

# PENINSULA TOWNSHIP

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**Town Board Regular Meeting Minutes**

**April 9, 2019**

**7:00 p.m.**

1. **Call to Order:** by Supervisor Manigold at 7:00 p.m.
2. **Pledge**
3. **Roll Call:** Bickle, Wahl, Sanger, Wunsch, Achorn, Chown, and Manigold
4. **Brief Citizen Comments:**  
**Harold David Edmondson, 12414 Center Rd.,** expressed concern about paying the legal fees for Sally Akerley and Christina Deeren (under business item 3). Read and submitted letter to be added to the minutes. (Letter is attached per Mr. Edmondson's request.)  
**Manigold:** asked Mr. Edmondson if he turned Ms. Akerley into the prosecuting attorney's office.  
**Edmondson:** said he was.
5. **Approve Agenda:**  
Manigold asked that the Old Mission Women's Club's request for a raffle license resolution and application be added to the consent agenda.  
**Moved by Wunsch to approve the agenda as amended, seconded by Bickle.**  
**Roll call:** **Passed unan**
6. **Conflict of Interest:** none
7. **Consent Agenda:**
  1. Invoices (recommend approval)
  2. Reports
    - A. Fire department for March, 2019
    - B. Ordinance violation summary though March, 2019 (Sanger)
  3. Appoint Dave Sanger as town board representative to master plan steering committee
  4. Signage request from Old Mission Peninsula Historical Society
  5. Request from the Old Mission Women's Club for a raffle license resolution and application**Moved by Wunsch to approve the consent agenda as amended, seconded by Bickle.**  
**Roll call:** **Passed unan**
8. **Business**
  1. **Permission to use township hall for Carolyn Johnson Lewis memorial**  
**Moved by Wahl to approve the use of the township hall for this event, second by Wunsch.**  
**Passed unan**
  2. **Appointment of master plan steering committee (Mielnik):** removed from the agenda by Manigold

**3. Approval of settlement payments to S. Akerley, C. Deeren, and S. Piehl and payment to Alward, Fisher, Rice, Rowe, & Graf (Meihn)**

**Meihn:** explained that we've been dealing with issues for some time that include the appropriate pay of overtime by the former clerk to Susan and Christina. Also included are complaints of bullying and hostile work environment that existed between Sally, Christina, and the clerk. This board has resolved as required under the Department of Labor the wages that were not paid. There was a suggestion that if the board was inclined, it would also compensate these ladies who had to hire an outside attorney to assert their rights, which have been determined to be appropriate. The board was advised that this compensation would be only under the condition that a release and settlement agreement were signed between all parties involved, which would include the former clerk. For reasons unknown to me, all three of these individuals are unwilling to engage into a settlement agreement. At this point there is not finalization of this issue.

Meihn also explained that due to his recent illness, the draft easement for Oosterhouse has not been finalized. Explained that Santucci has also agreed to this easement. Once this is signed, it will be filed immediately and then a new land division will be done.

Meihn also updated the board on newly discovered issues in the clerk's office. These include late filings of the 941s in 2018 along with penalties and interest that have accrued against the township. Not sure if these have been paid as of yet; will provide the board with an update and assessment.

Meihn explained that he has worked through a good contract with Matt McDonough on the PDR contract.

**Moved by Wunsch to remove the approval of settlement payments item from the agenda, seconded by Wahl.**

**Passed unan**

**4. HSA resolution (Meihn):** removed from the agenda by Manigold

**5. PDR audit contract (Meihn)**

**Moved by Wahl to approve the PDR contract with Matt McDonough, seconded by Sanger.**

**Roll call:**

**Passed unan**

**6. Resolutions for wage adjustments for supervisor, clerk, and treasurer (Manigold)**

**Manigold:** received letter from Mrs. Hoffman with some concerns; wages were reviewed. By going through the union contract with the fire department, the board learned it needs to be competitive with other townships in the area.

**Bickle:** review of other townships showed that our wages are below the averages for these positions.

Board discussion on this issue.

**Moved by Wahl to approve Resolution 2019-04-09 No. 1 to increase the supervisor's salary annually to \$54,000.00, seconded by Wunsch.**

**Roll call: Wunsch-yes, Achorn-yes, Bickle-yes, Sanger-yes, Wahl-yes, Chown-yes, Manigold-abstained.**  
**Passed 6-0**

**Moved by Wahl to approve Resolution 2019-04-09 No. 2 to increase the clerk's salary annually to \$54,000.00, seconded by Wunsch.**

**Roll call: Wunsch-yes, Achorn-yes, Bickle-yes, Sanger-yes, Wahl-yes, Chown-abstained, Manigold-yes.**  
**Passed 6-0**

**Moved by Wahl to approve Resolution 2019-04-09 No. 3 to increase the treasurer's salary annually to \$54,000.00, seconded by Wunsch.**

**Roll call: Wunsch-yes, Achorn-yes, Bickle-abstained, Sanger-yes, Wahl-yes, Chown-yes, Manigold-yes.**  
**Passed 6-0**

**7. Consider new part-time employee for fire department (Gilstorff)**

**Gilstorff:** submitted a letter to bring on new part-time person, Cameron Hesselink, from the Petoskey area.

**Moved by Manigold to approve hiring Cameron Hesselink, seconded by Wunsch.**

**Roll call:**  
**Passed unan**

**8. Consider approval to purchase new tanker (Gilstorff)**

**Gilstorff:** went out for bids for a new tanker after making two presentations on this. Two bids were received and opened in the presence of the supervisor, clerk, and treasurer on March 14<sup>th</sup>. Reviewed and discussed bids that were submitted with the board.

**Moved by Bickle to approve the supervisor to execute the necessary documents pertaining to the fire vacuum tanker not to exceed \$346,030.00 (three hundred forty-six thousand and thirty dollars), seconded by Wunsch.**

**Roll call:**  
**Passed unan**

**9. Bowers Harbor Park soccer special event application request (Manigold)**

**Manigold:** explained this will be a two-tier approval with the new parks committee. Spanish soccer league has been playing at the field every Sunday. This has been a good relationship as they have taken good care of the park.

**Jaredo, 13185 Center Rd.,** the league representative, talked about the program and getting people involved. Two years ago, they stopped playing on the peninsula due to the lack of participants. This would run from May to August. The people involved in this league are seasonal workers and college students.

**Moved by Wunsch to approve the special event application request contingent on the parks committee's approval, seconded by Wahl.**

**Roll call:**  
**Passed unan**

**9. Citizen Comments:**

**Nancy R. Heller, 3091 Blue Water Rd.,** very happy to see the soccer players return to the peninsula. Township board and parks committee are responsible for bringing the park up to snuff. Repeated what

she has stated in past meetings: please speak into your microphones, as this will be important for people who are not present to be able to get information from this meeting.

**10. Board Comments:**

**Meihn:** gave update on handbook; committee will get the last draft by the end of the week.

**Manigold:** gave update on the property for the new fire department.

**11. Adjournment:**

**Moved by Wunsch to adjourn, seconded by Sanger.**

**Passed unan**

**Adjournment: 8:58 p.m.**

DRAFT

# Harold David Edmondson

12414 Center Road, Traverse City, MI 49686

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April 9, 2019

To: Peninsula Town Board and Residents of Peninsula Township

Re: **Town Board Meeting, April 9, 2019**

**Agenda Item 8.3 Approval of settlement payments to S. Akerley, C. Deeren, S. Piehl & payment to Alward, Fisher, Rice, Rowe and Graf (Meihn)**

I am here tonight to express my concern for paying the legal fees of Sally Akerley and Christina Deeren, and to a lesser extent, Susan Piehl, as part of the Settlement Agreement and Release, arising out of a dispute over PDR compliance monitoring which was first broached in the August 28, 2018, Regular Town Board meeting by then-Clerk Joanne Westphal.

The basis for my concern is two-fold:

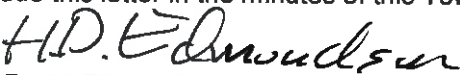
First, Ms. Akerley and Ms. Deeren initiated their own legal defense with Mr. Rowe on or about September 25, 2018, that basically claimed that Clerk Westphal defamed and showed Akerley in false light, while Deeren alleged that Clerk Westphal revealed personal health information and was guilty of a potential HIPPA violation. Both women claimed a hostile work environment, bullying, and retaliation.

Second, there are charges in the bill that have nothing to do with the allegations above. These include charges for Open Meetings Act consultation and the illegal split and road easement brought to light by Attorney Fred Bimber in an oral presentation to a special meeting of the Town Board on October 11, 2018.

The reasons for my concern are based in pure, but not so simple, facts; these facts are part of the public record, and include, but are not limited to, the Town Board transcripts of August 28, 2018. At that meeting, in the transcript concerning PDR compliance monitoring, Clerk Westphal asked the Board to consider going out for three bids and the Board agreed. The reasons she gave were "so we [the Town Board] are not putting undo pressure on our Assessor for time limitations and our Zoning Administrator for health reasons". [see TB transcripts of the 8-28-2018 meeting, pages 11-12.] This is not defamation, false light, revelation of personal health issues, or a potential HIPPA violation; it's not even suggestive of a hostile work environment, bullying, or retaliation. Anyone who knows Joanne Westphal, knows she is not inclined toward such behavior. She may be blunt, but her track record in academia of 43 years is unblemished in regard to these allegations. These individuals should be ashamed of the defamation that she has had to withstand at their hands.

Second, in a lengthy oral review of public documents provided by Attorney Fred Bimber, in the October 11, 2018 Town Board meeting, Mr. Bimber clearly outlines the circumstances surrounding an illegal split performed on a land division in 2013, along with a road easement approval by township staff, without the owner's approval. This split and road easement allowed the Bonobo to exist where it is today. In the October 9, 2018, Town Board meeting, Ms. Akerley states "Mr. Edmondson has been providing excessive and inaccurate commentary regarding the land division involving the Oosterhouse winery". The data provided in Mr. Bimber's presentation can be found in the Town Board correspondence for the meeting of November 27, 2018, Packet 1. The facts speak for themselves; sloppy practices in the town hall created the situation that the township is experiencing in our Number 1 view shed today. This was the work of a staff person who had a major hand in the situation.

Should township residents pay for these mistakes in the form of legal fees? I don't think so. Please include this letter in the minutes of this Town Board meeting.

  
Mr. David Edmondson