

**Peninsula Township  
Special Town Board Meeting  
January 31, 2019, 4:00 pm  
Township Conference Room  
Minutes**

1. **Call to Order** by Manigold at 4:00pm
2. **Pledge**
3. **Roll Call** Present: Manigold, Whal, Bickle, Ahcorn, Chown, Sanger  
Wunsch – Excused.  
Also present, Randy Mielnik, Nancy Heller
4. **Brief Citizen Comments (for items not on the agenda)** None
5. **Approve Agenda** Bickle moved to approve the agenda as presented; seconded by Whal  
**Passed unam**
6. **Conflict of Interest**- Chown expressed a conflict of interest regarding the closed session portion of the meeting stated that she will request to be recused from participating because of her marriage to Greg Chown.  
**Meihn**; Outlines the details of recusing oneself from participating and when it becomes a conflict. States that he does not see a conflict with Chown participating in going out for RFP's only if a bid comes in with anyone on the board being related to the bidder then it is a requirement to recuse oneself from voting on the bids.
7. **Consent Agenda**
  1. Invoices to be paid (recommend approval)  
Bickle moved to approve the edit list of invoices subject to a conditional approval, seconded by Sanger.  
**Roll call:** **Passed unam**
8. **Business**
  1. Authorize Peninsula Township's Purchase of Development Rights (PDR) sub-committee to prepare and distribute a request for proposals (RFP) for the independent review of select PDR easement reports in the township; parcels requiring audit include but are not limited to the following scenarios: a. owner is a past or present township board member; b. owner is a past or present PDR selection committee member; c. owner is a past or present township employee; d. owner is a past or present township committee member; e. parcels with recently issued land use permits; f. parcels with recently issued special use permits; g. parcels in which a transfer of ownership has occurred within the monitoring year; h. parcels in which a land division, lot line adjustment, or combination has occurred within the monitoring year; i. parcels containing a zoning violation(s).  
**Manigold**; In terms of going out to bid for an audit company for the PDR, the suggested motion is to issue an RFP to audit the work of the Township on the PDR program. As you recall, when we made the decision to have the PDR work done by the Township employee with the expectation and prior understanding that we would employ the GTCA to perform an audit and a check in balance. Because we have hired an employee that is the wife of a

member of the GTCA we submit this audit out to bid in conformity with our prior understanding. Accordingly, I make a motion that the Township issue a RFP for audit services.

Moved by **Bickle**, as so stated; to issue a RFP for the audit, seconded by **Sanger**.

**Manigold**; Further discussion?

**Achorn**; Stated that in the committee it was called a review instead of an audit.

**Sanger**; out of the one hundred and thirteen total parcels in PDR, forty of these meet the criteria of the items one through nine that were read by Manigold. The review will take place on forty-four of the one hundred and thirteen parcels. This is not a complete audit of all of the properties in the PDR program. Of the forty-four, sixteen of those were apart from those that we have a perceived conflict of interest. Sixteen were in the areas of a recent land use permit, land transfer or split, things with mechanical issues.

**Meihn**; The intent of doing an RFP is a checks and balance allowing the reviewer to lead and not limiting nor restricting a reviewer to implement a best practice service. Leaving it up to the reviewer to look at the practices and procedures to decide what classifications and what level they do.

**Roll call:**

Passed unam

**Manigold**; Then we would have a motion that the RFP contain the following terms and conditions in addition to the typical terms:

1. The audit company must be properly insured and/or bonded.
2. The audit company must have at least 5 years of experience in PDR's and audits.
3. The audit company is responsible for creating a process for the audit and the substance of the audit that meets the best practices and standards in the State of Michigan. The audit process is to be developed by the audit company, exclusively with best practices in mind.
4. The audit company will have full access to all records and IT will make the determination as to which PDR's to review or all PDR's if IT deems appropriate.
5. The audit contract shall be for a period of 1 year to be renewed automatically form year to year unless cancelled by the parties.
6. The audit company will publish to the Board its findings, recommendations for corrections, if any and recommendation regarding the review process for 2019.
7. The audit company shall disclose references such as other townships or cities for which it is performing like services.
8. The audit company must do an internal investigation that it has no conflicts. Conflicts include personal and business relationships with employees, elected officials, and Trustees. The audit company must provide a no-conflict statement.
9. The audit company's price shall be a stated fee for all work. An hourly rate is also appropriate as long as estimated hours are provided in the RFP.
10. That all bids are sealed and to be received on or before February 28, 2019, at 5 p.m. at the Township. The bids will be opened at the meeting on March 19, 2019 and the Board will make the selection.
11. Questions regarding the bidding process shall be directed to Legal counsel Gregory M.

Meihn only.

12. Once a bidder is selected, a contract will be drafted for execution of the winning bidder. Moved by **Bickle** that the RFP contain the above twelve terms and conditions as outlined as presented by the Supervisor, seconded by **Chown**.

**Roll call:**

**Passed unam**

2. Authorize the township planner to prepare and distribute a RFP for consulting services to prepare a new community survey.

Moved by **Bickle** to authorize the Township Planner to prepare the RFP for consulting services as it pertains to a new community survey, seconded by **Chown**.

**Roll call:**

**Passed unam**

3. Closed session pursuant to legal update on the 81 strategy, review of defenses, and potential resolution

**(CLOSED SESSION)**

Moved by **Bickle** to go into Closed Session and also to allow Becky Chown to recuse herself due to potential conflict, seconded by **Whal**.

**Roll call:**

**Passed unam**

**Manigold;** We make a motion to go into closed session to discuss the recent settlement proposal submitted by the 81 regarding pending civil action to the Michigan Court of Appeals this motion is pursuant to MCL15.268 (e) of the Open Meetings Act.

Moved by **Bickle**, as to the motion as presented, seconded by **Sanger**.

**Roll call:**

**Passed unam**

**The public and the Clerk (Becky Chown) have been removed from the room.**

**Manigold;** To open session on the pending civil action and Appeal to the Michigan Court of Appeals this motion pursuant to MCL15.268 (e) of the Open Meetings Act.

Moved by Bickle to go into back into opens meeting act according to the motion of MCL15.268 (e), and also vote to bring back the Clerk (Becky Chown) back into the meeting.

**Manigold;** Requested that the motion to bring Becky back into the open session be made first.

Moved by **Bickle** to have the Clerk return to the open meeting, seconded by **Whal**.

**Roll call:**

**Passed unam**

**Manigold;** To open session on the pending civil action and Appeal to the Michigan Court of Appeals this motion pursuant to MCL15.268 (e) of the Open Meetings Act.

Moved by Bickle, seconded by Wahl.

**Roll call:**

**Passed unam**

Moved by **Sanger**, the Peninsula Township Board of Trustees approve the settlement agreement on project 81 as provided and authorize the Supervisor to sign the settlement agreement, seconded by **Bickle**.

**Roll call;** Manigold – yes, Wahl – yes, Bickle – yes, Achorn – yes, Sanger – yes, Chown – abstain.

**Passed**

**9. Citizen Comments**

**Nancy Heller, 3901 Blue Water Rd.,** Getting a little antsy about the Board working on the marijuana situation. It has been discussed but nothing has really been done about it, and feels the clock is ticking.

**Manigold;** Agrees, one of the items that needs to be put on the PC agenda now that it is legal.

**10. Board Comments:**

**Manigold;** Talked briefly about the Park board, looking for people to stay on.

**11. Adjournment**

Bickle moved to adjourn the meeting; Wahl seconded the motion.

**Passed unam**

Adjournment: 4:35 p.m.