

Town Board Meeting
January 9, 2018, 7:00 pm
Regular Meeting Minutes

1. Call to Order by **Manigold** at 7 p.m.

2. Pledge

3. Roll Call Present: **Manigold, Westphal, Bickle, Achorn, Wunsch, Sanders, Wahl**. Also present: Gordon Hayward, Assistant to the Planning and Zoning Director and Jennifer Hodges of GFA, Fire Chief, Fred Gilstorff and Deputy, Brian Abbing

4. Brief Citizen Comments-for items not on the agenda None

5. Approve Amended Agenda

Manigold stated that this is an amended agenda; the item removed was: "Consider approval for sewer and water for Vineyard Ridge SUP #127". Removal was requested by Mansfield Consultants and requested the same to be placed on January 23, 2018 agenda. The Board also was asked to add the Park Master Plan for review to this amended agenda.

Motion to approve the agenda as revised by **Sanders**, with a second by **Wunsch**. **Passed Unam**

6. Conflict of Interest None

7. Consent Agenda:

Any member of the Board, staff, or public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

1. Meeting Minutes Approval – December 12, 2017 Special TB meeting 6:00 pm; December 19, 2017, Regular TB meeting 7 pm.
2. Reports and announcements (as provided in packet)
 - A. Officers
 1. Treasurer's Report
 - B. Staff
 1. Announcement– Brian Abbing Peninsula Deputy, Theft Identity program
 2. Dave Sanger, Code Enforcement Officer, December 2017 report
3. Correspondence
4. Edit list of Invoices (recommend approval)
5. Approve list of Fire Department surplus/obsolete items for sale/disposal by Fire Chief
6. Accept Park Master Plan for review by the Town Board

Moved by **Wunsch** to approve consent agenda as presented; seconded by **Bickle**. **Passed Unam**

Manigold asked Deputy, Brian Abbing to come up and give an introduction. Brian Abbing has been with the Sheriff's Department for five years working mostly nights. This assignment at a township is a new adventure for him. On Wednesday, February 21, 2018, he and other members of the county sheriff's department are planning a presentation on identity theft awareness for people in the area. This is because identity theft has increased significantly, based on the 2017 county statistics.

Manigold asked Fire Chief, Fred Gilstroff to introduce himself as well. Fred Gilstroff, started as Fire Chief in December 2017. He stated that he looks forward to working with the community and that he has a great group of man working with him.

8. Business

1. **Consider Approval of hiring one full-time firefighter: Grant Blackmer and three volunteers**

as recommended by Fire Chief, Fred Gilstorff.

Fred Gilstorff said that he is looking to hire three additional firefighters, Dan Drew, Michael VanDermay and John Zainski. Fred gave a description of each of these members and their credentials. Zainski's is a student at North Michigan College, so Fred is working on getting his credentials transferred to Michigan from New York. Grant Blackmer will be hired as a full-time employee to the Department. Grant will be replacing Randy Rittenhouse. Grant has been with the Fire Department for several years, and he would make a good replacement for that position because of his experience on the peninsula. **Manigold;** For the record then we will have five full-time people? **Gilstorff;** No, including myself we will have four individuals that will be full-time permanent employees. The rest are either part-time or paid on call. I believe the number with the addition of these three brings us to 15-16. I also have three additional people that are submitting applications which I will bring to your next meeting to recommend hiring. **Manigold;** Good job. I would consider a motion for approval.

Moved by **Westphal** to approve the hiring of one full-time firefighter, Grant Blackmer and also the three outlined by Fire Chief Fred Gilstorff; second by **Bickle**.

Gilstorff, may I recommend something? You keep throwing the word volunteer out there but they are paid for these services. This may be something that you want to reflect in the record that they are part-time and paid on-call firefighters instead of volunteers. It gives the assumption that they are not paid anything, and they are paid.

Westphal amended her motion to approve the hiring of one full-time firefighter, Grant Blackmer and three part-time, paid-on-call persons outlined by Fire Chief, Fred Gilstorff; second by **Bickle**.

Achorn: Stated that she thought that the Board should hold off on hiring John Zasinski on the basis of his ability to get certification in Michigan. **Gilstorff:** I know where you are going with this, but I would like to get him in the door to get him familiar with the process. **Gilstorff** said he will not allow him to go on calls until he is able to get his certification in Michigan. **Gilstorff** feels it is beneficial to get him familiar with the Township. They would do the same for any resident that wanted to join the Fire Department. **Passed Unan**

2. **Consider approval of Greg Meihn, as general counsel for the Township, on a flat annual fee.**

Manigold: Said the proposed agreement was for \$42,500/year for his legal services. He asked Meihn if this contract could be extended to three years, and Meihn agreed. Court filings would be charged additionally to the Township. **Manigold** feels that this is a good deal for the Township compared to services paid and provided by other counsels. **Bickle:** In my professional experience, it is good to have a retained attorney that deals with issues on a consistent basis.

Bickle said he looked at previous attorneys retained by the Township, and their annual fees were much more than the bid submitted by Meihn. Those were based on every phone call, every document. Thinks that this is reasonable and fair. **Wahl:** I would agree with that. I understand flat fees verse billable hours when there is something occurring which requires a lot of time, but there is nothing that I have seen from them that indicates to me that they would not give us adequate work whether they were billing us hourly or annually. **Hayward:** Will he be itemizing different projects that he will be working on when invoicing? I am concerned with accounts that are in escrow, and how we keep track of what amounts are charged against the escrows. **Bickle:** That is something that we will have to talk to him about as I know that I have seen his preliminary billing, and he indicates the project, time, touch points or content of the charged service. I am certain that it can be done so that we know where the \$42,500 goes. **Achorn:** We would be allocating his hours based on his details each month towards his retainer fee. **Wahl:** It is my

assumption that he is still going to keep track of his total hours, so you could still allocate off of his total hours.

Moved by **Wahl** to approve Meihn for our Township's Attorney services for three years; seconded by **Bickle**. Roll call vote **Passed Unan**

3. **Consider approval of Escrow Amount for Construction, Administration, Inspection, and Materials testing by Gordie Frasier for Vineyard Ridge SUP #127.**

Manigold: Turned the meeting over to Jennifer from Gordie Frasier. **Hodges:** In your packet there are two items: the first being a contract between the Township and Gordie Frasier, outlining the scope of work that would be provided at Vineyard Ridge; and the second is a letter that goes with that addressed to the Clerk for her to coordinate with the Developer to define the escrow amount since the developer is providing the funds. The escrow was established based on the scope of the work in the plans. Thus far it would be for the first phase of construction and then all three phases for sanitary sewer. The Townships specifications require full-time inspection. We would have staff out on the site the entire time the contractor is working on the installation of utilities. This would not include the road construction, and this is separate from the storm water escrow that was previously approved. This is just inclusive for the utilities; we would coordinate with the contractor for scheduling to attend a pre-construction meeting to ensure everything is compliant. We would provide all of the inspection reports, testing documents and lead reports to the engineer they would then submit the complete packet for us to review including the recorded easements. There is a huge check list of items to go through. I would go through the entire process to facilitate the close out of the project with them. **Achorn:** As the project goes along, he would be required to increase the escrow to cover the cost? **Hodges:** That is a great question and yes. What I have identified is the construction cost and the amount of construction time. I used 34 days anticipating that they will be working 10 hour days of which I keep track of so when I see that we are getting close to the balance on the escrow (20% in the escrow at all times as a safe guard) then we would request additional funds are placed in the escrow. It is spelled out for the contractor, and it is consistent with our hourly rates. **Manigold;** I would entertain a motion to approve the estimated escrow account for Vineyard Ridge water main and sanitary sewer expansion and construction.

Moved by **Saunders**; seconded by **Wunsch**.

Passed Unan

Manigold; Everything on that job will have your supervision? **Hodges:** Correct. I am the point of contact, if that is what you are asking. **Manigold;** I did have a conversation with Dan Thourall at the County; it sounds like the employees at Soil Erosion are not qualified to issue permits, so they have hired two new sanitationists. **Hodges:** They are advertising positions; I can elaborate on this if you would like? Apparently Soil Erosion is going to be under the umbrella of the Health Department at the request of the County Commission. The Soil Erosion staff that are sanitarians have to go through the storm water classes so they hold two classifications. My understanding is that the current staff that is operating out of the Soil Erosion Office have elected not to pursue these classes, so the County is currently advertising for two new sanitarians that will be dual licensed. This will allow them to have smaller districts, and this will make them more efficient. **Westphal:** Jennifer, in terms of Vineyard Ridges' construction, this escrow does not cover roads? **Hodges:** Correct. **Westphal:** Will we need another escrow for roads? **Hodges:** The way your ordinance reads is because the roads in the development are privately owned, at the end of the project, once the roads are built, they are required to provide an engineering certification that the roads were built per the plans. So there would have to be an initial review of the road plans to

ensure that they comply with your private road standards and then either their engineer or yours, would sign off that they were actually built to the standards and specks provided by the developer. **Hayward:** In the past we have requested that this be provided by the developer's engineer for liability reasons rather than our engineer. We would require that certification from a qualified engineer at their expense. Our engineer would not have to certify that the road was built as they would have to be out there during the construction. **Bickle:** If there are any variances that need correction after this has been provided to our Township's staff, then can we hold up their occupancy permit? What is the recourse? **Hayward:** We have a two phase permit. We have preliminary road permit and a final road permit. The final road permit allows for the certification of the construction with the Zoning Administrator. **Achorn;** I am trying to find the prior minutes where Jennifer referred to a bond amount that she was going to relay to Township. I was just wondering where that is? **Hodges:** That amount was relayed in an email to Rob and Brian, and perhaps, I carbon copied you on that? You are referring to the storm water? **Achorn;** No, performance bonding. That is what I assumed as I read the minutes. **Hodges:** The bonding that I recall was relevant to the storm water. I had established a dollar amount for this. **Achorn:** Who is responsible for purchasing it? **Hodges:** It would be the applicant or the developer. **Achorn:** Do we have a letter stating that we have to have so much in the bond? **Hodges:** Correct. My understanding is that this was to be coordinated at the same time that the escrow amount for the inspection was to take place. I believe Brian was going to coordinate this with the applicant, and I am not sure if this has been completed. I can follow up with him regarding this. **Achorn;** I do not want this to get lost in limbo. **Bickle:** We have just not been informed. Could you forward that email to us again so that we can follow it from a financial standpoint? **Hodges:** Yes, I would be happy to do that. **Achorn:** Back to my question about the performance bond, is that required too? I am not sure as far as procedures. **Hodges:** Where the performance bond comes into play is when the applicant has installed the utilities, and the applicant wants to obtain a DPW permit. This allows the applicant to build a "speck" (editor's note: sample) home. Other times, it may involve a bond that allows the developer to begin building houses. To put in plumbing, the applicant has to obtain a permit from the DPW, and pay the respective benefit fee. DPW will not issue a permit until the utility has been turned over to the homeowner, and that cannot take place until the project has been constructed in its entirety. This process can take a long time so we require from the developer, a bond which is equal to the cost of the utilities themselves so they have that amount that satisfies the DPW requirements. **Achorn:** I am asking if a developer starts a project, and it dies, is there a bond for that. **Hodges:** Not that I am aware. **Manigold:** This has gotten so confusing. **Hodges:** There are many parts to this process. **Manigold:** We are a new Board going through this process; we should probably have a study session. A flow chart that steps us through the process would be helpful. **Hodges:** I have done a construction report or engineer report update, and one of the items I have listed is to clean up the check list and make it a little more user friendly. If we have a list to check off, we can follow a standard process so that everyone knows where they are in a project. This would include the developers and applicants that come in; they know the next steps that they have to go through. That is part of my goal is to clean up the process. This will help us keep track of projects better. **Achorn;** I think that the Board needs a training session as well; this would allow us to know what is going on. We can then begin asking the right questions, and we are asking the questions that need to be asked. **Manigold:** That is what I was referring to in having a study session. **Achorn;** Can we make some arrangements to have that done. **Hodges:** That would be great. Maybe the easiest thing is for me to work with the Planning Department to come up with a draft checklist and a chart that streamlines the process. Then we can sit down and discuss it at the study session. **Manigold;** Not only in our process but for other departments that interface with us—for instance, sewer and water need to be reviewed by the County DPW. They have to sign off on engineering; then it goes down to the State to the Sewer and Water Department to be signed off by DEQ. **Bickle:** When we finished the 81 Hearing

and the three of us sat down to have the conversation on what we could do better going forward, the desired outcome of that dialogue was to have open meetings to understanding what were the process and steps for permitting developments. This is so that we do not have as many broken dishes going forward, and we all know what is going on. We do not have to be experts in everything, but if we have enough working knowledge, it will serve us well verses playing catch up on everything. **Hodges:** It helps me so that I know what your expectations are of me as well, so that I can be working with the Planning Department in a coordinated fashion in terms of information transfer to the applicant that is consistent.

9. Citizen Comments- None

10. Board Comments - **Manigold:** Gordon's contract is up again. What we have been discussing is to put him on a contractual basis for his services. I would like to know if the Board feels comfortable with the Personal Committee negotiating a contract or do you want to do this as a Board? **Saunders:** Would this be on an "as needed" basis? **Manigold:** As an "on call" is the way I would look at it. **Saunders:** I am comfortable with that. **Bickle:** The thought process that we have had as a preliminary dialog is for an hourly rate, when the need is there. Then he comes in for the one or two hours and then bills us for it. **Manigold:** We can do it like Sanger hourly, not to exceed a certain number of hours/week. We want to work with you, Gordon, on this. Today we got a call from a guy on Center Road that wanted to know if he could buy deed restricted land next to him to put up a pole building. We had to go dig through all of the Township PDR and Conservancy PDR materials to find the answer. We had an answer in about an hour because Gordon knew where to look for the information. It is a good resource for us to be able to rely on him. **Bickle:** Is this a proposal or just a general conversation with the Board to allow the Personal Committee to address this? **Manigold:** I was just looking for a consensus of the Board for the Personnel Committee to do this, unless the whole Board wanted to be involved in it.

11. Adjourn

Motion to adjourn by **Saunders**, second by **Wunsch**.
Meeting adjourned 7:33 p.m.

Passed Unam