

PENINSULA TOWNSHIP
Special Town Board Meeting
October 4, 2018

Transcribed Meeting Minutes

Supervisor: I would like to call the meeting to Order 3:00 p.m. would everyone please stand for the Pledge of Allegiance.

Pledge

Rob: Roll call please, Joanne.

Joanne: Rob?

Rob: Yep.

Joanne: Brad?

Brad: Yes.

Joanne: David?

David: Yes.

Joanne: Marge?

Marge: Yes.

Joanne: Myself, Yes.

Rob: Okay, approval of agenda, any changes or corrections?

Brad: None.

Rob: I would entertain a motion to approve the agenda as presented.

Brad: So moved.

David: Support.

Rob: We have a motion and support. Further discussion?

Voice from the audience: Rob would you please state the name of who made the motion and who supported it.

Rob: Bickle, Sanger.

Brad: Yep.

Rob: All those in favor signify by saying "I".

Board members all state "I".

Rob: Conflict of Interest. Okay.

Dave: Excuse me yes, yes I have some concerns regarding item number six B. I and my property are part of two SADs the Braemar drain and Braemar road so I ask to be excused from six B please.

Rob: Okay, anyone else? We'll move onto Business, Joanne this is Gordy Frasier's bills. They didn't make this packet they're asking to be put in on Tuesday is that a due able thing that we will discuss in just a few minutes ago?

Joanne: Right, if you want to bring it in as a part of the invoice list we can do that.

Rob: For Tuesday?

Joanne: Yeah.

Rob: Okay.

Brad: I have no problem with that.

Rob: Everybody good with that?

Marge: Yes.

Dave: Fine.

Rob: Okay.

Rob: Dave?

Dave: Are you going to have citizen comment?

Rob: Uh.

Brad: It's number seven.

Rob: It's it's after the business.

Dave: Oh, you don't have a.

Rob: It's not the agenda.

Dave: Okay.

Rob: Agendas are back there if you want one.

Dave: Okay.

Rob: Do you want to say something and leave to work, do you gotta appointment or?

Dave: No, I just.

Rob: Okay.

Dave: I just.

Rob: You're welcome to.

Joanne: Dave, excuse me which item were you asking conflict of interest?

Dave: Six B, like in boy.

Joanne: Six B?

Dave: B, yes.

Joanne: Just for the Westwind Road, Dave?

Dave: I think it could be just specific to Braemar drain and the agenda does not say road but there are two SAD's covering Braemar, the Braemar drain and the Braemar road project.

Brad: Jo if I may it may help Dave Sanger, that what's being requested here Jennifer did send to me and I wrote back to her that these three items are I'm going to call normal course of business where we are going to pay out of the special assessment funds those three bills. I think the intent for Gordy Frasier was to have it on the agenda I said because there special assessments, we don't need to. It's outside that it comes right from the Treasurers, go ahead, sorry.

Multiple members speaking at the same time.

Member from the audience: Well, and thank you Brad for that clarification. Jennifer Hodges, Gordy Frasier, the reason that I had requested them to be on the agenda was is because so that I could get the Township to accept the close out documents and turn over the project so that we could so it's yours at this point. That's the whole purpose and that doesn't have to go through typically the Township Board process but as for payments you're absolutely right Brad.

Brad: Right.

Jennifer: So that was perceived wrong. So I was going.

Brad: We'll probably make the close out, but I'm not trying to complicate this for Tuesday because the documentation for that we just got today. That's the stuff you sent me with the spreadsheet.

Jennifer: That, right that.

Brad: That's the close out stuff.

Jennifer: What's in the packet today is all the maintenance bonds and close out documents for the township to say yep, and agree that your accepting the engineer recommendation and to close out and turnover the project. What I sent you Brad was correct it was payment items so that's what you received today.

Brad: I see.

Jennifer: So that is what you received today.

Brad: I may have been confused.

Joanne: And that's what's going to be for Tuesday's meeting?

Rob: No.

Jennifer: I think it's on the agenda for today.

Rob: For today.

Joanne: Oh.

Rob: It was on last meeting but uh.

Joanne: We didn't have the material.

Rob: We didn't have the material somehow it got sent to Brenda so okay first item under Business would be to approve the invoices and payroll as presented.

Brad: Recommended.

Rob: Have you had a chance to go through them it?

Brad: Recommend approval.

Rob: Okay, is that Bickle, Sanger?

Dave: I'll support yes.

Rob: We have a motion and support to approve the invoices and bills, any further discussion? Roll call please, Joanne.

Joanne: Marge?

Marge: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yep.

Joanne: Myself, yes.

Rob: Okay, Jennifer do you want to lead us through this and if anybody feels overwhelmed on these documents, I guess we do have a meeting on Tuesday but

Jennifer: So.

Rob: Let's see where we shake out.

Jennifer: So just for part of my roll and it's consistent with your utility projects and this is a utility project as well.

Brad: Right.

Jennifer: The township when a project out for bid and there is standard specifications.

Marge: Excuse me are you on the mic?

Jennifer: Oh, okay, is that better? I'm sorry, the Township when a project is out for bid and there standard specifications as far as guidelines and protocol that the contractors require to provide and ensure protection for the Township and where we are at right now is close out and what the contractors part of the roll that we go through is one we walk the site with them. Go through punch list items and ensure that all those punch list items and restoration items have taken place which as we know took quite a long time but we finally got there and three of the SAD's are in your packet today you previously approved Maple Terrace already so once we've given our verbal that the restoration items and punch list items are completed we then request the contractor provide documents that protect the township. Those documents consist of a maintenance bond

which is valid for one year, the bond is made payable to the township and it provides a mechanism for you in case the contractor should default, you have access to funds to use to go in and restore items. Again, that bond is valid for a year and there is a standard template in there and that is what Elmer's provided the same is true with the other document that is in there is consent of surety which basically indicates that they have no outstanding claims with anyone, they don't owe anyone money and that's notarized. They also provided a letter of guarantee which they signed and notarized, and then basically you also get our letter stating that we've done and provided full time inspection and demonstrated and had all the documentation approved and indicated the contractor installed and provided everything compliant with the Township specs and design plans, and bid drawings. So that's what this packet entails in addition to this packet are financial components I had referenced earlier which are had already been approved through the Township and funded to the special assessment district and that's not really what I'm looking for approval of the Township. What I'm looking for is you recognize that we've received all the documents from the contractor, I have reviewed them and everything is met in compliance with the requirements and we are ready to fix up the infrastructure as installed and close out the contract with Elmer's and start basically the maintenance bond period one year and shares at this point.

Rob: Okay Dave, this is Braemar would entertain a motion to remove Dave from the Board as he says he has a conflict living there.

Brad: So, moved.

Marge: Second.

Rob: We have Bickle, Acorn, all those in favor signify by saying "I".

Board Members all stated "I's".

Rob: Okay, we'll ask you to sit out there Dave.

Dave: No Problem.

Rob: I know, it's kind of a formality. Ok, Jennifer you've gone through all of these, this is similar to what we did with Maple Terrace.

Jennifer: Absolutely.

Rob: It has two weeks to go to clean up these special assessment districts and get them done. Have you been there are all the work is done?

Jennifer: For these three specifically there's two more that we have not closed out yet and so we are still working through a few punch list items with Elmer's. These three myself and Brian Boals have been out on site and reviewed and assured all the punch list and restoration items have been completed, yes.

Rob: Okay, are there any questions of the Board?

Marge: No.

Brad: I do have a question just to be clear, it's on the, what was the warranty bond that you mentioned for the one year? I may have that miss-phrased.

Jennifer: Maintenance.

Brad: The one-year maintenance bond is that something we have to secure and write a check for or who provides that and how is it done or is it in place already?

Jennifer: It's currently in place it's effective as of the date of turnover which is today. So, if you accept these three projects today then that's when the maintenance bond kicks off. I should have said that before, thank you, and it's signed by Elmer's over to the Township and you are the bond holder.

Brad: Okay.

Jennifer: It is certified by both Elmer's and the bonding agency so there is a raise seal. I have the originals right here for your files.

Joanne: So the question is we pay the twenty-two thousand seven hundred and seventy-five dollars and twenty-five cents?

Jennifer: No, Elmer's that was part of their contract was to pay the bond company and provide this bond to you so you have access to those funds. So there's no, so indirectly you paid for the bond through the project I guess because it's a cost they had to factor into their pricing but no Elmer's paid for these bonds.

Joanne: So, the twenty-two thousand seven hundred and seventy-five dollars and twenty-five cents is a part of the contract that's listed there at forty-five thousand five hundred and fifty dollars and fifty cents?

Jennifer: Correct so the one your referencing basically what that means is if there is an issue for that specific project and Elmer's has defaulted and not available. You have access to that twenty-two thousand dollars to use to implement corrective measures.

Joanne: And what's happens to the balance of the forty-five thousand five hundred and fifty dollars and fifty cents?

Jennifer: Which one are you referencing Joanne?

Joanne: I'm referencing this one that says maintenance bond.

Jennifer: How maintenance bonds work is they are not for the full cost of the project they are for fifty percent of the cost for the project. So what I guess I'm confused as what where you are looking at numbers.

Joanne: It's zero, zero six one three dash one at the bottom of the page.

Jennifer: Under Old Mission?

Joanne: No, it's under the Cincinnati Insurance Company power of attorney and the next page is a maintenance bond.

Brad: Could be about nine pages in on the packet that we have.

Jennifer: I ask that there are three maintenance bonds, one for each special assessment.

Joanne: Okay, it doesn't matter I just wanted to know how they're working and how much total we are dealing with. So is the forty-five thousand five hundred and fifty dollars and fifty cents under contract is that what the individual residence at this particular project going to be paying for because the bond is guaranteeing this contract is going to happen.

Jennifer: Correct, so again, I'm not finding the forty-five thousand, I'm seeing the twenty-five thousand.

Brad: Under contract it says April 13, 2017, it's under the maintenance bond page.

Jennifer: Oh, thank you. So the contract amounts which was the pay applications that were processed under the full amount that Elmer's was paid for, for the work was equivalent to forty-five thousand five hundred and fifty dollars. They're responsible to provide a bond to you equivalent to half that cost to be used for corrective measures in the event that they default, so that is where the twenty-two thousand seven hundred and seventy-five dollars and twenty-five cents comes from. So that is what you would have available to you is the twenty-two thousand dollars.

Joanne: And so my question to you is under the special assessment district is that divided up by the home owners that are in that district as a part of their cost for the project? In other words that forty-five thousand which we paid Elmer's to get this project done in terms of roads, the assessment district divides that up by the properties.

Jennifer: Correct.

Joanne: Okay, and if by some chance this work isn't done correctly we will receive twenty-two thousand back in order to make corrective actions but the Township residents that are in that district are the ones that are paying that forty-five thousand dollars, correct?

Jennifer: That is absolutely correct yes yep that is how the assessment was broken up, yep. I misunderstood where you were at.

Brad: It's a component of the whole budget.

Jennifer: It is, yes.

Rob: It's a safety valve if some of the pavement breaks or something.

Brad: Okay.

Rob: We will take each one individually.

Brad: That's fine.

Rob: If there are no other questions I would entertain a motion to accept in 2017 Peninsula Township special assessment Braemar Road paving special assessment close out and turnover.

Brad: So moved.

Marge: Second.

Rob: Bickle, Acorn, further discussion?

Brad: None.

Rob: Roll calls please.

Joanne: Rob?

Rob: Yeah.

Joanne: Brad?

Brad: Yes.

Joanne: Marge?

Marge: Yes.

Joanne: Myself, Yes.

Rob: Okay, I would entertain that we make a motion to bring Dave back to table.

Brad: So moved.

Rob: Support, I guess I'll support you Dave.

Dave: Thank you.

Rob: All those in favor signify by saying "I".

Board Members all stated "I's".

Rob: Bickle, Manigold. Then we will move on to the next special assessment district Westwind, Jennifer do you want to lead us through that briefly?

Jennifer: That is exactly the same in concept and I guess to specifically address the maintenance bond again that contract amount was for seventy-thousand, six hundred and eighty-six dollars and fifty cents and the bond amount would be again equivalent to fifty percent to allow access to funds again in the event that Elmer's defaults of thirty-thousand, three hundred and forty-three dollars and twenty-five cents. The maintenance bond again is effective as of today so that provides you assurances for the next year and in addition to that again is you have a letter of guarantee signed by Elmer's you have a consent of assurity indicating that you don't owe anybody money, and then our letter of recommendation indicating we've provided full time inspection and oversight and that it met the standard specs and plans as were bid and we did go through and confirm that all the punch list items and restoration items were completed and I'm looking for approval on that as well to close out this project.

Rob: Okay, do we have any questions on those?

Brad: None.

Rob: I entertain a motion.

Brad: So moved that we pass on 2017 Peninsula Township SAD Westwinds roads paving SAD the Gordy Frasier close out and turn over.

Dave: I'll support that.

Rob: Okay, Bickle, Sanger any further discussion?

Brad: None.

Rob: Roll call please.

Joanne: Marge?

Marge: Yes.

Joanne: Myself, yes, Brad?

Brad: Yes.

Joanne: David?

David: Yes.

Joanne: Rob?

Rob: Yes.

Rob: Okay, we have one more, the Old Mission estates special assessment district.

Jennifer: And the same is true of this one as well, you have your letter of guarantee, consent of surety, again the maintenance bond this one is more. The contract was more. The contract is one hundred and eighty-nine thousand, eight hundred and three dollars so the bond reflects ninety-four thousand, nine hundred and one dollars and that's effective as of today. We again provided construction oversight and did site visits, and confirmed all registration and punch list items had been complete and I'm looking for Township Board to recommend and close out and turnover of this project as well.

Rob: Any questions on this one?

Brad: None.

Rob: We would entertain a motion to accept.

Brad: I move that we accept 2017 Peninsula Township SAD project Old Mission estate roads, Gordy Frasier close out and turnover.

Dave: I'll support that.

Rob: Okay, motion Bickle, Sanger, further discussion or clarification?

Brad: None.

Rob: Roll call please, Jo.

Joanne: Brad?

Brad: Yes.

Joanne: David?

David: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: Marge?

Marge: Yes.

Joanne: Myself, yes.

Rob: Okay.

Jennifer: Thank you.

Rob: Thank you.

David: Before we leave that job I think we should recognize, as I read these numbers, each of these three came in about five percent below project estimated costs so I compliment her engineering firm and Elmer's for bringing these projects in in savings to those owners of these SAD districts.

Jennifer: I was going to elaborate Dave thank you. I have been providing those numbers to Brad and doing a final invoicing Elmer's and ourselves and absolutely I'm happy to at the next Board meeting provide a final budget subject to Treasurers approval but no everything probably more than five percent.

Brad: Yeah, when I got the, I'm sorry, when I received the excel spread sheet from Jennifer I was just going through to validate all the numbers so I would probably have something available for Tuesday or at some point but it was very encouraging that I think everyone involved in the management and execution was very mindful of the cost.

Dave: It's unusual to have a project come in under budget when you know the moneys there so.

Rob: You know and the amazing thing to that whole thing was headed south and then we came back, met with all the people, and moved forward with nine special assessment districts at one time and added the paving project and people when come in to pay their bills they would walk down and thank me you know for getting their road paved and approved in over a 20 year period at minimal amount. That's pretty good for all, it's not bad.

Jennifer: And Brian Boals was instrumental in a lot of that and I stepped in at the end which is always nice to do that when it turns out well but no just from all the restoration it looks great and the budget numbers those final numbers came in very, very favorable. To couple with that now we have the close out documents and it's been turned over to the Township the next step is I'm working with Road Commission and I have a meeting with the Road Commission Engineer there because there is reimbursement as well so there is a partnership with the Road Commission.

Brad: Right you and I spoke about that I think the number is close to one-hundred thousand dollars.

Jennifer: Yeah, I think maybe a little more, yeah.

Brad: Or one-hundred and eighty what they quoted. I don't remember but you and I worked on it.

Jennifer: Yeah.

Brad: which I appreciate you're going to pursue them.

Jennifer: Yeah, they have to finish close out paperwork too to know that they are protected but yeah I think it's closer to about one-hundred and fifty thousand for about four out of the nine special assessment districts that will get reimbursement so because it was a project that was very beneficial to the Road Commission as well so I appreciate your letting me help with this thank you.

Rob: Okay, thank you. The next item and Randy has been working on this, we approved the Flood Plain Ordinance I guess probably Joanne a month or month in a half ago.

Joanne: Yeah, two.

Rob: And we sent it down to the DEQ and the DEQ came back to us about a week ago and said he would like a couple of minor changes then we would hopefully make these changes today, then Randy takes this in Monday to the County to be adopted with all the other Townships and basically the letter and the DEQ that came in actually an hour ago in the original change they wanted what's highlighted in yellow which they refer to as five panels, which are degrees of flood rate I guess. They wanted that in the ordinance not just mentioned they wanted those numbers in and then if you read the document we just got, under section one on the first page ordinance addressing flood plain managements provisions of the State Construction Code. When we sent it in we actually had Supervisor of Peninsula Township which they would like to have Grand Traverse County Construction Code is hereby designated enforcing agency to discharge the responsibility of and it should be Grand Traverse County not Peninsula Township. Christina has cleaned up one just to bring it over so are there any questions? It looks like we have a resolution and the ordinance, any questions of the board?

Joanne: Just a clarification the ordinance that was submitted several months ago on behalf of the Township for the Flood Plain Management provisions had been written by Gordon Hayward and he was the one that provided the numbers that were in the original and Randy actual pursued this and got the correct numbers after the funding agency came back and said these were the wrong numbers and the wrong person.

Rob: Right, in charge.

Joanne: And the wrong group who was agency designated so again this type of slippage occurs on occasion but I hope it doesn't happen too any more times.

Rob: We did have a person apply for flood insurance, I think we have six people that do out here and they were turned down because they don't have the correct documents so they're awaiting the approval at the County next week. So if there are no other changes I would entertain a motion to make corrections in the ordinance and the resolution in the Intergovernmental Agreement as referred to in this document.

Brad: So moved.

Marge: Second.

Rob: Okay, Bickle, Acorn, further discussion?

Brad: None.

Rob: Roll call please, Joanne.

Joanne: Dave?

Dave: Yes.

Joanne: Marge?

Marge: Yes.

Joanne: Rob?

Rob: Yep.

Joanne: Myself, yes.

Rob: Thank you.

Joanne: Brad?

Brad: Yes, thanks Jo.

Rob: Okay.

Joanne: That was Bickle, Sanger?

Brad: I made the motion.

Rob: Achorn.

Brad: Yeah, thank you.

Dave: Marge.

Brad: Achorn.

Rob: Okay, the next three things are kind of cleaning up a few items. We would entertain a motion to make the entire Town Board the Personnel Committee and basically rescinding any other motions that may be in place to make the Supervisor, Treasurer, and Clerk the Personnel Committee.

Dave: I would move that we rescind the prior appointment of the Supervisor, Treasurer, and Clerk as the Personnel Committee and replace this with the entire Township Board as members of the personnel Committee.

Rob: Okay.

Brad: Well I'm on it so I don't know if I can second but I will second it.

Rob: We're all on it.

Brad: That's fine.

Rob: Okay, we have a motion in support Sanger, Bickle. Roll call please, Joanne.

Joanne: Dave?

Dave: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: Myself, no, Marge?

Marge: Yes.

Rob: Okay, the next is to approve the advertisement for the Clerk position. We've been working with Joanne as she will be leaving at the end of the year. I did go in and talk with Bonnie at the County Clerk and she suggested that it would be good if we went out to fill the position as soon as possible and find the person. The person won't be sworn in as the Clerk but that person could go through the training for the election, could work with other Township's shadowing their Clerk to get an understanding and even they will work with us to find Michigan Township classes available so the recommendation of Bonnie to get it done so we can put the advertisement in the paper. Have ran the advertisement by Joanne and I think your good with the advertisement?

Joanne: Yeah.

Rob: So the motion is to put it in the newspaper.

Brad: So moved.

Dave: Support.

Rob: We have a motion in support Bickle, Sanger all those in favor signify by saying "I".

Board Members all stated "I's".

Rob: And I should probably also mention we only had four people apply for Planning Commission vacancies so when I talked to Joanne.

Joanne: And zero people for Zoning Board of Appeals.

Rob: I guess Verno is coming back around.

Joanne: Well he hasn't applied yet.

Rob: Okay, so what we did was we put it out for I'm thinking another week to see how many more people could apply.

Dave: Did we ever consider the use of Indeed or Monster Board or any up to date more up to date than print media advertisements?

Brad: We probably will, I was going to get with the Supervisor when we get done here. I think Indeed is a good source to put these calls for interest even though they have to be residents a lot of residents may not be aware.

Dave: We also have this network neighborhood, I can't remember the name of it, but it's an email somewhat advertising system but it is a social media Facebook.

Rob: And Jane Bursouw who you know there is a lot of people that go out through there to so.

Dave: I know the Fire Department gets a lot of publicity on Facebook it's just a matter of getting the word out.

Brad: What we'll do is there will be a, let's you and I convene and we will make recommendations such as to the supervisor what we should do I think Old Mission network neighbors is a good location, Indeed dot com, whatever else we can think of.

Dave: Facebook?

Brad: Yeah, I think if we go to the network neighborhood that's where we will get people so.

Rob: Okay, the next is to ask Dave Sanger, Marge Acorn and Isiah who are the committee on looking up some stuff on PDR monitoring if you would be interested in taking over the personnel handbook and working with Swartz's group? I know the big thing you have Dave is exempt not exempt, Marge you have a lot with cafeteria plan and different things. Hopefully we could somehow by maybe January have a January, February have it done. Leading with the employees find out what all the questions are in working with the Swartz group, would the three of you be willing to except that responsibility?

Dave: I'm in, I can't speak for Isiah but I think he would join.

Marge: Yeah.

Rob: Okay, so I guess we should probably establish that group as a working subcommittee, could we take a motion?

Brad: I would make a motion that we approve a working subcommittee consistent of Sanger, Acorn, and Wunsch to work on the personnel policy handbook.

Rob: And do we, support? I'll support any further discussion?

Brad: None.

Rob: All those in favor signify by saying "I".

Board Members all stated "I's".

Rob: Okay, and Brad and I have already begun working with Swartz and starting to work with the Union Contract with the Fire Department and Fred is on that to. I guess we would ask for authorization for the two of us to represent the Board in the negotiation, I should also say what we will do is sit down with Mr. Swartz and the Union and then we'll come up with some options for what they are going to ask for and we'll convene a meeting of the Town Board to get everybody up to speed get your ideas get your opinions. Then we go back and renegotiate and then we bring a final product back to you and then everyone agrees on it if you so inclined. So I would look for a motion to authorize Manigold and Bickle to negotiate a Union contract for Peninsula Fire Department.

Marge: I so move.

Dave: Support.

Rob: We have a motion and support Acorn, Sanger all those in favor signify in saying "I".

Board Members all stated "I's".

Rob: Oppose? Okay, Citizens Comments, Dave?

Harold Dave Edmondson, Harold David Edmondson, 12414 Center Road.: I would kind of like to refer back to the personnel policy handbook on the one issue and it's the requirements of the employees, staff, and elected officials in matters that the citizens come first, to me I don't feel that. Okay, now what I want to talk about is the PDR monitoring issue, and what has happened in the past. I guess as far as I can only go back is Gill Uthethol . I hold a contract that is along Nelson Road and it is eighty-one acres and to the south of me is the Sebert farm which used to be the Sebert farm which is now the Santucci farm and at the time it went to the Santucci farm, twenty acres were sold to Kermit Campbell which is actually contagious to the forty I sold to the Oosterhouse's out of my eighty okay.

What I'm concerned about is when the Oosterhouse's went ahead and bought an additional ten acres from Kermit Campbell from the adjoining continuous parcel, when they bought ten so they could build their chateau which they needed fifty, there remained ten more acres in the Kermit Campbell property which may at that time when the split occurred that made that land locked. Then to relieve that problem an easement was put across my property which was under land contract to the Oosterhouse's at the time. I felt like that was a breach of contract because the PDR contract says you cannot use PR land to satisfy another real another properties qualifications to qualify for a zoning requirement which would be to have access to that property to make it not land locked. First of all I've always been under the impression that you never make a land locked piece of property first of all and so that's what was created, so I think it was an illegal split luckily in the contract I had with Oosterhouse's they can't put an easement they can't sell any portion of a land contract without my permission or paying me off in full. At the time I was in a dispute with them on the land contract so luckily as soon as my legal counsel found out about the easement across the property, we were able to call the contract dully payable and bingo that was the best thing that happened to me in my life. But the point I'm trying to make you can't put an easement across PDR land that is a breach of the PDR contract. Now with that being said, we have people monitoring the contracts for compliance and that has yet to be caught by anybody monitoring the contracts and what I'm concerned about is we are going to have or we are considering having Sally Akerkley and Christina. I think Christina is relatively a novice on the PDR contracts, but Sally Akerkley facilitated the split, facilitated the easement, has been here for fifteen, sixteen years she knows about these contracts and also to have done the monitoring you need to read the contract to see what is your monitoring and when I got my report back no changes. I've gotten no changes with Gill Uthethol either now pervious to that I don't know it was the Conservancy before. So what I am saying is we've got some restrictions on these properties that need to be upheld because it's a multimillion dollar program of every single tax payer out here including myself, including you, all of us. Don't we want to know if it's being done correctly or not that's where I am coming from now we had a problem with Gill Uthethol we didn't think he was doing it right, I'm telling you right now it wasn't caught last year either, so what did we pay for?

Rob: What I would like you to do Dave because i actually could follow what you were saying but I don't think a lot of.

Dave: I understand it's complicated, it really is complicated.

Rob: And I remember a lawsuit which determined you got your full money cashed out of the contract and that was a controversial thing whether the chateau could go or not so I'm sure that there's legal correspondents and everything that is being done. What you're saying is that the easement may not be valid over that land.

Dave: I know for one thing that it's not even recorded. I learned that at the beginning of the week.

Rob: Here's where I am going to go. What we need you to do is write that down.

Dave: I can do that.

Rob: And then bring it in and then we will evaluate it.

Dave Here's, here's, here's, here's my premise, because that easement is there even though it's not being used, technically the open space and the agricultural opportunity's that were supposed to be there if that easement is ever put into place, then it's gone so we did not get what we paid for.

Rob: Well.

Dave: As the citizens.

Rob: Well let's see if it's done incorrectly.

Dave: Okay.

Rob: Because I know there were a lot of attorneys I remember it was going to stop, you were trying to sell property to Oosterhouse and they bought it from Kermit because he made it cheaper I guess and this document.

Dave: Yeah, yeah.

Rob: And this document and then the lawsuit so I think we can do a chronology.

Dave: I guess I'll follow up with what you are saying. What my perspective is because that was a single easement and that whole eighty acres was tied up in the one easement that should have all been held together. Now over at the George Keller which was seventy-five acres I really feel if they are going to use that property seeing it was tied up under its own deed restriction the fifty should have come out of that. That's the way I looked at it whether or not, that's the way my legal counsel looked at it.

Both Rob and Dave speaking at the same time

Rob: Please put your writing in step by step and we will get back to you as soon as we can.

Dave: Okay, I just wanted to point that out. I have two other things I want to talk about wow. I was at the Planning meeting the other night and one of the Planning Commissioners members finally figured out the Bower's Harbor group where they are doing the processing. Well it's in Traverse City and they are doing reports for it in the agricultural building on Spencer's property which is under a lease as of today, I guess they got a new lease coming. But that lease only states for agricultural activities which I guess that probably is. But the point I'm trying to make is the reason that there's a SUP over at Bower's Harbor Vineyard is because they have a roadside stand and farm processing that has never happened, never and now I find out and you can go to the live stream and see for yourself is Linda said hey we are doing it over at Spencer's in the building over there so that leads me to believe when did they get the SUP because farm processing facilities is a use by right but food processing a use by special permit.

Rob: Well I would put that one in writing to and you can give it to the Planning Commission that is where we are trying to sort it all out.

Both Rob and Dave speaking at the same time.

Dave: Here's some pictures from Elsie or the last Zoning Administrator of what's going on in that building. So these are all coming from your facility. I got these from Elsie when so that's what's happening over there.

Rob: Elise, Elise.

Dave: Okay then one of the other things I would like to contest and disagree with who your assigning for the Personnel Policy Committee and I referring to Marge Achorn because I feel she is violating the current Personnel Policy I don't feel she could be objective in that in that capacity so I guess I think you should reconsider that.

Rob: We've made our decision, if we do it will be a different meeting but its.

Dave: Well I just think you should because she is not following it others aren't , many people are not following it and again that why I brought up the point of the citizens, it's in the personnel Policy and you guys all agreed to this. It specifically says you're working for the community and not yourselves.

Rob: yep.

Dave: That's the deal and it seems to be I guess to me it looks pretty murky to me so I guess I'd like to see the line get straightened out.

Rob: We're straightening it out.

Dave: We've got one person that doesn't like I said several people who don't want to follow it and then they become part of the decision making, it seems very queer and awkward and very uncomfortable.

Rob: In your opinion.

Dave: In my opinion and I just can't believe that it is happening that way, when the wording is so clear and concise right here.

Rob: In Bower's Harbor?

Dave: Excuse me, the Personal Policy Handbook page, you know me Rob.

Rob: Alright, alright. Well, thank you Dave.

Dave: Okay.

Rob: Please put the stuff in writing.

Dave: I'll try my best.

Rob: It's so we can follow that.

Dave: I appreciate you and your consideration.

Rob: We will make it top priority if there is an issue. Ok, Nancy?

Nancy R. Heller, 3091 Blue Water Road.: In reviewing the packet that you handled today I noticed in all of the close out documents signatures but no printed name underneath those signatures. That's happening on a regular basis and my concern is just a simple request to ask the person who is signing to print their name on everything that passes through your hands mainly because.

Rob: You're looking at my penmanship.

Laughter

Nancy: Well one or two weeks down the road if you have to refer back.

Rob: You make a good point.

Nancy: I really would request that all signatures are printed they be printed underneath them.

Rob: Ok thank you. Jennifer you're the only one left if you want to comment.

Jennifer: I'm good.

Rob: Alright.

Jennifer: Thank you.

Rob: Board?

Brad: No, no comments at this time.

Rob: Can we take a motion to adjourn?

Brad: So moved.

Dave: Second.

Rob: All those in favor signify by saying "I".

Board Members all stated "I's".

Rob: Thank you all for coming and don't forget Tuesday keep it on your calendar.