

BALDWIN TOWNSHIP WORKSHOP

August 26, 2010

Present – Supervisors Larry Handshoe, Jeff Holm, Jim Oliver, Tom Rush and Jay Swanson.

Call to Order – The August 26, 2010 Baldwin Town Board workshop was called to order by Chairman Jeff Holm at 7:02 p.m.

Pledge of Allegiance – All present recited the Pledge of Allegiance.

Discuss Headwall/Obstruction Issues – Both Jon Bogart, township engineer and Troy Gilchrist, township attorney, were present.

Holm stated that during the public hearings the board received a lot of input. Now the board needs to work on a determination of what is a reasonable solution for the town, the residents and the board to reduce liability and be pro active.

Swanson prepared a drawing of culvert lengths. The township is running into steep ditches and not very long culverts. The township has a supplier that would be willing to put 20 foot chunks of culvert here at the town hall. Our guys can cut off pieces as needed. If residents can't have big boulders at the end of their driveways than the township needs to go through and remove rocks that had been placed by the township.

Gilchrist stated he would like to take a half step back and talk about the law and then go onto the issues. A resident questioned if it should be the county checking off on this and now be held half responsible? Bogart reviewed how the process of township inspecting driveways began and the issues that occurred when access permits were started. Rush stated that quite a few developers did not put in their own covenants. Gilchrist stated that the big issue is to determine if it is township road right-of-way. How wide is the road? Is the object truly within the right-of-way? How do township rights and private owner rights interplay? Is it truly interfering with the safety of the right-of-way? The immediate concern should be with vertical headwalls. The township has the authority to come up with standards as long as they are reasonable. Be careful with retroactive enforcement. Gilchrist recommends not taking any enforcement action on them but the township can let people know. You want to enforce the standard and do it by ordinance. The current ordinance does not go into too much detail. If it is a less immediate hazard ask the property owner to remove, but do not enforce.

Oliver questioned how the township would handle a safety hazard but it is an engineering problem where they have to put something up to prevent a washout, etc. Gilchrist responded saying that, in those instances, the township engineer tells you that it is needed and there are no other reasonable alternatives.

Discussion was held regarding the purpose of easements, the restriction of sprinkler heads in the easements and the 40 mph standard relating to mailbox standards.

Gilchrist suggested addressing those of most significant concern then go down. To what extent can the township look back? Have to be careful. The township should recommend or suggest only unless the board can find a specific reason why it needs to be done.

Holm stated that the township should look at these on a case by case basis. The board is in a re-evaluation stage. Gilchrist has offered good insight on how to go forward. Discussion was held on the original letter that had been sent out. The board has apologized for that letter.

A resident questioned how the township protects themselves if they are going on a case by case basis. Gilchrist responded that the township does have the right to enforce even though others may be in the same situation. It is just a matter of acting reasonable.

Holm stated that the board has suspended the August 1st deadline and are now in a re-evaluation phase. There is no current enforcement action being taken. Some residents have complied with after receiving the original letter. The workshop tonight is only to discuss the issues but not make any decisions. The board will be ready to make some formal decision at the September 13th regular meeting.

Gilchrist encouraged the board to develop enhanced standards that will be applied uniformly. There is a protective side to this for the landowners as the township has pointed out an issue they may have that may result in lawsuits, etc.

Bogart stated that a reasonable slope would be one that approximates what the township has in their standard. Swanson questioned what the town liability would be if we said a headwall was okay. Gilchrist stated that he does not suggest sending letters to everyone saying you are good to go. The township should suggest that the landowner do what the township originally wanted but the township will not take any further action.

Discussion was held on how to handle a case by case basis, monetary constraints and limited ability. Gilchrist suggested going forward with new and reworked driveways. Swanson stated that, with new driveways, the township has to be more picky than in the past. Bogart stated that every site is unique. In most cases, something that is approximating a 4:1 slope is fine. It is what we have used as a guide in the past. Holm suggested including taking a picture of it when inspecting and prior to signing off on it.

Oliver suggested making a resolution that the township knows of the offenders but, because of money and other constraints the township cannot go forward then, when the lawsuits come in the landowners were well aware of it. Gilchrist stated that a resolution would be fine but the board needs to determine what to do with all of this. Figure out a

process of how to handle, not only the one the board knows about, but also the new ones. Delegate to an employee, engineer or supervisor to make these calls or it will be a board decision. The township needs to keep a record of it and a picture. He recommends not going out and fixing something for someone unless it comes before the entire board. Holm stated that the board needs to nail down the standards and do a good job on permitting and inspections along with a photo. Bogart stated that other boards handle identifying headwalls when they go on their road tour every year.

Adjourn – Oliver/Handshoe unanimous to adjourn at 8:42 p.m.



Submitted By: (s/) Cathy Stevens
Clerk/Treasurer
Baldwin Township



Approved By: (s/) Jeffrey Holm
Chairman, Board of Supervisors
Baldwin Township

Attendees: John Bogart, Troy Gilchrist, Sue Nordwall, Phyllis Close, Kim Thelen,
Randy Nemitz, Christ Gadacz, Craig Kinderman