

**Town Board Meeting
September 25, 2018 7:00 pm
Township Hall
Minutes**

1. **Call to Order** at 7:00 pm
2. **Pledge**
3. **Roll Call** Present: Manigold, Westphal, Bickle, Achorn, Sanger, Wahl, Wunsch
4. **Approve Agenda** Manigold asked the Board to approve the agenda with several changes in the Consent agenda. These changes included tabling the meeting minutes of September 11, 2018 until the next regularly scheduled meeting of the Town Board on October 9, 2018; and moving the correspondence of Eric Drier concerning the proposed 2019 Iron Man Triathlon to Item 8 of the Business agenda. Manigold requested that the Parade of Homes sign request be added to the Consent agenda.

Bickle moved to accept the agenda as amended; Wahl seconded it.

Passed unam

5. **Brief Citizen Comments – for items not on the Agenda** Several citizens presented comments.
Monnie Peters, 1425 Nehtawanta Road, expressed her concern over the increasingly common practice of adding items to the agenda at the last minute, creating an unsatisfactory situation for both the residents, who are left unaware of the new items being introduced and the Board who have virtually no time to study the items. She also mentioned the Township's Code of Ethics, and its significance to conducting business in the township, particularly as it pertains to conflict of interest, both actual and perceived. She encouraged the Board to revisit the Code of Ethics.

Louie Santucci, 12602 Center Road, complained that the clerk had suggested in her resignation statement that the books were reconciled for the first time since she took office. He found that offensive to Hoffman and Weatherholt, the previous clerk and treasurer, respectively. He thought that Westphal should be required to offer them an apology. **Westphal** responded by saying that if Santucci had read the resignation statement fully, he would have found that the first sentence in the statement said "Over the past two years...". It did not say that Hoffman or Weatherholt had performed poorly in their statutory duties.

Mary Swift, 13956 Peninsula Drive, presented her views as that of the community's, on the performance of the clerk's office. She called for the clerk to resign immediately, to abandon her elected role, rather than wait December 31. She thought that the excuse of staying until after the election made no sense. She thought no one was indispensable and that included the clerk. She said she would present the rest of her comments at the end of the meeting.

6. **Conflict of Interest** Dave Sanger, Trustee, asked to be recused from the discussion on the Braemar Road and Drainage Special Assessment District discussion, due to a conflict of interest relating to property ownership in the district. He also owns an easement on his property from the Township.
7. **Consent Agenda**

Any member of the Board, staff, or the 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-September 11, 2018 minutes
2. Reports and Announcements (as provided in packet)
 - A. Officers—Clerk, Supervisor, Treasurer
 - B. Departmental—Code Enforcement, Township Deputy (as submitted in packet)
3. Correspondence (as provided in packet)
4. Invoices
5. Authorize supervisor to sign contract for the Consumer Energy Tree Planting Grant
6. Approve Jacob McCalib, as a new part time paramedic hire for the Fire Department

Manigold asked if there were any changes to the Consent Agenda.

Achorn asked that the minutes which came in late be table to the next meeting. She also asked that the letter from Eric Drier dated Sept. 19, 2018, concerning the Iron Man Triathlon be moved to the Business section as Item 8. **Manigold** asked to take Item 5 in Business, off the agenda. And **Wunsch** added the approval of the signs for the Parade of Home as Item 7 in the Consent Agenda.

Wunsch moved to approve the consent agenda as amended; Wahl seconded.

Roll call. **Passed unam**

8. Business

1. Approve 3rd Amendment to Brys SUP#115

Manigold reviewed the events preceding this meeting concerning the 3rd Amendment. **Bickle** suggested that the Planner Mielnik give an overview of any new materials added to the packet. **Achorn** asked Jennifer to review the calculations in the documents, and she reported that the drawings and calculations were verified by her in terms of the requirements of the ordinance. Planner Mielnik noted that the Planning Commissions minutes are not included in the packet because the Commission did not meet last month. He stated that the 4 conditions for completion were met: 1) the Health Department permitting process is complete; 2) addressing Fire Department concerns as listed in the FD letter.; 3) County Construction Code process is actively being completed; and 4) obtaining the land use permit from the Township.

Achorn asked about the escrow fees. Attorney **Meihn** said he would be communicating with the Brys as to the escrow request.

Bickle moved approval of the 3rd Amendment to SUP#115; **Wunsch** seconded.

Roll call **Passed unam**

2. Demonstration of PICTOMETRY software for purchase consideration by Planning, Zoning, & Assessing

No demonstration was forthcoming. Rather, Akerley presented the main points of the software on the behalf of 4 departments in the Township that will be likely to use it: Assessing, Planning, Zoning, and Fire Department. Several questions were asked by Board members about its costs, applications, and platform. Akerley laid out the costs of the program, which will be approximately \$60,000 over six years; and would involve a flight every three years, with the first being in the Spring of 2019 and again in the Spring of 2023. She stated that it would work on our current computer system

Wunsch moved to purchase the software; **Achorn** seconded it.

Roll Call **Passed unam**

3. Discuss monitoring contract for Purchase of Development Rights Program

Manigold suggested that a subcommittee of Board members be created to address the compliance monitoring for the PDR program. **Achorn**, **Sanger**, and **Wunsch** volunteered for the subcommittee.

4. Consider Michigan Trust Fund Grant Request

Jennifer Hodges (GFA), Township Engineer, provided an overview of the status of the Township's application for state Trust Fund Grant monies. These monies would be earmarked to make improvements to Bower's Harbor Park. Two Applications were submitted for funding; one for expansion and the other for improvement; both

Applications asked the state for \$150,000. The Township is asked to provide some matching funds to the state dollars; the higher the match, the more points a project gets in the competition. Hodges recommended that the Board consider matching state dollars one-for-one to move our projects up in the scoring category. This would entail providing \$150,000 for each grant application, which would get us an additional 20 points in the competition. This match is due October 2, 2018. **Bickle** indicated that the Enterprise fund has sufficient monies to provide the two matches for the grants. Each application would need a match. Manigold indicated that we have two resolutions; one for each grant. Mielnik asked if the funds would start 2019; Hodges said yes.

Westphal moved that the Township increase matching funds for the Michigan Trust Fund Grant monies to 50% for the Bower's Harbor Improvement; **Wahl** seconded. Roll call **Passed unam**

Wunsch moved that the Township approve matching funds for the Michigan Trust Fund Grant monies to 50% for the Bower's Harbor Expansion; **Wahl** seconded. Roll call **Passed unam**

5. Approve close out of Special Assessment Districts (Hodges) Removed from the agenda.

Discussion of the Eric Drier letter concerning the Iron Man Triathlon, and impact on the Township and residents were discussed. No action was taken.

6. Approve resolution for the Old Mission Drainage District (Request by the Grand Traverse Drain Commissioner Steve Largent)

Steve Largent provided a brief history of the Old Mission Drainage District. He requested that the Township sign the agreement to fund work surrounding the opening and maintenance of the drain. He said that virtually no maintenance had occurred on the drain over the past several decades. He received two bids to do the work. The cost is \$5000.00 per mile. Residents will be charged the cost of cleaning out the drain and maintaining it. The cost will be about \$28,000.00. The district boundaries will be set by an engineer. **Achorn** raised concern that the residents have not been apprised of this cost. Largent said the residents were at the meeting when this work was discussed, and the residents said that they wanted the drain cleaned and maintained. Largent stressed the importance of doing this work this fall in order to prevent more destruction next spring.

Achorn moved that the Town Board approve the resolution to begin work on the drain this fall; **Wahl** seconded. Roll call **Passed unam**

7. Review bids for south Fire Station sprinkler system and award bid

Fire Chief Gilstorff presented the bids for the South Fire Station sprinkler system to allow fire fighters to occupy the building 24/7. He recommended that the Board approve the bid from AFP bid for \$16,261.00 for all the work; a few minor additional expenses may be expected beyond this amount.

Wahl moved to accept the bid from AFP for the new sprinkler system in Fire Station #2; **Westphal** seconded. Roll call **Passed unam**

9. Citizen Comments

Bob Bolek, 7398 Peninsula Dr., asked where the Old Mission Drain actually runs, and if it is on county property or private property. Manigold described the course of the drain. Bolek said he thought the drain is on county property and they should be contributing to the project. Manigold said they refused.

Mary Swift, 13956 Peninsula Drive, continued with her criticism of the clerk. [Editor's: The verbatim statement

can be found on the *Old Mission Gazette* website, under the title: "Peninsula Township Clerk Resigns, Citing Bullying and Intimidation."]

10. Board Comments

Initially, no Board members had comment. Westphal then asked to comment. She read the following statement to the Board and Attorney Miehn:

"Dear Members of the Board and Attorney Miehn:

On or about September 7, I filed a complaint with you and Attorney Schwartz concerning an incident at the Town Hall that occurred on August 29, 2018. According to the Personnel Policy Handbook, Section 120.2, and "employee has the obligation to report the alleged violation immediately, preferably within 48 hours." The Labor Day holiday precluded an immediate response, but upon returning to work the following week, I outlined the pertinent details of the incident and emailed the report with supporting documents. The Personnel Policy Handbook also states that "an investigation of all complaints will begin promptly. Almost three weeks have passed since you received that email. I am speaking tonight to ask what action has been taken, if any, to begin the investigation as guaranteed in the Personnel Policy Handbook.

Respectfully submitted,

Joanne M. Westphal, Clerk"

Manigold attempted to clarify to which complaint the clerk was referring. Westphal said there was only one complaint that she filed, and it was sent on Friday, September 7, 2018, to the Board and Attorneys Miehn and Schwartz. Manigold then said the discussion would have to go into closed session. Miehn interjected that Westphal was asking what the Board has done in regard to her complaint, whether the complaint is valid or not. Miehn continued to say as you know from my email, I asked you to instruct me to start an investigation, and I have already begun the investigation. Westphal observed that she did not even know that an investigation was on-going; she had nothing about it. Wahl and Bickle said that emails were sent out relating to the investigation. Westphal asked when was that done. Bickle was not sure when it was done. Manigold said all Board members got the email. Westphal said she was unaware of an email. Manigold ended the Board discussion. Miehn suggested that the emails could be traced on the computers.

11. Adjournment

Manigold asked for a motion to adjourn. Bickle moved; no one seconded. The meeting was adjourned with a voice vote.

Peninsula Township has several portable hearing devices available for audience members. If you would like to use one, please ask the Clerk.