenwald; supported by Dan Main. All were in favor

 MOTION PASSED

3. Approval of Minutes

 December 14, 2021

Moved by Tyler Nadeau; supported by Jamie Gorby. All were in favor

MOTION PASSED

1. Old Business

(None)

Gary Christensen inquired whether Mr. Millard should settle an issue from last meeting.

Mr. Millard concurred

Reference made to the Bylaws Page 2 E. Incompatibility of Office

1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

(e) Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.

Discussion had regarding conflict of interest related to family members having signed wind energy lease agreement(s), at which time Mr. Millard turned the meeting over to L. Abdoo. L. Abdoo explained the bylaw to the PC and stated there are two schools of thought regarding interpretation of “conflict,” risks associated with conflict, and PC to establish if conflict exists, at which time Tyler Nadeau voluntarily recused himself from working on the wind ordinance at 5:14 p.m. and elected to take a seat in with constituents. L. Abdoo advised a vote was not necessary in a recusal scenerio . More discussion had among the PC members regarding tie votes. L. Abdoo informed PC that any tie vote is a failed motion.

Robert Scott requested to raise a point regarding recusal, and Scott Millard requested he wait until public comment.

5. New Business (Wind Ordinance continued)

L. Abdoo advised that changes in “red” are new changes to wind ordinance requested by the PC on 12-14-21.

 Section 2.03

 Body of Water: “A lake, pond, river, stream, or any other area which is permanently covered by water but does not include a human-made drainage or irrigation channel, lands that are seasonally covered by water or lands which may be subject to intermittent flooding.”

Bob Behrenwald raised a question regarding Page 5, Section 5 (iv). He would like the word “natural” added to bodies of water. L. Abdoo asked if that change is to be made to the definition section, and Bob Behrenwald confirmed he would like that changed in the definition section.

Gary Christensen requested “wetlands” be added. L. Abdoo advised wetlands is a natural body and indicated the site plan needs to include a depiction of all wetlands from EGLE and approval. Bob Behrenwald requested “wetlands” also be included in the definition section.

Scott Millard inquired whether a final vote will be taken on changes. L. Abdoo advised that this is a “working draft” and will be revisited and voted at some point in the future.

Bob Behrenwald referenced Page 11

 5. Commercial WECS:

 (a) whether “natural” will be added to “body of water”

L. Abdoo confirmed change will be made to each reference to “body of water.’

 Generated from comment at the 12/14/21 meeting, L. Abdoo modified

Section 2.15

 Non-Participating Parcel: L. Abdoo struck the phrase “within the Township” from definition such that the definition will apply to a parcel of land, whether or not it is within the Township.

Section 2.17

 Participating parcel: L. Abdoo struck the phrase “within the Township” from the definition such that the definition will apply to a parcel of land, whether or not it is within the Township.

 Page 3, L. Abdoo added:

 Section 2.20

 Tip Height: “The height of the turbine with a blade at the highest vertical point.”

 Page 4, generated from public comment as well as PC member discussion from

12-14-21 meeting regarding use of “substations” to be the same type of land use as office, manufacturing, “substations” or sales buildings related to WECS without need of a special land use permit within the Commercial/Light Industrial zoning district but would still have to comply with the general building requirements in the underlying zoning district. L. Abdoo added that language to Page 14 (r).

At the request of PC member from the 12/14/21 meeting, L. Abdoo added language to Fire and Emergency Plan, Page 8 (16) “The fire and emergency plan shall also include information establishing that there is adequate access to local fire and emergency vehicle resources and/or fire suppression equipment on each turbine to suppress any fire or emergency including fire within the frame and housing at the top of the turbine.”

L. Abdoo added language at the request of PC member from 12/14/21 meeting, Page 8 (21) Hydrological and Groundwater Impact Study: … “and groundwater impact” …

… “hydrological study and groundwater impact study” … “The Commercial WECS shall make reasonable efforts to minimize adverse impacts on water quality and soil erosion, particularly during the construction phase of the project.” …

PC discussion from 12/14/21 related to “setback” Page 11(5)(a) L. Abdoo did not make any change to setback or tip height. Added language to clarify which would apply to setback “whichever is greater.” Also added waiver language requests by PC “Setbacks may be waived by non-participating properties if such record owners have signed a release, which must be recorded with the Montcalm County Register of Deeds.”

L. Abdoo addressed sea level language from meeting of 12/14/21 Page 12(b) Maximum Height: … 1200 feet above sea level or 300 feet from the ground, whichever is less.”

Page 14 (r) Substations (this was discussed previously in the minutes)

At the request of PC member from 12/14/21 meeting, L. Abdoo added language to Page 14 (b) Insurance: … “environmental damage” …

Page 15(v) dealing with financial security: “five” years was changed to “three” years each time this was referenced in (v)

L. Abdoo referenced Page 16 (3) related to PC discussion from 12/14/21

“All underground wiring for the removed turbine or components must be removed upon decommissioning”

Page 16 (7) “The property owner may waive the complete caisson removal and remove the caisson to a depth of eight feet if the property owner signs a waiver that is recorded with the Montcalm County Register of Deeds.”

Page 16 (e) Escrow Account. … “at Community First Federal Credit Union” …

L. Abdoo covered all the requests PC members made from the 12/14/21 meeting and opened the meeting up for PC comments, questions, concerns.

Bob Behrenwald had questions regarding “light industrial” L. Abdoo explained it is identifying the zoning districts within the township.

Scott Millard stated that “substations” will be overridden by county building code. L. Abdoo agreed, but L. Abdoo said Township has authority over the actual zoning location setbacks for that building.

Scott Millard asked if anything would have to be rezoned. L. Abdoo advised and clarified; rezoning has its own approval process, amendments, public hearing, et cetera.

Gary Christensen asked about depth of wires. L. Abdoo directed PC to Page 13(l)

Scott Millard asked why 20’ is used. L. Abdoo advised that’s what Sidney Twp used. Discussion and concerns raised.

Scott Millard expressed his concern that Pine is being more restrictive than Sidney.

Dan Main commented he and PC looked at the Sidney Ordinance because it hit all the bases and viewed it as a safe, restrictive ordinance and other Montcalm County townships are struggling to find their footing on a starting point. Suggested we take Sidney Ordinance and make a few more things a little more reasonable, and maybe other townships will look to Pine’s ordinance as a model when they wouldn’t otherwise even consider using Sidney’s because of restrictiveness. Suggested lightening up setbacks, height, and 20’ ground.

Scott Millard and Bob Behrenwald concurred.

Scott Millard likes Sidney because it hit all the bases but believes Pine has become more restrictive than Sidney.

L. Abdoo reminded PC they were using Sidney as the starting point, but what works in one township doesn’t work in every township and revisions can be made. Encouraged PC to address concerns they have and weigh what is important and what’s not as important, what the Board may think, and draft an ordinance that everyone is comfortable with that strikes a balance regarding health, safety, welfare and what makes sense for what Pine Township feels is important.

Scott expressed that an ordinance is a starting point and is revised from time to time as times change.

Chris Bell asked how long it had been since ordinance was revised.

Bob Behrenwald thinks we can lighten it up and get it right, not in a rush.

Scott Millard is concerned Board will reject this draft.

L. Abdoo explained the Board can either approve an ordinance as is, approve it with amendments, or reject it and send it back to the PC with further instructions and changes. From cost benefit standpoint, it is to the Township’s advantage to draft something that everyone is comfortable with that also considers public comment and what the Commission and Board feels is appropriate, which will avoid additional attorney fees. L. Abdoo suggested a joint meeting between PC and Board.

Scott Millard thinks that might be a good idea and isn’t comfortable sending this draft to the Board.

Dan Main inquired what a joint meeting would look like.

Jamie Gorby commented that her understanding of the PC’s responsibility was to draft an ordinance within the PC role and not in conjunction with the Board.

Bob Behrenwald agreed and suggested changing some of the real strict provisions. Bob Behrenwald would like to see the height a little larger, maybe 400’.

Discussion had regarding survey heights of 400’ and two-thirds of the people didn’t want them at all.

Scott Millard suggested we take some time to go over what was accomplished tonight, take some notes and asked L. Abdoo how a joint meeting with the Board is achieved.

L. Abdoo advised regarding noticing it out. L. Abdoo concurred that Jamie Gorby is correct; PC has responsibility to develop the ordinance and work through it. Purpose of joint meeting would be to get guidance. Township Board are the elected officials and are responsible to the constituents as a review, but PC is appointed, and that’s why Board has final approval over adoption of ordinance. Joint meeting and public comment might allow PC to get a better footing as to what direction is most appropriate to go, and then PC continues independent of the Board.

Dan Main feels it important to determine where the PC stands first and then maybe a joint meeting to present the draft to Board, get feedback that address concerns the Board may have. Dan Main feels it is important for PC to know where they stand on key issues.

Scott Millard suggested they address key issues and determine if they are comfortable with the numbers.

Dan Main suggested establishing a list of items to consider. Scott Millard agreed.

PC members referring to Page 11 (5)(a) Setback.

PC discussed setback from body of water.

PC discussed Page 11 (5)(b) Maximum Height.

Scott Millard requested clarification of the term “sea level.” Lengthy discussion ensued.

Gary Christensen sought clarification of (c) “over and away” L. Abdoo clarified blade is to be set back from a structure or out and away from a structure.

Scott asked if PC had additional questions on Page 12.

Gary Christensen had questions about lighting when it is foggy. L. Abdoo suggested PC could request there be lighting more visible based on weather. This may require additional research if the Township has concerns.

Gary Christensen was concerned about migrating birds in the area. L. Abdoo explained that setbacks from lakes address some of the concern.

Scott Millard asked if PC members had questions on Page 13.

Jamie Gorby referred to (l) decreasing depth of lines below grade and inquired if PC could reach a consensus now.

Discussion had regarding lines and caissons.

Dan Main suggested 10’ being a more reasonable depth. Discussion ensued. Dan Main had a question regarding access drives of 1,000 from non-participating parcel. L. Abdoo said non-participants across the road would have to sign a waiver if less than 1,000’ from non-participating parcel. Dan Main asked if substation is included in decommissioning section. L. Abdoo advised she could add language depending on township concerns. Theoretically, a substation building could be sold and used for another commercial use unrelated to turbines.

Gary Christensen asked for clarification on waiver related to decommissioning. L. Abdoo advised it would give the property owner control over what can and cannot be removed. L. Abdoo advised that waiver would be signed as part of application process.

Referencing Page 16 (7) Jamie Gorby and Dan Main have concerns for future generation protections and suggest taking out the waiver related to decommissioning of caisson removal.

Jamie Gorby directs PC members back to Page 11(5)(a) Setback (b) Maximum Height.

Scott Millard feels setback from property line of non-participating landowner or road right-of-way is excessive.

Dan Main suggested perhaps 2,640 would be more reasonable.

Discussion also had related to 2.5 miles from body of water and acquiring a map of bodies of water.

Dan Main has software that may be helpful in determining where bodies of water, drains and elevations are located to aid in determining setbacks from water.

PC members agree setbacks from bodies of water should be greater.

PC members agree that zero shadow flicker is important for non-participating parcels.

Jamie Gorby sought clarification on 300’ tip height.

Judy Graham interjected 320’ was average from Pine survey.

Scott Millard asked Tyler Nadeau about survey numbers. L. Abdoo reminded Scott that Tyler is unable to participate.

Scott Millard is concerned that the Township Board won’t approve 300’. Scott wants to talk to other people regarding 300’.

Jamie Gorby suggested bumping it up to 350’.

Leslie Rydahl reminded PC that they also have added waivers and Sidney has no waivers.

Scott Millard is concerned about height.

Dan Main clarified that, if 320’ is the average height and the majority of survey respondents wrote in 400’, he’s supportive of 350’ tip height.

Bob Behrenwald agreed.

Discussion had regarding turbine heights in other counties. Albert Jongewaard interjected a height of 290’ is hub height and blade is in addition. Albert stated there is not a single turbine in the state that is 290’ tip height. Dan Main inquired of Albert whether there are any in the entire state? Albert Jongewaard confirmed there are none in the state.

Dan Main suggested voting on tip height.

Scott Millard stated he doesn’t have a number to put in there.

Gary Christensen asked who comes up with waiver language. L. Abdoo advised it is a contract between the owner of the facility and the landowner.

Scott Millard clarified that waivers won’t affect the tip height of turbines.

Dan Main proposed 350’

Dan Main moved to change tip height to 350’; Bob Behrenwald supported. Roll call vote: Bob Behrenwald, yes; Gary Christensen, yes; Chris Bell, no; Scott Millard, yes; Jamie Gorby, yes; Dan Main, yes.

MOTION PASSED

L. Abdoo asked for clarification on removing language of 5x tip height of each turbine or just utilize half-mile language.

Dan Main stated the wording right now is to disregard it. L. Abdoo suggested PC could reduce to 4x or 3x, depending on what PC is considering. L. Abdoo also stated PC could just have it read “half-a-mile” regardless of height.

Dan Main suggested keeping language in and Jamie Gorby agreed.

Scott Millard clarified a change from 3,000’ to 2,640’.

Bob Behrenwald advised Scott Millard PC does not need to vote on changes because this is not in final ordinance form. L. Abdoo advised there should be a consensus on the draft. Bob Behrenwald stated that it is not an ordinance, simply a piece of paper. L. Abdoo reiterated it is a draft that will ultimately be voted on in its entirety.

Discussion among PC members.

Bob Behrenwald agrees with 2,640’.

Jamie Gorby moved to change setback to 2,640’; Dan Main supported. Roll call vote:

Bob Behrenwald, yes; Gary Christensen, yes; Chris Bell, no; Scott Millard, yes; Jamie Gorby, yes; Dan Main, yes.

MOTION PASSED

Jamie Gorby stated PC is looking into the 2.5 miles from body of water. L. Abdoo will make changes and highlight areas that will be topic of discussion next meeting.

Jamie Gorby has a question on Page 16(7) regarding waiver regarding complete caisson removal.

Jamie Gorby moved to remove waiver language in (7); Dan Main supported. Voice vote: All were in favor.

MOTION PASSED

Gary Christensen wanted to revisit bylaws and asked L. Abdoo why conflict wasn’t put to a vote. L. Abdoo advised that it was a voluntary recusal by commissioner on his own initiative and referenced E (1) [e]

Gary Christensen stated that the character of the commissioner speaks for itself and always has held the interests of the Township and the people of the Township in the highest of standards. He would rather have him sitting down there (gesturing) than sitting out there (gesturing) and would like to take a vote. L. Abdoo advised she is only giving her legal advice.

Additional discussion among PC members.

Jamie Gorby wants to make sure Tyler is being protected and that the work of the PC on the ordinance is protected.

Gary Christensen stated that Tyler could still have the choice if he wants to recuse himself, although Gary Christensen stated it is not necessary.

Bob Behrenwald agreed.

Scott Millard stated, if it was going to be done, he had to have a motion and roll call vote.

\* Gary moved to reinstate Tyler Nadeau on the PC and do something to the wording of the bylaws.

Additional discussion among PC members

(Motion was never seconded)

L. Abdoo read a portion of the bylaw (2) “If there is a question whether a conflict of interest exists or not” … L. Abdoo said, if a conflict does exist based on the language of the bylaws, then there is no vote. Also advised that is referenced in the Planning Enabling Act. If there is no question, then there is no vote by the Commission and the proper course of action is for the commissioner to recuse. Further stated that opinion of character of commissioner does not negate the bylaw.

Jamie Gorby clarified with L. Abdoo that, just because the Commission would like to reinstate, does not mean the PC has that choice.

Leslie Rydahl interjected with a question to L. Abdoo, recalling research having been done that supports a change in bylaws at any point. L. Abdoo clarified she did not do that research but advised that bylaws can be amended at any regular or special meeting, by vote.

Bill Drews suggested, if the PC is considering changing the bylaw that recusal would be during the permitting phase. Bill Drews reiterated that, if PC feels he would be rational and objective through the process, then the permitting stage would be the appropriate time to recuse.

Robert Scott stated he thought the reason Tyler is conflicted is because of a familial relationship and not every bylaw has that provision. Eliminate the conflict by eliminating the familial relationship language and further stated that Tyler does not have a lease. Suggests not waiving the conflict, but fashioning the bylaw to allow him back in. Just because his grandfather has a lease does not create a conflict for him.

Jamie Gorby asked L. Abdoo the correct procedure to amend the bylaws.

L. Abdoo advised a motion, a second, and vote, with a supermajority to pass, requiring five to approve change. Cautioned PC that they need to be very clear because the document will have to be amended at some point, at which time she quoted subsection (e).

Dan Main moved to stop at siblings and parents. Remove grandparents and grandparents in-law.

Discussion had among PC members and L. Abdoo regarding amending the motion or postponing a decision or resolve it now.

More discussion had among PC members.

L. Abdoo reiterated it was her legal opinion, based on the current bylaw, there is no question whether there is a conflict. L. Abdoo recommended to amend the bylaw to address the conflict before a vote to reinstate the PC member.

Dan moved to remove grandparents and grandparents in-law and wants to keep all other language; Jamie Gorby supported. Roll call vote:

Bob Behrenwald, yes; Gary Christensen, yes; Chris Bell, yes; Scott Millard, yes; Jamie Gorby, yes; Dan Main, yes.

MOTION PASSED

L. Abdoo referred PC members to Page 3 (2) and recited the language.

Jamie Gorby moved that there is not a conflict of interest; Gary supported. Roll call vote:

Bob Behrenwald, yes; Gary Christensen, yes; Chris Bell, yes; Scott Millard, yes; Jamie Gorby, yes; Dan Main, yes.

MOTION PASSED

L. Abdoo advised that Tyler may still choose to recuse himself.

At 7:09 p.m., Bob Behrenwald excused himself from the meeting

1. PUBLIC COMMENT (7:09 – 7:45)

Leslie Rydahl asked if the Township has an insurance policy to cover a lawsuit if one is filed regarding turbines.

L. Abdoo advised public comment is not Q&A but would answer if the PC would like. L. Abdoo said she would need to review Pine Township’s insurance policy. L. Abdoo reminded PC that L. Rydahl is the recording secretary only and not an appointed member of PC.

Mike Rotter: Requests to have a copy of a working draft of the ordinance in the future.

Scott Millard replied that typically a draft is handed out once the PC has completed the draft.

Mike Rotter: Makes request that the PC compile results of survey and consider the results.

Judy Graham: Asked if setbacks from bodies of water are measured from shoreline.

Scott Millard: Recalled measurement being from the shoreline at the normal level for that body of water.

Steve Buchholz: Setbacks on lakes are to the ordinary highwater mark. Commented on Apex Energy Tour in Isabella County. Stated tour was open to anybody who wanted to go. He had the opportunity to be up close to turbines. Was disappointed that PC did not take the tour. Watched a turbine shut off when the shadow was near a house and turned back on after shadow passed the house. He went through Carson City at night and radar-controlled lighting eliminated red light flashing, other than cell tower lights. He feels Apex listens to concerns of people and, when reasonable, acts on those concerns. Another concern of his is the tax revenue to school system, emergency services, police agencies, colleges have millage assessments and turbines would have to pay, which amounts to a lot of money. Watched Lakeview schools struggle and has attended township meetings for 20 years and the Township is always looking for more money to come to the community. His primary concern is that the ordinance would be so restrictive as to end up in court or the state would step in. He would like to see a compromise in a wind ordinance. Also wants to recognize owner rights.

Scott Millard advised that we had to move on in public comment.

Vinny Trierweiler: Asked if Scott Millard would furnish L. Abdoo with a copy of the insurance policy regarding possible lawsuit with a restrictive wind ordinance so we don’t have to keep going over the same issue. Vinny Trierweiler asked Steve Buchholz how many hours he viewed the turbine and shadow flicker.

Steve Buchholz: Responded that it only took about six minutes.

Vinny Trierweiler: Stated that was not how the sun works.

Dawn Sweet: Feels as though there has been a significant shift from the work that was done at the last meeting and the track that’s being pursued this week. As a citizen, she does not feel protected or represented. PC was united in moving forward on the ordinance last meeting and feels something significant happened either individually or behind the scenes to change the direction. Stated this is a different Board (sic) than we had last week and is concerned. Stated it’s a misnomer that the township will be here no matter what is done. Other communities have suffered and ravaged by turbines. Communities are suffering, housing sales have decreased, taxes have plummeted, promised money from Apex has not come through. She wants to live in the country, not an industrial park. Besides aesthetics, there are a lot of significant health damages to individuals. Ordinances are made to protect individual citizens from what happens on other people’s property. Wants to see that kind of representation continue. Board and Commissions are supposed act on behalf of the citizens and represent them. Don’t be afraid of Apex. We can stand up to them. They are not a state corporation, and we don’t have a responsibility to them.

Shelley Grube: Reiterates what Dawn Sweet said; PC is completely different than last week. Last week audience members wanted to move to Pine Township because of the work PC was doing. Thankful for the work done last week. Reminds the PC where they were and understands compromise, but feels they’ve taken a step back. Asking PC to look at surveys paid for by taxpayer money. Majority of people do not want turbines here. Majority of people want a restrictive wind ordinance. Backing off 2.5 miles from lakes won’t protect natural resources in Pine. Just because natural resources are abundant doesn’t mean we cut back on setbacks to allow turbines. That won’t help the birds or natural resources. We are here to protect the resources.

Judy Rotter: Doesn’t want to say anything against Tyler if he inherits money from grandparent but doesn’t feel changing bylaws at the last second just to get someone in is a good move. Don’t adjust bylaws for each individual thing you’re voting on. You should stick to bylaw. Many of us have inherited money from grandparents.

Albert Jongewaard: Offers quick comments with respect to the ordinance the PC is discussing. He acknowledges nobody enjoys being in the township officials’ position. Seems to be a disconnect in understanding between how wind projects are built and designed and how they operate. Points for consideration: Access roads to wind turbines. Apex gives landowner final say on whether or not there’s a turbine and where that goes. They also have final say on access road. Not sure PC has authority to tell farmers where to build a lane or access road in farm fields. Traditionally, Apex works closely with landowner so access roads follow existing footprint, if possible, or works in a way where landowner uses -- whether farming field north/south, east/west – design access road to give greatest benefit to landowner so it’s a win/win. Apex needs access to the turbine and farmers need access to fields. Apex provides a nice road that’s done in coordination with landowner. States he’s happy the PC is stepping back from 20’; never heard of 20’ anywhere. Traditionally, it’s 5’ or 6’ which gets below existing pipelines and where tile may be in field. Still allows landowner to add tile or irrigation to existing field. 5’ to 6’ open trench so you can see where they cut tile. Done in conjunction with landowner. Wetlands – important especially Pine Twp and state land, wetlands and lakes. State of MI is one of two states in the country that regulate its own wetlands. He assures PC there will be a significant amount of detail in terms of state requirement before they’re allowed to build anything. Likely nine months to a year for permit process with the state in addition to what is in existence in the township already. Consideration when PC adjusting some of the regulations, there’s examples all over to look to for wetlands, setbacks from lakes. It’s regulated by EGLE, DNR, US Fish and Wildlife, EPA and Army Corps of Engineers. That’s all above and beyond what the township does. There are protections for birds and waterfowl. (Joe Hansen referenced bats) Albert then added there will be regulations for bats also, and studies will be provided to the Township. Albert commented that Joe can also read the studies that will be provided to Township.

Joe Hansen (Sidney Twp.) commented that the meeting last week people were applauding and thanking PC for great work. Assumed this week they would pass an ordinance. Now for some reason they are backtracking and worried about being sued. They (Apex) won’t win a suit and haven’t. No need for power here. Already had a judge tell you this. Backtracking looking like idiots. Could have passed an ordinance tonight. Worried about spending taxpayer money on more meetings. Pierson has restrictive ordinance and haven’t been sued. Sidney hasn’t been sued. Haven’t fixed roads in Isabella and the project has been done for a year. Asked Albert if roads were fixed yet. Albert said they were.

(Scott Millard redirected comment)

Joe Jansen: Gratiot Fire Chief said at fairgrounds that money Apex promised has not been forthcoming since sale to DTE. They (Apex) don’t care about us and will move down the road/traveling salesmen. PC has survey results (Pine’s survey) and Drews thinks he knows what’s best for community. Restrictive ordinance is what’s best for community and whole county.

Dave Bean: Comments regarding Tyler and personally, as taxpayer of Pine Twp, respects his opinion and thinks he’s qualified to make a safe ordinance for Pine Twp. Thinks Tyler is one of the few gentlemen in the Township that will do the right thing. Agrees with Bill Drews that Tyler would recuse at the proper time. Feels that Tyler is an asset to the PC. Suggests that Tyler takes a step back and reconsider participating. As a citizen of Pine Twp, asking Tyler to really look at it and feels Tyler is a benefit to the Board. Next, bantering back and forth, who knows if they will help the Township. We’re not here to cater to a certain contractor. Future is just beginning. Plenty of time. Heard 300’ over and over and over is what people are asking. Heard PC say they don’t want to be stronger than Sidney (Sidney Wind Ordinance) If you’re entering a battle and not willing to stand up, whether yourself or with everyone else, then step back and think about your position. Cannot be afraid of taking a stand. Country is based on taking a stand. Let citizens worry about taking the fall. Give guidance and direct what we need to do. Standing alone and being stricter is not a problem. Asked L. Abdoo last meeting if it (Sidney ordinance) is defendable. Asking again, if L. Abdoo is willing to put in a defendable ordinance, then why say it’s not defendable? She won’t let you write an ordinance that’s not defendable. That’s my opinion. Thank you.

Pamela Hemmes (Montcalm Twp): First thought was to agree to compromise, but safety can’t be compromised. If this Township doesn’t work and our (Montcalm) Township doesn’t work, because of lakes, to safely place turbines, then compromise is out. Only compromise until it affects people. Joe and others mentioned not being afraid of a lawsuit. Someone had expressed concern regarding state override. State of Michigan has not overridden any of the 31 ordinances or sued. Everyone already knows the one township sued won the case. Migrating bird issue, we’ve all heard or discovered that Douglass Township’s lawyer is on the PC or Board in Grand Haven Twp., and he helped pass 150’ height limit because of migratory birds. Walking around Turk Lake, huge gathering of geese to migrate. We have migrating birds. That’s all.

Melissa Bannen: If they’re so wonderful, wind turbines, industrial nightmares, why rush to let them in. If they’re so great with conflict, health issues and problems, they’ll be better in ten years. Pass an ordinance and relook at it in ten years, five years, three years. When it’s proved they don’t hurt people, headaches, migraines, blinking and noise – you can’t stand under a turbine and hear it. Go downwind to hear them. Go on an Apex trip and they can set it up how they want so it’s great. Talk to people that have health issues. Stated she has terrible headaches and hit by a car as a pedestrian, back and neck issues. Can’t stand the sound of a fan. Will have to move. A lot of people will move. Empty schools, so who cares about money coming in. Hardware stores and farmers will leave. People will leave because township is torn apart. Ask a neighbor for waiver and see how that will come across. Not the Christian beautiful township like it was when she moved here 15 years ago. PC can let greedy people disappear and let the person that’s dictating how we run our Township and say bye-bye. The 95 percent that don’t want turbines can live our lives. If three percent need money, they can get a second job. Do your job and consider that the minority want turbines, not the majority.

Tyler Nadeau: Recused himself this evening and thanked the Board for character support, community support and being a hopeful member of this community, which also goes along with his character wherein he’s not willing to spout everything in terms of family members, et cetera. People can have speculation, and that’s fine. That calls into question their character, not mine. Felt his duty was straightforward and said from the beginning he was on the fence and looking at both sides. Felt like he was representing residents of Pine Twp with best intentions and efforts. Uncomfortable with immediate change to bylaws. Feels it’s subjective to his situation or people’s perception of his situation. Unsure of whatever financial benefit he has coming in his life. Not counting on anything. Has his own life and career to make his own way and that of his children. He will consider his recusal and potentially continue to do so in the future.

Robert Scott: Last week talked about adding language to lighting requiring ADLS system and was unsure if that change was made, Section 5 (n) (L. Abdoo apologized for missing that change) to eliminate language that says “if approved by FAA” and change to “as approved by FAA” or something like that. If they would consider that next time. Ohio and Indiana considered state override. Ohio did adopt turbine citing and it was a complete debacle. They’ve backed off from that and returned control to locals. Indiana considered that in their legislature and rejected it because it’s a real problem taking control away from local entities. Addressing what Albert has said in the past and can’t let it go unchallenged. Albert said landowners under a lease have a right to decide whether to have turbines on their property, and that’s not what the lease says. Lease says they have a right to consent to the location of turbines on the property, but the consent cannot be unreasonably withheld. So they would have to have a good reason for not letting a turbine on their property. They can’t say, No, we don’t want one anymore. They cannot do that. State regulation of wetlands and bodies of water regulate what is in the body of water and do not regulate the setbacks from same. Township has complete authority to do so. Appreciates consideration of that.

Scott Millard: To be fair to Albert, do you want to respond?

Albert Jongewaard: Happy to acknowledge site-plan approval which is a requirement in our lease. Doesn’t exist in a lot of leases, but they require site-plan approval from landowner for the location of turbines and access roads. Bob can try to do legal maneuvers and change language but --

Robert Scott: Wait a minute. I’m not going to stand for that. I am not going to stand for that. That’s a lie.

Bill Drews: Mr. Chairman, take control of this meeting.

Scott Millard: All right, guys.

Albert Jongewaard: I’ll step back. We do have site-plan approval built into our lease. Something we expect of ourselves.

(Bantering among audience members)

Mr. Millard: All right, we’re going to have one more. Are we all done?

(Bantering occurs simultaneous to attempted public comment)

Mr. Rotter: Why do he --

(Outburst in the back of the room)

(Chris Bell and Scott Millard walk to the back of the room)

Mr. Drews: The authorities have been called (7:42 p.m.)

(Voices escalate and some constituents begin to vacate)

Mr. Millard: If there’s no more questions, we’ll have a motion to adjourn.

Mr. Rotter: If Mr. Al is so honest and upfront, why doesn’t he show us leases and be open. I think there’s a lot hidden in there.

Ms. Abdoo: Does anyone have any more public comment? Let’s get control of this meeting. Anybody else?

Mr. Millard: Okay. Is there any more questions?

(No response)

Public comment concluded at 7:45 p.m.

Chris Bell moved to adjourn; Dan Main supported. All were in favor.

MOTION PASSED

Meeting adjourned at 7:45 p.m.

Minutes submitted by:

Leslie Rydahl, Recording Secretary

Pine Township Planning Commission

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Recording Secretary Date of Approval