



KEENE TOWNSHIP Meeting Minutes

Wednesday, December 11th 7:00pm

Keene Township Hall

- I. **Call to Order-Flag Salute:** Lead by Corey Wojcik at 7:00 pm
There were 15 to 20 residents in attendance.
- II. **Roll Call.** Present: Wolff, Hendrick, Smiley, Wojcik, Melton. Absent: None
- III. **Approval of Agenda for meeting: Motion** by Hendrick, 2nd by Smiley. All in favor, Motion passed.
- IV. Approval of Nov 12th Board meetings minutes
- V. Approval of Nov 21st Boards special meetings minutes
- VI. **Motion** to approve Nov 12th and Nov 21st meeting minutes made by Smiley, 2nd by Wolff Yays:5 Nays: 0. Motion passed
- VII. **Acknowledgment of Foster Swift Representative (followed by Q&A from the board to follow up submitted questions along with legal guidance for the PC and new board)**

Keith Brown from the Mike Homier team at Foster Swift spoke on PA233, the area their firm covers and that they have added several clients over the past couple years in regards to wind and solar power plants as well as battery storage in area townships. PA233 is now in effect. No developer must go to the PSC, they can choose to go to the local Govt. for approval. They only have the option to go to the state if a township has a renewable energy ordinance that is not compatible with PA233. They can also go to the PSC if the twp. Has a CREO but denies the application or if there is a moratorium in place. Keene has 3 options 1. To have no renewable energy ordinance 2. To have a non-compatible renewable energy ordinance 3. To have a compatible renewable energy ordinance (CREO).

PA233 only has guidelines (in their interpretation) for Setbacks, Height, Glare and Noise. The PSC recently stated that a CREO can only regulate Setbacks, Height, Glare and Noise. He said this goes against the statute, Therefore, there is an appeal on that order and Keene along with 78 other townships has joined that appeal. But that law is in effect until it is appealed. It also says that if a chief elected official gets an offer in writing from a developer to have a meeting to discuss a site plan which they must do before they go to the PSC you have 30 days to tell them you have a CREO but that's not what the statute says. The statute says: they contact, have a meeting , then you have 30 days to let them know you have a CREO. There were 9 motions in the court of appeals just last week. However, Lease holders are pushing back. The court of appeals should move quickly.



Last month Keene adopted a CREO solar ordinance and there was a letter of intent to referendum which suspended the affective date for 30 days, which means the 2018 solar ordinance is in effect, which is noncompatible with PA233. The solar and wind moratorium expired Nov. 28. He then talked about the 7 resolution ordinances and the procedure in which the PC will review the overlay district.

This is a cleaner way to send a new ordinance and moratorium to prevent the township from approving an application. A moratorium will not stop a developer from going to the PSC for approval.

To maintain local control, we should adopt CREO renewable energy ordinances. As well as an overlay district ordinance for renewable energy. In essence the PC would remove the overlay part of the solar ordinance and have one overlay ordinance for all renewable energy projects.

Wojcik stated all ordinances start at the planning commission.

Keith responded that according to the zoning enabling act, the board is going to direct the planning commission to adopt resolutions and to hold a hearing by a certain date. The ordinances can be amended and adopted or rejected by the board.

Keith went on to answer the questions submitted by the residents (attached) answers are...

#1 There are 79 twps. in appeal. 5 have received offers from developers. I don't know the cost. Application instructions change the definition. The change may slow the process. Appeal means they cannot apply to the PSC yet. The PSC process should be slow. Twps have 120 days to approve an application once the twp. States it has a CREO. Local Govt may be a faster approval process than going to the PSC. The court of appeals has a big say in this and has never done this before. As far as subsidies, it depends on the grant and the deadline. The new US President could stop subsidies, but no one knows.

#2 It depends on which program or subsidy they are looking at. Returning subsidy payments depends on the specific program or grant conditions.

#3 An overlay district can help limit renewable energy projects and is compatible and rational if the land in the overlay district is useable for this purpose. This will reduce the risk of being considered exclusionary zoning. However, developers have the right to petition the gov't. to get their way.

#4 The 2018 Solar ordinance is noncompatible with PA233. The part in it that refers to 2mw is limited to residential. Not the commercial section. There is no limit on commercial Solar.

1 to 1 and ½ years but there is no way of knowing. If we lose, we can appeal



Repeal statute grants appeal need to in 6 months
Intervention fund if apps come in the meantime
Plan A was for twps. To pool resources, which can still happen. Challenging the PSCs interpretation of act can play out in any way.
Also, developers may come to township first. The township can negotiate, and the PSC could take years.

Wojcik voiced his concerns about moving the district away from leased ground because of “vested interest”

Keith responded that it is not vested interest until a substantial amount of construction has been done on the grounds and Keene should not worry about being sued over moving the allowed district.

Keith went on to say that the only thing we should look at when it comes to the allowed overlay district is that it must be useable ground, next to substations and power lines, not near residences and the acreage allowed can reflect and be dependent on the electric usage that the township needs.

Melton Pointed out that Keith referred to a demonstrated need being used to determine allowable acreage.

Keith He then talked about a formula to calculate the electric usage in the township and another formula to calculate electric generated per acre of solar in Michigan.

Melton stated that this had already been calculated and knowing that we can use this to determine allowable acres, it should be revisited.

Wolff: then asked if we were responsible for the needs of surrounding areas.

Keith's response is that he does not know that answer. Case law says a demonstrated need of the community, surrounding areas within the state. It's up to the one reading that as far as their interpretation.

Smiley: Stated that Mike Homier told us that having an overlay district makes it compatible. Then section 8 was added which made then definition of a CREO more fuzzy and skewed. Her question was if we have an overlay district, do we really have a CREO?

Keith: responded that 233 states that a CREO is no more restrictive than 226.8 as far as setbacks, height and noise. Their position is that townships can add other regulations while adhering to 233s rules on setbacks, height and noise. Things like location, decommission plan, fire and evacuation plan as well as an acreage limit to reflect the townships need are okay. There is some risk involved with limiting acreage to only what the township uses but other townships are doing this.

Wolff: Is a 500ft setback acceptable?



Keith: In a smaller project this can be considered irrational or exclusionary.

Bob Schafer: There are powerlines needed if a solar project comes to Keene twp. Can we regulate where the powerlines go with an ordinance? Possibly using an overlay district?

Keith: Yes. According to the statute powerlines, substations and a long list of other things needed for renewable energy projects would be governed by the associated ordinance.

Bob Schafer: It was the intent of the previous board to build setbacks into the overlay districts. Can we FOIA the state to see what grants or programs potential developers are in?

Keith: tentatively, yes.

Keith and Wojcik discussed the proposed ordinances and deadline dates.

Jason Hardy: It appears to him that the new board is going against the PC to move the overlay district away from their backyard. Isn't that making it exclusionary or "not in my backyard"?

Keith: No, it would need to be blatant and obvious. As long as the overlay district is rational and useable. Wherever it makes sense. With rational reasons. For instance, near power lines or substations, away from homes etc. And it needs to be useable ground.

Wojcik moved on to approving the recommended resolutions to the 7 ordinances that foster swift provided.

#1 RESOLUTION DIRECTING TOWNSHIP PLANNING COMMISSION TO HOLD PUBLIC HEARING AND MAKE RECOMMENDATIONS REGARDING DRAFT RENEWABLE ENERGY OVERLAY DISTRICT ORDINANCE BY TIME SPECIFIED of January 14th, 2025, motioned by: Wolff 2nd by: Smiley Yays:5 Nays: 0. Motion passed

#2 RESOLUTION DIRECTING TOWNSHIP PLANNING COMMISSION TO HOLD PUBLIC HEARING AND MAKE RECOMMENDATIONS REGARDING DRAFT ENERGY STORAGE MORITORIUM ORDINANCE BY TIME SPECIFIED of January 14th, 2025, motioned by: Smiley 2nd by: Wolff Yays:5 Nays: 0. Motion passed

#3 RESOLUTION DIRECTING TOWNSHIP PLANNING COMMISSION TO HOLD PUBLIC HEARING AND MAKE RECOMMENDATIONS REGARDING DRAFT SOLAR ORDINANCE BY TIME SPECIFIED of January 14th, 2025, motioned by: Hendrick 2nd by: Melton Yays:5 Nays: 0. Motion passed

#4 RESOLUTION DIRECTING TOWNSHIP PLANNING COMMISSION TO HOLD PUBLIC HEARING AND MAKE RECOMMENDATIONS REGARDING DRAFT SOLAR



ENERGY MORITORIUM ORDINANCE BY TIME SPECIFIED of January 14th, 2025, motioned by: Hendrick 2nd by: Smiley Yays:5 Nays: 0. Motion passed

#5 RESOLUTION DIRECTING TOWNSHIP PLANNING COMMISSION TO HOLD PUBLIC HEARING AND MAKE RECOMMENDATIONS REGARDING DRAFT WIND ENERGY MORITORIUM ORDINANCE BY TIME SPECIFIED of January 14th, 2025, motioned by: Wolff 2nd by: Smiley Yays:5 Nays: 0. Motion passed

#6 RESOLUTION DIRECTING TOWNSHIP PLANNING COMMISSION TO HOLD PUBLIC HEARING AND MAKE RECOMMENDATIONS REGARDING DRAFT WIND ENERGY ORDINANCE BY TIME SPECIFIED of March 7th, 2025, motioned by: Wolff 2nd by: Melton Yays:5 Nays: 0. Motion passed

#7 RESOLUTION DIRECTING TOWNSHIP PLANNING COMMISSION TO HOLD PUBLIC HEARING AND MAKE RECOMMENDATIONS REGARDING UTILITY SCALE BATTERY ENERGY STORAGE ORDINANCE BY TIME SPECIFIED of March 7th, 2025, motioned by: Smiley 2nd by: Hendrick Yays:5 Nays: 0. Motion passed

VIII. Public comment related to items on agenda

Bob Schafer stated that his sister Diane feels that she completed her services to bring the books up to standard.

IX. Treasures report; Motions as required

Hendrick stated that it is printed and there are copies on the table for everyone to have. She would like to investigate making a township investment policy to make our accounts more secure and proposed putting accounts in different banks that are FDIC insured.

Denny Briggs: Thanked Christine and encouraged her to get report cards on banks. He also offered to meet with her later to discuss the issue.

X. Clerks report (presentation of bills, motion to accept)

Melton discussed phone calls during the month and presented the bills.

Hendrick presented 2 additional invoices from foster Swift for \$1,091.60 and S&K Printing for \$165.00 to be voted on for approval. For a Total of \$9,600.23

XI. Reports

a. Planning commission: Denny Briggs

(i) Update on actions and meetings: Tentative the 16th

b. Zoning Administrator: Jeanne Vandersloot

(i) New applications and enforcements

XII. Committee Reports (Cemetery and Technology)

(Would like to start doing these quarterly starting January 2025 instead of monthly unless needed)



XIII. Supervisors Report

A. Old business: ARPA presentation to obligate funds by December 31st, 2024, deadline. Motion to accept the itemized AARPA expenditures as presented.

1. Motion to hire Ross at walker fluke to assist in AARPA reporting not to exceed \$500.00. Made by Smiley, 2nd by Hendrick Yays: 5 Nays: 0 Motion passed
2. Motion to approve the contract and enter into the engagement of the BS&A software upgrades to the cloud and integrate TAX, ASSESSING, ACCOUNTS PAYABLE, PAYROLL and GENERAL LEDGER into a combined package paid out of the ARPA Funds
made by Hendrick, 2nd by Smiley Yays: 5 Nays: 0 Motion passed
3. Motion to pay our two invoices to the Saranac Fire Department in full for the new Fire Truck that will be completed by the end of 2025 invoices paid in full out of the ARPA Funds
made by Hendrick, 2nd by Smiley Yays: 5 Nays: 0 Motion passed
4. Motion to approve the contract and enter into the engagement of Schumacher Website Development (one time cost) and 1 year of support paid for out of the ARPA Funds.
made by Smiley, 2nd by Wolff Yays: 4 Nays: 01 Motion passed
There was discussion by Jeanne. Hendrick and Wojcik before motion was made.
5. Motion to approve the contract and enter into the engagement of Ostrander Windows, Siding and Roofing Inc. to replace roof on hall paid for out of the ARPA Funds.
made by Smiley, 2nd by Melton Yays: 5 Nays: 0 Motion passed
6. Motion to approve the contract and enter into the engagement of Flat River Electric for electrical work on hall paid for out of the ARPA Funds.
made by Hendrick, 2nd by Smiley Yays: 5 Nays: 0 Motion passed

B. New Business

1. Acknowledgment of resignation letters from positions on the planning commission submitted by Christine Hendrick and Corey Wojcik



2. Appointing a new Board Rep to the Planning Commission (voted on by board then sworn in.) Wojcik recommended Nate Wolff. Hendrick made a motion to appoint Nate Wolff to the planning Commission, 2nd by Smiley Yays: 5 Nays: 0 Motion passed
3. Applications for Planning Commission rep to be on the Zoning Board of Appeals. 3 applications Cori Wilbur (PC rep), Mary Benedict and Jason Hardy. Denny Briggs was added during the meeting.
 - i. Hendrick made a motion to keep Mary Benedict on the ZBA, 2nd by Smiley Yays: 5 Nays: 0 Motion passed
 - ii. Wolff made a motion to appoint Jason Hardy on the ZBA, 2nd by Hendrick Yays: 5 Nays: 0 Motion passed
 - iii. Wojcik stated that the next person will be the PC rep. Cori is doing a great job with everything, the tech stuff. She is doing a lot, He states that she has two small children and His recommendation is to appoint Denny. He then asked for a recommendation. No one responded.
 - iv. Wojcik then recommended Cori Wilbur as the PC rep on the ZBA.
 - v. Hendrick made a motion to appoint Cori Wilbur as the PC rep on the ZBA, 2nd by Smiley Yays: 5, Nays: 0 Motion passed
4. Wojcik stated that there wasn't an application for the alternate position on the ZBA so we will revisit it later.
 - i. He then spoke about meeting with a group for BOR training last week. Next meeting March 7 and 11,
5. Re appointing Planning Commission members that have terms expiring. Denny Briggs, Ray Krieger, Matt Stahlin
 - i. Wojcik reappoints Denny Briggs 2nd Hendrick by Yays: 4, Nays: 1 Motion passed
 - ii. Wojcik reappoints Matt Stahlin 2nd by Wolff Yays: 4, Nays: 1 Motion passed
 - iii. Wojcik reappoints Ray Krieger 2nd by no on Motion failed
6. Applications for Planning Commission
 - i. Gay Haddix, and Nick Schmit
 - ii. Wojcik decided to hold off on appointing the 7th seat at this time.
7. Request for discussion/action for Budget Adjustment presented by Christine Hendrick



- i. Hendrick made a motion to adjust the budget to cover her deputy. 2nd by Melton Yays: 4, Nays: 0 Obstain:1 Motion passed
8. Request for discussion/action for Potential Grants available for the township by Christine Hendricks
9. Discussion on Paying the ZBA, Planning Commission and Board of Review members for 2024 once Jeanne has the totals compiled
10. Hall Rental discussion for extra revenue (see attached document) Moving Clerk Items and looking into insurance was discussed. Hendrick made a motion to move forward on making the Hall available for event rental, 2nd by Smiley Yays: 5 Nays: 0 Motion passed
 - i. Wojcik stated that the ZBA needs paid up by the end of the year, Hendrick and Melton agreed to get that done.
11. Discussion on continued work being performed by Diane after invoice received
12. Calendar for next year's meeting dates(see attached document) Wolff Motioned to change the March meeting to the 12th and accept the meeting dates. 2nd by Hendrick Yays: 5 Nays: 0 Motion passed
13. Acknowledgement of Mike Welch and wife for flag donation to the hall.
- XIV. Motion for adjournment Wojcik motioned to adjourn at 9:35pm. 2nd by Holli Melton Yays: 5 Nays: 0 Motion passed