

PENINSULA TOWNSHIP
Regular Town Board Meeting
October 23, 2018

Transcribed Meeting Minutes

Supervisor: I'd like to call the meeting to Order 7:00 p.m. would everyone please stand for the Pledge of Allegiance.

Pledge

Rob: Roll call please, Jo.

Jo: Isiah?

Isiah: Here.

Jo: Dave?

Dave: Here.

Jo: Brad?

Brad: Present.

Jo: Rob?

Rob: Yep.

Jo: Me, myself, here.

Rob: Warren is tied up in traffic. Marge is on a cruise so she won't obviously be here and this evening our Attorney is somewhere in construction. He figured he would be somewhere between seven-twenty and seven-thirty by GPS and our Engineer of record is at Garfield, will here at seven-thirty so people will be coming and going. So one thing I would ask the Board would be to do the interviews up front and then with people here to so. Citizen's comments? Anybody? Dave.

Dave: Do I have to identify myself to anybody tonight or?

Rob: It's on tape.

Dave: Okay, do we want to turn these one?

Rob: Please identify yourself, yes.

Okay, Harold David Edmondson, 12414 Center Road, I'd like to hit on the Open Meetings Act again. I did some further research with outside Legal consultants their specialized in Open Meetings

Act and I guess I'd like to say what I found out from them is that the sub-committee minutes meetings that are have been having for the PDR are or do have to be posted, minutes have to be taken, public is available to be there and participate and so I feel that on two occasions recently sub-committee for the PDR program violated that and um I really feel that the decisions that were made, brought to you, and vote that you made are, need to be rescinded and done right. Done over and done right and I guess if you don't care to do that the only recourse is legal action. So I am just putting it on record that I did my due diligence as far as getting information and I think it is credible and it's consistent with the Opens Meetings Act handbook. So I hope that you can consider that because all I'm trying to do is I'd like to see the process done correctly, fairly, and open to the public with thought that this is what this was supposed to be about and it seems like we've got an enormous amount of problems with code of ethics not being followed, personal policy handbook not being followed, zoning ordinance not being followed and now Opens Meetings Act. What can we do to raise the bar here to I guess again another thing that I pointed out to you is that the Boards everybody working at the Township the citizens are supposed to be number one. Not everybody else and it seems like especially in this PDR contract that you did. You just bent over as far backwards as you could to hire some people that when are they going to be able to do this job? They got a job to do all week long and now you just added on about six hundred hours to their schedule and that all needs to get done by the first of the year. I don't see how you're gonna do that. You got the big deer hunt coming up, laughs, you got Thanksgiving and Christmas.

Rob: Okay.

Dave: So I think its.

Rob: Do you have legal opinion?

Dave interrupts Rob during statement.

Dave: Yes, I do.

Rob: Okay, cause Mr. Mahn, or Meihn did that and the Board met with Michigan Township Association gone through this before they did that so that's the procedure.

Rob and Dave speaking at the same time over one another.

Rob: Worked under.

Dave: Definitely conflicting one other thing I'd like to mention is our that Mr. Sanger mentioned that he was really impressed with the Sally because she spoke with all the people after she did her interview again I have five contracts all I got was in the mail was a letter that their survey was gonna be done.

Rob: Uh-huh

Dave: No contact, no follow-up report, nothing. Zero communication I don't know where you come up with that information. Cause you said it was a whole bunch of people that they did and then I looked at some of the reports that were submitted and it said did the monitor talk to the land owner? The box was checked no on my probably twenty reports so I think you kind of miss-lead the Board of what a great public relationship promotion she was doing by all this so again I'd kind a like to see the truth be brought up to the top not all this fabrication.

Rob: Thank you.

Dave: Thank you.

Rob: Anyone else, yes?

Speaking to audience

My name is Sue Kelley I'm the Vice President of the Traverse City Area Public Schools Board of Education.

Two unidentified women: Please use the microphone turn it on the bottom.

Sue: Sure. Is it on now?

Unidentified woman: Thank you.

My name is Sue Kelley I am the Vice President of the Traverse City Area Public Schools Board of Education and I'm out here for two reasons. Number one is to thank you and the citizens of the Peninsula Township. Christine, Thomas Hill and I came out in July and you presented the entire proposed bond issue that was up for election in August and we want to send a sincere thank you to all citizens who voted for the bond. That passed on our amazing two to one in support and that is just tremendous to allowing public schools to plan their capital projects out in advance of ten years. And so thank you very much. The second reason is I am running for re-election this fall and during the four years I've been on the Board there has been a big stride to me with students achievement across the district. Financial stability to the schools and in the face of difficult financial budgeting coming from the State and our district is just an outstanding shape and I'm going to report to you that it is doing extremely well. In addition to my running there are some other candidates that I endorse, Matt Anderson he's a local business man. I believe he spoke here a couple of weeks ago. Matt has a, he's the President of Global Insurance. He has a tremendous amount of common sense. Pamela Horton, Pamela recently retired from Traverse City Central she's a math teacher for eighteen years and Jeff Leighenheart has thirty years of class room experience. Jeff has most recently pass President of the TCEA, the Traverse City Education Association. He has an intimate knowledge of TCAPS strengths and its weaknesses and I think he can be a tremendous asset to the Board. I left a card at your desk and on the back it refers to those individuals so we sincerely are appreciating your support once again. Thank you.

Nancy R. Heller, 3091 Blue Water Road, I have just a question have there been any applications submitted for the Clerk position?

Jo: There have been two. One application officially submitted and the deadline is Thursday.

Nancy: Thank you.

Rob: Anyone else? Mary.

Hi, I am Rhonda Bush I recently retired from Old Mission Elementary I recognize lots of faces here. I spent three years teaching at Old Mission.

Several people stating to use the microphone.

I never needed a microphone.

Laughter

Monica: Third grade teacher. Is it on? Anyway, okay I spent three years teaching at Old Mission. I spent twenty years teaching out at Interlochen. The love of my life was teaching at Interlochen and teaching at Old Mission I really was thrilled to be able to retire from Old Mission. I am also running for School Board and I am part of team five. We have five points that are very important to us. I agree with Sue Kelley we are an outstanding district and we are ready to move, team five is ready to move this district even further and faster. Personal responsibility, in all corners of the district, trust and transparency, we've been under a cloud for the last eighteen months. We've got to move on from that cloud and focus on teaching and learning. Focus on the students and student achievement. We need to find out where we are where we're going and how are we going to get there. Parent and community engagement, we want to reinstate the district advisory council. We want to include all residents of TCAPS, Traverse City Area Public Schools, and public forums so there's public discourse with Board members not simply an opportunity at a School Board meeting. Where a public, a member of the community can make comment but discourse with the community where you sit and have conversations and finally strong, safe neighborhood schools. We will do our best as the numbers of the team five Rhonda K. Bush and right up the sleeve here to do our best for TCAPS. We have the best interest of the students, of the parents, of the community members and all the taxpayers in this district to do our best for our district. Thank you.

Rob: Oh, thank you. Okay, anyone else?

Good evening, my name is Patricia Hingle and I belong with five other candidates campaigning together for the TCAPS School Board position. So you've got a lot of members to think about tonight. I left a card with our names and I would just say that Kathy Mary Lou, Rhonda Bush, Erica MaMoore, De Andervale and Tish Engle. My team mate has done an excellent job talking about some of our commitments but I wanted to encourage you to go on-line and go to ...teamfivetcaps.com and to read through our plan three days ago

we put up a very detailed plan talking through some of the efforts that we would like to do. I am going to highlight just a few that Rhonda has not touched upon cause I think that there the heart of the selection and something that's really important to Old Mission families and all families in TCAPS. So I think there are two central things that we would like to see change. Positive change, one is in the TCAPS overall culture and two make it a more positive place. We know that twenty-six out of thirty-one School Administrators which means Principals or Assistant Principals who are direct reports to our Superintendent voted no confidence in our reader. That is an unprecedented thing that doesn't happen often. I am a former Ann Arbor right University of Michigan grad a lawyer from Stephen Law School in St. Stephensberg, Florida in every place that I have gone I have never ever seen the discord and the insanity that has occurred in our district and we are ready for that positive feeling. We're ready to make changes in a positive way. I have tons of training experience in this direction and I'm looking forward to working with the Superintendent and the whole district to raise the bar and standards for every parent, student, child as well as the Superintendent, our Principals our teachers and everyone in the community for our TCAPS. I would encourage if you're unfamiliar that you just read about it. Get on-line and read about it. So the second thing is because we have paid so much attention to the discord and two hundred and twenty-eight page investigation cost about two hundred thousand dollars in the district and had so much time we had moved away from the heart of the School Board the heart of School Board is to focus on each teaching and learning, that's all. It's all about kids and the families and we have a broad platitude a blueprint but we don't have a strategic plan in place we need a strategic plan with community input from all community stakeholders and we get to be a five-year plan and it needs to be fully developed in that just last say that personal responsibility is a huge piece of it. We all still need to continue to fight for inequality that we have for downstate many districts get more per-head than we do. But we would like to put back into place the TCAPS Foundation similar to Rotary Club, Grand Traverse Conservancy, Munson Foundation, NMC Foundation, we want to put into place a manned operation that works strategically to build funds so that we are not just relying on our thirty year fight for the student and equity funding issues anyhow with that said I hope that you will vote for the five of us on November 6th. If you can't make it to the election then you'll need to get your absentee ballot by November 3rd. Thanks very much.

Rob: Thank you. Anyone else this evening?

Laughter

So the Attorney is still not here right? Okay, I'll slow talk. Laughs. Let me talk a minute in response to all the school stuff have some perspective since we have some different.

Rob: Well we only have a few minutes.

I know, I know. Can I have twenty?

Rob: No.

Laughter

Just for some perspective I really applaud the team five I'm happy to see what you're doing and I encourage you on your point of views. I am a taxpayer like everyone else some people discount me because I have never had kids but I also pay for you guys I still pay my taxes and I have to tell you that we get tired of the disarray in TCAPS about needing more funds and mileage, build this and then we're going to close that do all of you remember we just closed Peninsula School and it's now a Charter School because TCAPS didn't want it anymore. It's that kind of paint lining that those of us that pay taxes get tired of. I am encouraged by your looking at fresh new perspectives I encourage those that have been there a while to reconsider their thought process because those of us that pay taxes get tired of this ping ponging. Now back to what I was really here for. It's unfortunate I keep having to beat this drum, I don't like it but it is about the Clerk and the Clerk's responsibilities and the Clerk's performance and that kind of stuff. I wanted I want to get an updated if the minutes from a few meetings ago had been accurately and fully reported you would recall that I have I had submitted some FOIA request to the Township. I am happy to report that those have finally been fulfilled. I am not happy to report the outcomes where as I had suspected that the two most important ones. One of the FIOA request was about cost elements in the Clerk's office reflecting that there is a lot of increased cost over prior administration of this one which to me indicates that there are some inefficiencies for one. I will stop there at this point because I need to more fully investigate all the data that they had provided but I have in my own mind been vindicated about my assumption that there are some problems financially in the Clerk's office. Let me get to the actual performance as long as this Clerk is still in position those issues remain because the transparency the lack of doing the actual job of the Clerk remain. The conflicts of interest for instance in this whole PDR discussion even at the recommendation of our Township Attorney that she has a conflict of interest she still inserted herself in the PDR discussion directly at the prior Board meeting indirectly through her significant other making the issue to this Board about this whole PDR monitoring thing. Elections the Clerk's office has been unavailable at times for people to come in and turn in their absentee ballots. There is nothing more important in this community than allowing people to have their vote. And if they can't access the Clerk's office the day, they come in to turn in their absentee vote that is a dereliction of duty. There should not be any person in this community that cannot turn in an absentee ballot during office hours in an election year and that has happened. It's not conjecture if I have to find that person and have them come in here and stand here and tell you personally that that has happened. We still have problems with the Clerk's office of being open, available to do the duties of the Clerk's office and then I am going to go back one more time to conflict of interest in my FOIA request one of the FOIA request was about FOIAing FOIA request. On Bower's Harbor Vineyards on whether or not anybody has FOIA'd any information about Bower's Harbor Vineyards and there have been none so all of these complaints that have come from Mr. Edmondson over the past two years there have been no formal FOIA request there has only been one formal complaint and that was issued less than, just about a month ago in September of this year and in that particular complaint that was written I need to point out the sad fact that the complaint was written such a way that there are, there is only, the description on the violation includes code of ethics, prop ordinances and driving in the park not designated roads. You need to make note that the code of ethics that he referred to earlier tonight and of this complaint of September 18th, is not public information. It is not in any minutes, it is not on the website for him to have knowledge

of what's in that code of ethics he should to have had to FOIA it. It has not happened. There is a lack of transparency there is an abuse of power. I am deeply disappointed and I will call again for you to step down immediately.

Rob: Alright. We are going to start to the three minutes

Dave: You can start that with the next one. I am going to respond to this because she is not telling the truth okay. I made a complaint in January on the 23rd I believe it was seventeen. Of a whole list of stuff and she knows all about it. This latest one I did give to I turned into Mr. Sanger's opinion to do that. Nothing has happened from that and the code of ethics I got from right out of the Township Hall from Christina I believe or the previous, no it was Brian it was actually Brian VanDenBrand he give it to me. That's where I got it okay and you can go to the website and you can find it anybody can find it.

Rob: Okay, we're not going to turn this into this.

Rob and speaker (Harold David Edmondson) continue to speak over one another.

Dave: Well she's telling me that I'm, I'm, I'm doing something wrong here according to the FOIA and it is totally false.

Rob: The best way to handle this is to present your documentation.

Jo: Dave.

Dave: She is lying.

No I'm not.

Rob: Alright well we're not going to go back and forth anymore on this. We will have a time when things are going to be settled.

Dave: Well Rob she is not telling the truth.

Rob: Sit down please. Okay, we are going down the agenda. If we get out of hand I'm going to gavel this and we are all going home. Okay, approval of agenda we do have one item to add tonight and that's the proposal from Bishop, Cotter and what is it?

Brad: Barry, Cotter and Bishop, I'm sorry processing payroll.

Rob: Processing payroll and things when Brenda gave her resignation coming up on the ninth, I believe Joanne?

Joanne: It's on the eighth.

Rob: The eighth, this is our accounting company and they will separate it and pick up all the stuff and go all the way through a year on this proposal. We will tell you more about it at the time. With that any other changes or additions to tonight's agenda?

Brad: None.

Isiah: None.

Rob: Entertain a motion to approve as amended.

Brad: So moved.

Isiah: Second.

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

Board all states "I's".

Rob: Conflict of interest.

Brad: None.

Rob: 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. Any reports and announcements as provided in the packet. Officers and Clerk's absentee ballot request, staff from the Code Enforcement and Peninsula Community Library, correspondence, this one from Kurt Peterson, Stephanie Swartzenboughen sorry if that is wrong. List of invoices recommended approval. Approve request from Old Mission Peninsula parent teacher organization for the use of Charlie Doe sign. On November 10th, 2018, to promote booths, school fundraiser. Is there anyone in the audience that would like any of those items removed and placed elsewhere on the agenda? Anyone on the board?

Brad: No.

Isiah: I move that we pass the consent agenda as presented.

Brad: Second.

Rob: We have a motion and support, further discussion?

Brad: None.

Rob: Roll call please, Joanne.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yeah.

Joanne: Myself, yes, Isiah?

Isiah: Yeah, yes.

Joanne: Dave?

Dave: Yes.

Rob: Okay, old business, Jennifer just walked in so if it is alright with the Board we would just take that one first.

Brad: Jennifer do you want to come up to the desk you have more space to layout your documents and you can speak into a microphone.

Jennifer: Oh, sure.

Brad: Our normal protocol when you are here to present before us thank you.

Rob: Okay, so fist item under old business approve Vineyard Ridge Special Use Permit number 127 in their letter extension construction contract up for the escrow. The cost overruns some seventeen thousand two hundred and twenty-five dollars, Jennifer do you want to explain that.

Jennifer: Sure and I apologize for my tardiness I was over at Garfield Township. Trying to because of the extent of the sub-divisions, developments that we have going on trying to create a template to and Planning Department to create a mechanism to basically track our time and estimates and when Gordy Frasier provides construction oversight as we can make predictions as far as weather and contractors schedule and how long it will take for them to install utilities but again we're subject to contractors schedule and weather so the original contract was prepared for the Township Board on January 14, 2018, and we identified the full scope of work that we're going to provide which encompassed plan review, permitting process and them full-time inspection and then close out. The plan review process you know typically that pretty set fee the same with the close out we had several renditions back and forth in the absence of the Engineer. Construction oversight tends to be again we estimate in the original estimate I had and it was based on a plan by Mansfield we had estimated they would be working about three hundred and forty construction hours and again we identified that clarifier in that as far as being predicated on the contractor and their schedule and we go through with all of our time sheets and all of our inspectors put down the scope of the work they do and just create a complete project detail. To establish transparencies so I regrouped about two weeks ago just to get a handle just as to where we're at as everybody knows there's still continuing to plug along putting sewer in on Center Road and to date they are averaging about fifty feet a day. Their literally with the trench boxes they've got gas main over their head and their installing the sewer under that so there under pretty tight constraints and we knew it was going to be a challenge for them so obviously Molan has definitely has exceeded their amount of time on the project and we have coincided

exceeded our construction time as well and so what I did was basically provided them an amendment to the original contract in escrow to the Township to identify what we again estimated would be needed for additional hours to complete the project. I also included our complete project detail to see what we've spent thus far and so I guess that's what I am asking. The same information was shared with Mr. Jeff Black and just for his records as well and he was very amicable and understood the terms but ultimately it does come back to the Township Board for your review and approval to adjust the escrow accordingly to account for the hours.

Rob: So looking for a motion to direct the Treasurer or the Planner.

Brad: Planner.

Rob: Planner to contact vineyard Ridge and request the additional money. I know in the thing do we know what the balance is on this first?

Brad: I didn't get a chance to pull it tonight but I will make sure that is provided that what the balance is. We have some bills that have come in that need to be applied to that so. Sorry I wasn't clear on that.

Jennifer: No, and I talked to Jeff he called me up and I did talk to Marge and give her a preamp because he's looking for some rectification to see what the escrow is as well and what monies.

Brad: They've been amenable they always show up their checkbook.

Jennifer: Absolutely and he appreciated the detailed report I provided him and you it's just circumstances and everything's taken, we're close though it sounds like the end of this week they are going to be paving. They're going to be done with the road crossing and I expect in the next couple of weeks their going to finish about two hundred more feet of pipe to tie into the development and then we're going to go in and televise it and man drill it and then we'll be able to turn over the whole thing. I would hope in the next thirty days.

Rob: Okay.

Brad: You want a motion? So I'm going to make a motion that we direct our Planner to reach out to the appropriate parties at Vineyard Ridge Development to advise them that we will be looking for additional escrow and a minimum of seventeen thousand two hundred and twenty-five could be more than that depending on other bills. That is my motion.

Isiah: Support.

Rob: We have a motion and support, any further discussion?

Brad: None.

Rob: Roll call please, Joanne.

Joanne: Rob?

Rob: Yeah.

Joanne: Myself, yes, Isiah?

Isiah: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Brad?

Brad: Yes.

Rob: Okay, thank you for coming and your welcome to stay or.

Jennifer: I'll sit for a bit.

Laughter

Rob: Alright, the next item we've never interviewed candidates at a regular meeting for Planning Commission or Zoning Board of Appeals but it is very important that we get those positions filled. So, thank you all for coming tonight we'll try to give you as much, I'm hoping five minute or if you need ten we can do ten but this basically we're going to ask you a little bit about yourself and we'll have some Board questions. The procedure will be that we'll ask everyone to hopefully remain here then we will have the Board make a determination for the Planning Commission and the seats on the Zoning Board of Appeals so Joanne who do you have up first?

Joanne: I have Mr. Noldosky

Rob: Come on up, please feel comfortable and relaxed and at ease.

Laughter

Rob: I know it is a little intense here.

That's hard to do when your name is pronounced wrong from the beginning.

Laughter

I have to blame my father for that one. My name is pronounced Delosky it used to be a lot longer name and it was shortened and what can I say.

Rob: Okay, John.

John: I want to thank the Township Board for the opportunity to be considered for an appointment to the Zoning Board of Appeals or the Planning Commission. I would be satisfied with either position. By way of background, I graduated from Michigan State University in 1971. I then worked in public sector and private sector for a while. I attended Thomas Cooley Law School and was admitted to the Michigan Bar of 1979. From 1979 until I retired from the day to day practice of law in May of 2016, I specialized in representing Municipal Government. Our law firm which is located in Clinton Township represented nine Municipalities, Townships, General Townships and Charter Townships in McComb, Oakland, Lapeer and Lapeer Township and I as general counsel to those Townships appeared for thirty-five years at Planning Commission and Zoning Board of Appeals meetings on a regular basis. At those meetings I advised Board members as to procedure and to the mechanics of making decisions that would be supportable in a Court of Law and I also defended decisions made by our Planning Commission and Zoning Board of Appeals so I know what a Court looks at when they are considering what to do with a decision that is made by the Zoning Board of Appeals or the Planning Commission and that is very, very important that you understand that there's a procedure there's processes as how decisions are made and I would certainly follow that process as a member of the Planning Commission or Zoning Board of Appeals. In June of 2016 my wife and I moved to Old Mission Peninsula and people asked us why did you pick Old Mission Peninsula over anywhere else and we told them that in our opinion Old Mission Peninsula was probably one of the prettiest places on the planet and for myself and for my wife it is the center or close to the center of what we do in retirement as far a fly fishing and hunting and hiking and site seeing and cross country skiing. So, it is a magnificent community and I would certainly like the opportunity to assist the community if I could. Thank you.

Rob: Okay, any questions?

Brad: I do Larry, thanks for being here tonight. I'm going to attempt to pronounce your last name. Delosky is that correct?

Larry: Delosky.

Brad: I spent some time down south in Hamtramck.

Laughter

Brad: So you've referenced that you spent time in both the Planning Commission and the Zoning Board of Appeals.

Larry: Yes.

Brad: Which of the two did you spend the most time in either as legal advising or participant?

Larry: Planning Commission.

Brad: Gottcha.

Larry: Planning Commissions typically in a communities we represent met twice a month Planning Commission maybe once a month if there wasn't an agenda so I definitely spent more time with the Planning Commission.

Brad: Is it out of interest or out of need both?

Larry: Is what?

Brad: Of interest for being a part of the Planning Commission or out of just need to be either to help counsel them. How did you choose to spend more time with the Planning Commission verses the Zoning Board of Appeals?

Larry: Our clients required us to be there.

Brad: Okay.

Larry: We were required to be at the Planning Commission meetings. We were representing at the time for instance McComb Township, McComb Township was before 2009 was the fastest growing community in Michigan.

Brad: Right.

Larry: And perhaps in the country at one point they were issuing two thousand over two thousand residential building permits a year and they were just trying to keep up with what was going on and amending ordinances on the fly and it was.

Brad: Right.

Larry: That type of thing.

Brad: Thank you.

Rob: One question we have to ask you are you here all year or do you take off for three months when the snow starts?

Larry: I said one of my hobbies was cross country skiing and snow shoeing you can't do that in Florida.

Laughter

Larry: No, we are here all year.

Rob: Okay, Joanne, Isiah, Dave, all set? Randy?

Isiah: I guess my only question and I'll ask this of anybody looking at the ZBA slot. What is your position to making decisions about variances what is your philosophy making decisions on variances?

Larry: Well my philosophy is simple whether to make a decision that is supportable in a Court of Law you must follow the Township Planning documents and ordinances that are applicable and certainly there are standards contained in State Law with regard to granting variances and I would assume they are all non-use variances all non-use variances dimensional variances and so you have to follow those procedures. It's as simple as that and it's nice to have your personal opinion but personal opinion is not going to be supported in a Court of Law typically.

Isiah: Right.

Larry: It has to be based on standards and that's what I would follow.

Isiah: Excellent, thank you.

Joanne: Excuse me, what would you see your role if you were either a Planning Commissioner or a ZBA Board member as a member of that Board in terms of informing others or educating others do you see education role or an instruction type role and how will you avoid any conflicts that you might see with advice given by our Township counsel?

Larry: If you're asking me if I want to be a lawyer again then the answer is no.

Laughter

Larry: Been there done that for thirty-five years.

Laughter

Rob: Okay, any other questions?

Randy: Just one quick question. In your experience working with different communities had you been through any processes to update or create a new Master Plan?

Larry: Yes.

Randy: For a community?

Larry: Yes.

Randy: Can you describe some of those experiences?

Larry: Well every community that we represent went through that process and most recently with the Municipal Zoning Act you need to go through it every five years and so we worked with the Planners and we worked with the committees that were created as far as amending the Zoning Ordinance and had our input as far as legal issues that were

concerned. There were a lot of issues when we were going through Master plans and whatever regarding the average compass speed. They wanted the communities, there was a lot of issues regarding agro tourism and orchards and vineyards and there were all those kinds of issues and I worked on those.

Joanne: Have you had an opportunity to look at our ordinance language?

Larry: I have not. I have not but like I said the key is the ordinance has to be followed. It's there and you need to follow the ordinance and that is certainly what I would do. I would not inject my personal opinion or my beliefs on an application for land use or an appeal before the Zoning Board of Appeals.

Rob: Okay, thank you very much.

Larry: Thank you.

Brad: Thank you.

Rob asks Joanne a question that is unclear.

Rob: John, are you here?

Joanne: Dolton.

John: Yep.

Rob: Okay, please.

Good evening my name is John Dolton, 10862 Eagles Landing Run, My wife and I moved to Traverse City in 2010. We built our home in 2011 in the Eagles Landing area and moved from Colorado. I retired in 2010 as the Director of Finance for the Colorado Housing Finance Authority and have interestingly continued on a part-time roll with that Authority to this day. I just recently gave them my one year notice so I am fully retired at the end of next year and working on a part-time basis primarily focused on various technical analysis of around housing issues bonding authorities and also have been significantly involved in drafting their procedures and policies for the Authority, those types of policies. We ended up moving here because in part my mother's side of the family was from Detroit. We own a hundred and twenty acres a couple hours north near Cheboygan, Pellstain area near Douglas Lake. So I spent all my childhood summers coming up to that area and when my wife and I were looking for a place to retire we explored everywhere from Worthington to Vermont and it was kind of right in front of us to we drove up Old Mission and we said this is it we bought a piece of property in 2001 it took us nine years to build but as I said we moved here in 2010 moved in in 2011. My primary educational background is in finance got a degree in finance from the University of Colorado have a couple of professional designations as well and spent virtually my entire working career in housing primarily for the Authority had a number of things including the Chief Financial Officer.

Rob: You heard the question are you here all year round?

Laughter

John: We are.

Rob: Alright.

John: (Makes a comment that is unclear) and I am applying directly to the Planning Commission specifically.

Brad: That was going to be my question.

Rob: Okay, Dave, Brad, Joanne?

Brad: John how much time have you had a chance since you've been here leading up to tonight knowing you were going to come before the Town Board what's some of the background research you've done on anything any aspect of the Township and it's ordinances, it's planning, it's Master Plan just kind of give us a sense of what have you invested your time in to be prepared for tonight?

John: Sure. I've read the Master Plan on more than one occasion. I have read the Zoning Ordinance and I have also read the draft version of the Zoning Ordinance the latest one that was prepared in August by McKenna and Associates so I've looked at those it's kind of a challenge trying to kind of cross reference between the Planning document, Master Plan and the latest version. As the Township sets very aggressive goals with respect to the objectives and goals that are in the Planning documents itself many of which flow through the zoning ordinance but I found many of them don't quite flow through.

Brad: Thank you, I have no further questions.

Joanne: John, with your experience in housing one of the big problems out here on the Peninsula is affordable housing what roll do you see yourself playing as a Planning Commissioner in terms of taking your past experience in housing and broadening perhaps the Planning Commissions understanding of potentials related to housing out here?

John: Well I certainly have over close to thirty year's background in affordable housing and what a Housing Authority does is deal directly with affordable housing for low and moderate income folks. Colorado is a little bit unique in the sense that we handle not just single family but also multi-family as well as commercial development so I have a broad range of perspective. With regards to that topic so depending on how I can share that or be helpful and I'm certainly available for that. I think one of the rolls that I am particularly good at doing which part of the reason that I managed a successfully work part-time for eight years since leaving the State is working cooperatively with other folks developing especially trying to put together policies and procedures it's always a challenge particularly in the compliance area what the authorities do is very complex

subject for State as well as Federal Regulations audit exc. , to kind of cross the t's and dot the i's and formalize some of those policies and procedures is a task people don't really want to do but it is something that is well suited if your remote and have time to devote.

Rob: Okay, any other questions? Okay, thank you.

Brad: Thank you, John.

Rob: Todd.

Alright, Todd Oosterhouse, 7700 Peninsula Drive, Just going for Planning Commission not for the ZBA just to answer that question right off the bat. My family has been out on the Peninsula since 1975. So we have a long history of being out here and seeing the different changes that have happened on the Peninsula. As an adult I have been here since 2010, full-time I do stay here year-round. I did go to Central Michigan earned a degree down there, Interpersonal and Public Communications. From that I have lived in Austin, Texas for quite a while down there I was in construction. With them I helped to establish with the Town there as they were going through their changes McMansion Rules as they called them down there, building envelopes according to the lot size as well as with their Energy Conservation for new homes that were built also. I am a business owner on the Peninsula, very involved in agricultural. I do own Bonobo Winery and with that I am very in tuned to of what is happening in the back bone of this Peninsula which is agriculture and having been through the whole process of obtaining a SUP having seen it go from the get go up of going through the Planning Commission going through the different Township Boards going through the long history of getting where we are at today. So I have quite a bit of experience being on this side of that I suppose, and our land is on PDR land. So, I know that is a big discussion as well. So that's why I'm here.

Rob: Okay, questions for Todd?

Brad: Well you've already answered the first one about the PC, and I know you're always that you're here year-round.

Todd: Correct.

Brad: So, what would be one or more reasons what prompted you, I'm glad that you stepped forward what's prompted you to say I want to be on the Planning Commission?

Todd: Well, there's a couple of reasons, one having grown up here and seeing how this whole Peninsula has changed. Old Mission is going through a lot of changes not with just the recognition of people wanting move out here, but people wanting to do different things and to look at how they can do that with what's in the ordinance at this point. It doesn't mean that growth is bad, but it has to be controlled growth and understood from what we are trying to keep according to our Master Plan. So having that and wanting, not only having a business out here that is not going anywhere but also residences as well I wanted to be involved in those different changes and or consistencies that we are trying to promote on the Peninsula. So that was the big thing that you just can't sit back and

let things happen you actually be involved and have a voice in what's happening out there.

Brad: So the other question that I have for you Todd and I think it is a fair question and it's a good one. Is that you recently went through as you referenced on your letter the SUP process briefly, bullet points, what was the process like? What was the painful and what could be better and that's not a criticism. What should we do better? What was your experience of what we could do better and what would you bring to that table to that better happening?

Todd: The process as a whole sure it's always going to be difficult, I imagine when anyone goes through the thing but it's the consistency or the conversation of what's happening. I know things change as different Boards change, different opinions of how you interrupt different things and I think it's looking at it to have consist guidelines as to what is happening and good definition for that. That would be my biggest thing from the whole thing to say this is the way that it is done and you have step one, two, three, four and here's the way to follow that because here's what says a letter to that rule.

Brad: Thank you.

Rob: Any other questions?

Joanne: As a member of the Planning Commission what roll would you see yourself playing among the other.

Todd: Sure, sure.

Joanne: Members.

Todd: I think more so being on the agricultural aspect and how to have that understanding of how important agriculture is to the community and how important it is to myself and how that is interrupted across either developments that are put out here or different ways people are trying to use that agriculture to the benefit as a whole.

Rob: Okay, any other questions? Thank you.

Todd: Thank you.

Brad: Thank you.

Rob: Monnie.

Monnie Peters, 1425 Neahtawanta Road, on my resume it says Mary because that's my real name.

Laughter

Audience member: Can you please use the microphone please.

Monnie: Sure, I am the only one of your candidates that this evening who is re-upping after being had a first term and the first thing that I want to say that I took advantage of the first term was all of the training opportunities that are out there and I think the Citizen Planner course, the basic course in Planning and Zoning, site plan review course that I did recently Water School and Coastal Resiliency Issues that Networks Northwest just did last week. I think all of these things have taken the skills that I initially brought and elevated them hugely on my understanding of what, where Municipal Government fits in to the State Government and where Zoning and Planning come in. I also have been to Planning meetings a lot and I have spoken before in front of you about the need for the Planning Commission and the Town Board to work together and I still see a lot of work that could be done. I think the Planning Commission level to improve a product that comes to you all when it's an SUP because we had a number of stumbles over the last couple of years and I in particular would like to see us work together and have you all either direct or help us figure out how better we can do the work we do at the Planning Commission where we see an SUP for a couple of times really dive into it and then pass it on and I think the work you did with Jennifer earlier on in the spring was particularly useful and improving your checklist and I would like to see more of that. When I initially came on I would have said my interest was mostly in Master Planning and looking forward. But in working with the Zoning Code and having spent two solid years in the weeds with the Zoning Code I realize how vastly important it is that we get ours up to date and so I would love to have a second term just to try and get that huge project to conclusion so any other particular questions from you all?

Brad: I mean I'm good cause Monnie's always available she will always come ask questions when necessary. I feel I've had a good working relationship with you Monnie over the two years I've been here so I have no further questions.

Greg: I agree.

Joanne: What are you most proud of from your last term? What accomplishment as a Planning Commissioner or Planning Commission would you say was the most satisfying for you?

Monnie: I think it's part of working with a group of people together and I know that is not just my, my portion into that but there is something about a team building that I think is incredibly important and working, working together and I think I see us right at this point at a larger sort of shift than we've had in the last couple of years and I must say that the couple of candidates that I've heard come before me I'm very encouraged about who you all are looking at this evening and I think that is a hugely important part of it and I think anybody who doesn't have planning experience professionally really needs to go and make themselves available for all the very good training that one can get.

Greg: Well said.

Rob: Okay, any other questions of Monnie? Thank you.

Brad: Randy you were motioning.

Randy: No, I was going to compliment Monnie on the work that's been done with the committee and now with Monnie the committee I've really never seen so much attention to details that are in zoning codes that the committee has spent. You know so much of it is the unglamorous work of working through definitions and terms and the weeds as its been called and Isiah knows well too about how detailed that work is and the hours and hours that have been spent to get the code to where it needs to be. I know it has not been rolled out yet but it will be soon and you can see the work that has been done.

Greg: And I would have to add to those comments from a legal perspective. She's been on top of it she's demanded what she did and I did my best to give it to her and she's rolled with it appropriately.

Rob: Okay.

Brad: Rob before we bring the next person up Jo do, we need to change the tape over it's almost eight.

Joanne: We probably should.

Brad: Okay.

Rob: Okay, we'll take five minutes.

Tape changed to tape number two.

Rob: Okay, will everybody please take their seats. Business meeting, thank you. Kurt.

Kurt: So, I'm here tonight to hopefully become named a Planning Commission member to represent our citizens of Peninsula Township. I have a deep desire to help protect our environment, our rural character, our shoreline and our agricultural lands and also to promote a good high quality of life with our citizens. We have numerous large properties that are up for sale right now. If you've noticed there's some on Center, there's some on Peninsula. They are being marketed as potential winery chateau sites and I would like to see if we can try to protect again rural character and maybe put these into the PDR program. I know right now PDR program stands at about a balance of six hundred thousand dollars. I would certainly support a slight tax increase.

Greg: Laughs.

Kurt: So, we can put more of these properties under the PDR protection. So, what is my experience? Why am I qualified for this job? I've been a former Zoning Commissioner as you see on my cd for the Town of Pleasure, Connecticut so I have experience in this regard. You know we are a nation of laws and a Zoning Ordinance is certainly a law. It's the words of the Zoning Ordinance it's not my opinion, it's not your opinion, it's what is in the ordinance. So, I do have experience with in regards to understanding the words of a legal document. So, you can see my cd I've got about five patents with my name along with fellow inventors and one of the things that you have to do when you invent

something besides having a novel in your name, invention, is you have to be fair, you have to show the prior art. So, the Paten Examiner has to be given the prior art. Prior art that you think might be applicable to your invention so you look at an invention and the prior art is listed here and here. To make sure your paten goes through you have to look at all this prior art and you have to make sure that what your inventing is novel and unique and so the words that you put in the claims has the legal part, well it's all a legal document but the claim is what really matters and you have to make sure every word is so correct that somebody can't work through your paten and get around your paten and so every word is very, very important and so I have five of these patents. I was hired as an expert witness for a client and I testified before the second highest Court in the United States. The United States, excuse me, the United States International Trade Commission and they hired me as an expert witness because I knew the understanding of the words of a paten, we were defending a paten. So, I am really good at understanding the wording of our Zoning Ordinance and again it's not an opinion you have to go by what the Zoning Ordinance says. So, if you don't like what it says you need to change it and so I think that there are some things that we need to change in the Zoning Ordinance. I'm willing to work on the Zoning Ordinance as we re-write it. I have attended a number of Zoning Ordinance re-write Committee meetings and I have actually offered some suggestions in areas that I have expertise, solar panels for example since we have solar panels on our house. So, I am also a volunteer with local programs, I get involved with kids. I am a coach for the Nordic Rock Ski Program in Town and for the Middle School Ski Program in Town and I come to the meetings. I am very well versed in the Zoning Ordinance read I many times. I know the Master Plan and I know it is very important for us to update the Master Plan. We should be doing that every ten years and the last one was 2010/2011. It's up and due and should be re-written 2020 and I'm willing to work on that. I'd be glad to answer questions from even the audience as well.

Rob: Any questions of Kurt? I mean we know you quite a bit we know you come to a lot of the meetings but.

Joanne: Kurt are you retired?

Kurt: Well I'm still, yes, I still can-do expert witness if I get a call.

Joanne: Okay, so what roll would you see yourself playing on a Planning Commission?

Kurt: Well, I want to help with the Zoning re-write because I believe that there are a number of holes in this. It is an old document it's been patched together and McKenna is helping out. Monnie's done a great job with her sub-committee in fact she should be the first person that you re-hire quite frankly but I would like to help with the Zoning re-write and I would also like to help with the Master Plan. I am going to set the mic down for just a second. So here's our current zoning a lot of green which is agriculture but we have a lot of yellow which is the high density residential. I don't want to spend a lot of time on how we got into the 81 mess I don't really know it but that property was zoned high density residential. We had out on Kroupa and where we need the higher density is down near the base of the Peninsula. So, we lessen our footprint in terms of people driving their cars ten miles out to the end of the Peninsula. So, the higher density

zoning needs to be closer to the base of the Peninsula and then the need to protect the agricultural lands to the north so I'd like to help when we re-write the Master Plan.

Joanne: So, are you suggesting that we should be looking at a transfer of development rights component in our Master Plan coming up one that actually works?

Kurt: Well I thought PDR was in the Master Plan but yes it should absolutely be in there.

Joanne: No, TDR.

Kurt: Oh.

Joanne: Transfer of development rights.

Kurt: Okay.

Joanne: One of the four legs of the table that upheld the agricultural preservation plan in the original Master Plan of 1990.

Kurt: Okay, I'm not too familiar with that but anything that we can do that will help preserve our farms, our agricultural lands I'm pretty much in favor of.

Rob: Any other questions, Dave.

Dave: Kurt, at a public meeting in this room about a year ago you stated that you were renting rooms in your home on a short-term basis. We're aware that you've been advertising on Airbnb. I would like to know as a Planning Commission what you would do about this.

Kurt: Okay, good question Dave and as I have already expressed tonight, we are a Nation of Laws the Zoning Ordinance is very specific. I don't really care to get into my personal situation but I do know I've been both a host and a guest at Airbnb homes. We had a wonderful experience this summer when six of us adults dipped our bicycle tires into West Bay of Lake Michigan and we bicycled our way to Portland, Maine. We stayed in a number of Airbnb homes on the way. Starting in Canada, Lockport, New York, Northshore of Lake Erie in fact I even sent in a summary of that to some of the Planning Commissioners and you saw all of the nice compliments that our group got as a "Kurt Peters group was very friendly, considerate of our property, we'd love to have them back again, they caused no nuisance", that's the kind of situation we should have. What we should not allow is what you heard at that same meeting I attended last October where if there was one or two of our residents that described some pretty horrible situations where they had out of control renters next to them and that's the kind of protection as to what we need.

Rob: Okay, thank you.

Brad: Thank you, Kurt.

Rob: We do have three, is Lisa coming?

Isiah: I have no idea.

Rob: Okay, in front of you there are three others, Lisa Heming for the Zoning Board of Appeals, a resident and cherry farmer and would be a good fit more requirements and left her number. Rachel McBride is currently on the Zoning Board of Appeals and from what I understand very good she is an alternate and would like to move up to the full-time slot. Bernie Soutar came in and threw his hat back in I don't know if he was whole heartedly into it but he thought we didn't have anybody applying.

Laughter

Joanne: Actually, I think he really did want to apply he just he had made the assumption that he didn't have to formally apply, and I said yes you do.

Rob: Okay, well he did apply too.

Greg: Hey Rob, would you go back to those three and give a summary of their qualifications, who they are although many of the people here may know I think it would be nice for the record to be reflective of which you have there.

Rob: I don't have it.

Greg: You've got the three right there do you not?

Rob: Yeah, but they don't have their education or background. Rachel is currently on the Board I do know that and highly recommend.

Greg: Got it.

Rob: Recommended. Bernie if I remember from his other one, he's a U of M graduate and been on the Board several years. If he makes it this time, he would be seventy-eight when he leaves and Lisa Heming is Heming's from Neathawanta cherry farmers.

Greg: Okay, good I just wanted to hit a lot of the detail information it would be nice for the record but they did not. Thank you.

Rob: Okay, well I guess by statute or law Supervisor for the Planning Commission is the one who puts the names out and then either they are voted in by the Board or we go to the next person so and if I do not choose you, I do not, you understand there's more opportunity too in the Township and somehow everything falls to the Supervisor when anything is wrong they all come for. I would suggest for the Planning Commission, Monnie Peters, and Lawrence whatever your last name is pronounced.

Laughter

Brad: Delosky.

Dave: Delosky.

Rob: And the reason that I am thinking that is because the person that one of the people we are replacing is also representative from the Planning Commission to the ZBA which he would be very good at going into both of those arenas. Do you want to do the one by one or all three I should have asked you?

Greg: I would prefer you do one by one sir.

Rob: Okay, Monnie Peters.

Isiah: I think Monnie Peters has done a good job on the Planning Commission. I've served on the PC for an entire term she's been incredibly thorough and she questions all of assumptions and she deals with the applicants fairly and I think she is well deserving of a second term.

Rob: Okay, a motion?

Dave: I would move that we re-appoint Monnie Peters.

Joanne: I second that.

Dave: To the Planning Commission.

Rob: We have a motion and support, all those in favor?

Greg: Hey, any discussion?

Rob: Oh.

Brad: No further discussion.

Dave: No, none.

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

Board members all state "I's".

Rob: My next recommendation.

Greg: Rob will you also ask, I know everybody said "I", could you also ask if there are any.

Rob: Any no.

Greg: Yes, thank you, sorry.

Rob: My wife's been gone a long time so.

Laughter

Rob: Kind of beat me up a little here.

Greg: In fact, if you wouldn't mind why don't we just do all of them by roll call vote so just easier.

Rob: That's what I was going to do but you wanted me to do individuals.

Greg: Do individually roll call vote, I know that is a lot of roll call.

Rob: Okay.

Greg: But it would be much better, if we could do it again.

Brad: That's fine.

Joanne: Dave?

Dave: Yeah, yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yeah.

Joanne: Myself, yes, Isiah?

Isiah: Yes.

Greg: Thank you.

Rob: Okay, now that we have a procedure my second recommendation would be Lawrence. That's up to the Board for discussion or.

Brad: I would concur I found him to be impressive with his what I call experience with both sides of the coin and legal background. I think that he is very articulate but also has a way of delivering a message clear and distinctly a good choice.

Joanne: I think he has tremendous experience that would benefit the Planning Commission however I was really disappointed that he had not looked at any of the documents that he would be dealing with over this next three-year period in preparation for this interview.

Rob: Okay.

Dave: I think to come before us a very impressive individual.

Rob: Okay, we would entertain a motion.

Isiah: I would move that we accept Lawrence Delosky's application to the Planning Commission.

Brad: I second.

Rob: We have a motion and support, further discussion?

Brad: None.

Rob: Roll call.

Joanne: Rob?

Rob: Yeah.

Joanne: Myself, yes, Isiah?

Isiah: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Brad?

Brad: Yes.

Rob: It's very close on the end but my recommendation would be go with Todd Oosterhouse.

Brad: I would concur. I think Todd having recent experience of going through the process also being involved in the agricultural business what I call the newer agricultural business. I think he would bring some insight to the process and is needed.

Isiah: I just have a point of order. Which position are we appointing for three of them on the Planning Commission?

Joanne: Yes.

Isiah: Which ones?

Board members: Marilynn.

Isiah: Oh, yes. Okay, Marilynn. I forgot Marilynn.

Rob: Yeah, okay, if there's no further.

Joanne: I have um I think actually John Dolton is a better candidate for the third slot. I think he's got a lot of experience in housing and we really need to really begin to address out here so that young couples can come out have a family and actually begin populating the elementary school so that it can stay open for a period of time. I also think he was one of the best prepared outside of Monnie Peters having looked at the documents clearly understood some of the problems that were in them and offered suggestions for how they may move forward.

Rob: Well I guess it's up to anyone that wants to make a motion and then we'll see who passes.

Brad: I'm not sure I understand what you are saying.

Rob: Well we have to make a decision between Mr. Dolton, Mr. Oosterhouse and Mr. Peterson anybody want.

Dave: Could I.

Rob: To nominate.

Dave: Could I suggest that since this is Planning Commission does report to our Planner we might ask the Planner for his input.

Greg: But before we do that could we just back up for a moment. There is the responsibility of the Supervisor to put out those people he believes should be backed in terms of Joanne has the option to raise another person my question to you is would you be more willing to have a motion on the one and if it fails or have all others talk about any other individuals that they would like?

Rob: That would probably be the appropriate with my recommendation then if you don't you can turn it down and then I will make another recommendation.

Greg: Yeah.

Rob: And then if that goes is that.

Brad: That's fine.

Joanne: I'd like to hear Randy's comments though.

Greg: Absolutely.

Randy: Sure, I was impressed with all the candidates certainly but I am particularly impressed with Todd's background in terms of the agriculture and having gone through the SUP process and some conversations that I've had with him in the office regarding past compliance issues. I am sensitive to the issues with affordable housing in the

community. I think that is a large issue. I think there are a couple of dimensions to that though one is physical development of the Township including affordable housing but then also the financing of those kinds of projects I think that's a different skill set and that is important but not necessarily interval to the Planning Commission.

Greg: And may I just make one comment and I will try to make it as careful as I can. What I'm about to say should have no impact on the determination as who's the appropriate candidate but it is something that Boards should be aware of that because of Todd's involvement in the wineries in Peninsula there is likely to be when he is on the Planning Commission just as there is here potential conflicts of interest and again I don't think it effects the candidacy or the competency or your desire but I think that just as people on this Board need to be aware of there will be conflicts that maybe different than I think Mr. Dolton's or other people in that regard. Again, there's conflicts on this Board there's conflicts on the Planning Commission but I think from a transparency perspective the Board should be informed of all of those.

Brad: And Mr. Meihn I took that into consideration knowing that Todd came before us we're such a small community and it empties out in winter so we only have a fine eyed pool of people. I think that I've heard enough from the Planner and my involvement from when Todd would come in and ask questions. I'd like to make a motion that Todd Oosterhouse be chosen for the Planning Commission that's my motion.

Dave: I'll support that motion.

Rob: Okay, we have a motion and support for Todd Oosterhouse for the last vacancy on the Planning Commission, further discussion?

Brad: None.

Rob: Roll call vote please.

Joanne: Isiah?

Isiah: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yep.

Joanne: And I'd like to say Todd I really would support you but I have to say no.

Rob: It's not easy all the time. Okay, then we would go to the Zoning Board of Appeals. We have three and actually anybody can make those motions I believe. We have Rachel who has been.

Greg: Are we three for three?

Joanne: Yes.

Rob: Well, there's two and then there is an alternate.

Greg: Okay, but I think the Clerk indicated we're putting three in, right? In so in that regard you can make a motion of all three and then a roll call vote if you would like if you wanted to expedite it because there's no other candidates unless I'm making a mistake and Madam Clerk.

Joanne: And one of them will have to be an alternate.

Greg: Got it. So then make a motion for two to be the Board position and then the alternate.

Rob: I would make a motion that we re-appoint.

Isiah: So who are our seats on the ZBA?

Joanne: Cowall, Soutar. There's only two.

Dave: Cowall and Soutar.

Board members chatting about what seats are open on the Zoning Board of Appeals. Many individuals speaking at the same time.

Rob: Soutar, Bernie is here and he wants to be re-upped so we have one so we are taking.

Isiah: So, I would say if it's not sensitive to anybody else I would move that we re-appoint Bernie Soutar that we appoint Rachel McBride and we accept Lisa Heming's and her application as an alternate.

Joanne: I will support that.

Rob: I have a motion and support, further discussion?

Brad: None.

Rob: Roll call please.

Joanne: Dave?

Dave: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: Myself, yes, and Isiah?

Isiah: Yes.

Rob: And again, thank you all for coming out and I know it takes a lot of time there will be some other openings they always occur so stop in and see us maybe there is some other stuff we have going on in the Township could use some help.

Greg: May I just interject one last time with regard to this. Now that you've made your decision I did not get a chance given the court hearings I had this morning to determine on the zoning and or the Planning Commission are there staggered terms or different terms for these individuals and if there are the appropriate response would be now to go back to those individuals and select them for those terms that they're going to have unless they are filling the seat of someone else.

Joanne: These seats that are open are a three year and so it's a third, a third, a third.

Greg: Okay.

Joanne: On the Planning Commission.

Greg: So it's not staggered as to these three.

Isiah: No.

Joanne: No, no, it isn't.

Isiah: No it was an unexpected vacancy correct?

Greg: Right, I thought that one was one you would that person would need to be designated as to talking that position because that person's terms going to be different.

Isiah: So I would recommend that we.

Greg: Sorry for this by the way.

Isiah: That we appoint Monnie Peters and Larry to the full terms that are open and Todd Oosterhouse to the partial. I think that is the only housekeeping that we would need to do.

Brad: Is that a motion?

Isiah: That's the motion.

Brad: I second it.

Rob: Alright, we have a motion and support, any further discussion?

Brad: None.

Rob: Roll call please.

Joanne: Myself, yes, Isiah?

Isiah: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yep.

Joanne: Dave?

Dave: Yes.

Rob: Okay.

Greg: Then last but not least I would like from the ZBA that there is no staggered terms for which that needs to be determined in this meeting and you as the Supervisor make that determination on the record I would appreciate it.

Rob: To my understanding we appointed Bernie and Rachel to the full-term that were open and then we moved Lisa Heming to the alternate spot where Rachel was.

Joanne: So, there is still one alternate spot open.

Greg: Open.

Joanne: On ZBA.

Greg: Got it.

Rob: I guess we could would one of you.

Dave: John Dolton?

Rob: Would like to start somewhere there would be a second alternate on the Zoning Board of Appeals.

John: I would accept that position.

Rob: Okay, no Kurt? Okay.

Joanne: I move that we accept John Dolton as the second alternate to the ZBA.

Brad: I would second that.

Rob: We have a motion and support, further discussion?

Brad: None.

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

Board members all signify by saying "I".

Board members all state roll call.

Laughter

Joanne: Rob?

Rob: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Isiah?

Isiah: Yes.

Joanne: Myself, yes.

Brad: Beautiful.

Rob: Okay.

Joanne: Who seconded that, Brad?

Brad: I did.
Joanne: Brad.

Rob: Okay, item c, approve and accept the 2018 audit report from Tobin and Associates.

Brad: Pretty much a standard procedure Mr. Chair, so you have before you the audit that was completed following the State the State accepted it as whole one of the positives there's many positives, I want to call out that as close of the fiscal year which is reported by Tobin and Company. The Townships Governmental funds reported combed ending fund balance of five point six million I'm just going to round it. That's an increase of seven hundred and seventy-nine thousand dollars in comparison to the previous year. So, we had a lot of what we built on from the previous Treasurer and they did a fine job for sixteen years we built upon them for how do you say what's the word we were investing in different funds now we are getting about 1.9% interest rate on a lot of our funds and security Government instruments. So, I would recommend that we accept the Tobin and Company audit for the Township of 2017 and 2018.

Isiah: I will enthusiastically support looks great.

Rob: We have a motion and support, further discussion? It has been accepted by the State of Michigan already so.

Dave: I want to commit too that the Management letter is very positive it speaks to a very good job of the Treasurer and Treasurer's office and the Clerk and Clerk's office and the payable side and again I want to point out the Management letter is very, very positive. There are no open holes I was very happy with the report.

Rob: Okay.

Greg: Before you do the vote, I would also ask that part of your discussion that Mr. Chairman that you inquire as to which of your Board members if they had sufficient time to review this report and are prepared to make a vote based upon that review, please.

Rob: Everybody feel.

Greg: Could you go individually each of them.

Rob: Dave.

Dave: I've been through the report, yes.

Brad: I lived, breathed it.

Laughter

Brad: I slept it.

Rob: I'm good.

Joanne: I'm fine.

Isiah: I'm good.

Rob: We have a motion and support, any further discussion? Roll call please, Joanne.

Joanne: Isiah?

Isiah: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Myself, yes.

Rob: Okay, under new business, extend the snow plow bid from 2018/2019 with KLM Landscaping.

Brad: Okay, what you have before you is ladies and gentlemen is KLM Landscaping did our snow plow bid last year the bid it for seventy-four, ninety. They said they were prepared to do the same for this year and they would even add one or two more items to that Ginger's pointed out that we would like to see be done. The way this was crafted last year left us with option O, this is in the contract that says that we can extend the contract if we so choose. I would recommend to this Board that we do because as you may recall when we had the other bids they were much, much higher. I have not received any subsequent complaints on anything. In fact, I know that KLM that's the one that unfortunately when the fire truck the fire department snow plow truck broke down that they came without billing plowed out both buildings so I'm recommending the Board approve the extension of KLM snow plow bid for 2018/2019 at seventy-four ninety.

Isiah: I would support.

Rob: Okay, we have a motion and support, further discussion? Roll call please, Joanne.

Joanne: Dave?

Dave: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: Myself, yes, Isiah?

Isiah: Yes.

Rob: Okay, and the item that we added tonight is from Barry, Cotter and Bishop it's a proposal they already are our accountants and they would in Brenda's absence for the rest of the year at least they would step in do payroll, bills payable work with the W-2's, and everything while we're making the transition from the Clerk to the new Clerk. So we don't drop the ball on anything.

Brad: So Rob, you asked me to come and be prepared to give a synopsis and I'll just take an extra moment because I know we have a lot more to do. So, when Barry, Cotter and Bishop proposed we've been using this firm initially in the Treasurer's office to help us with restructuring and they did a fine job. I believe the Clerk feels the same way when they came over to assist in their office. They provide services to many Municipalities as we speak. We realized after the Deputy Clerk announced or was announced by the Clerk that she was going to conclude her employment December 8th.

Joanne: November 8th.

Brad: November, sorry, that we needed to find a solution so Barry, Cotter and Bishop actually do provide payroll services for other Municipalities and I believe one of them referencing in other communication is much larger Municipality. What they would do for the next sixty days would come in and literally the first of next payroll they would work alongside of Brenda so they can see exactly what she had done then they will be able to process for us in November and December their proposing fifteen hundred and month for those two months and then service would drop down to a thousand a month and then be done remotely after that. The important thing is I can tell you just from my side of the chair there is so much involved in the payroll process and in making sure that everyone's documentation is correct and W-2's and everything else that goes with it. This is a service they provide and they do. It will keep us in the ability to make sure our Fire Fighters get their paychecks and other people that rely on these paychecks that there's continuity in their income without any interruption and they also take care of the other thing which I believe is the benefits reporting. It's comprehensive and I'm trying to keep it brief so I recommend this.

Isiah: My only question would be is the thousand dollars a month cover year end reporting?

Brad: Yes, it would, it would.

Isiah: Okay, excellent.

Brad: And quarterly reporting of the 941's all that.

Isiah: Yep.

Dave: What about the other payables who would do that work during?

Brad: That hasn't been determined yet I think we're going to need to take a look at solution for that but that is not as but that is easier route as I said. We'll look for a different solution for that but this is critical to get this solution in front of us.

Dave: It struck me as being high. I mean I've used Paychecks and Paycore services, Payroll services and again these services that I'm used to are taking over once the numbers are there they go into the system and I do appreciate the fact that there is time required to take the raw time to convert that into exact pay for the employee. It seems reasonable to me.

Isiah: Yeah, it seems again from what I know about this sort of thing seems on the high side for a long-term solution (remaining of statement is unclear).

Greg: Which raises the issue is there going to be a written agreement with a term subject to that. My suggestion would be that that written agreement be until December 31st, and then December 31st, the Board can decide or prior to that to continue on for one what it needs but I would hate for you to be in those typical contracts that you get with these service providers where it is a one year deal that has an automatic renewal process which if you don't cancel sixty days before the time frame comes it automatically renews. I think you should hold very tight and be very circum-spected.

Brad: I agree Mr. Meihn and I will just tell you Barry, Cotter, Bishop is an as needed service provider for us. So I have no problem with asking or having it defined that it's til the end of the year. We can determine depending on how things progress if we continue on with them afterwards or not so.

Greg: If you would do that. Best practices as you know would be that you would want to communicate with them what the expectations is just someone else doesn't come in and say I was told something different and then we get into a he said she said so not that you would ever do that I'm just saying that a best practice would be simply to send an email across the board to them explaining to them that this we will have you do these until December 31st. I request a response back from you and then you get that and you preserve that in there and then I will help you with that email.

Brad: That's fine. (Makes a statement that is unclear).

Greg: Understood but.

Brad: Yeah.

Greg: Just want you to be protected.

Dave: We do need to keep in mind that W-2's go out in January and 1099's are due about the 25th so I would take the view that this has to be a commitment through the end of January to meet those IRS deadlines.

Isiah: I would concur.

Rob: I would agree with that too.

Greg: Make that motion, please.

Isiah: So, I would move that we authorize the Treasurer's office to engage Barry, Cotter and Bishop PC.

Brad: Actually, it has to be the Supervisor.

Isiah: The Supervisor.

Brad: The Supervisor has to engage their services.

Isiah: Right that we draft the Supervisor to engage the services of Barry, Cotter and Bishop, PC, to handle payroll benefits administration through the end of January 2019.

Brad: I would second that motion.

Rob: Any further discussion? Clarification? Roll call please, Joanne.

Joanne: Dave?

Dave: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yep.

Joanne: Myself, yes, Isiah?

Isiah: Yes.

Rob: Okay, is there any need to go into closed session?

Greg:

No, Joanne and I had an opportunity to talk about this and originally, I thought that we would go into closed session but given the fact that there is some of the information that has come in the last day and a half I think it would be unfair for any of us to do that at this point and time. So what I am going to suggest is I'm going to give you my update on five different things and then I would like you to schedule a meeting in the next week, two weeks whenever you can so we can discuss two of the issues after everybody has had the opportunity to take a look at some of the stuff have come in and more importantly you give me direction on how you want me to handle one particular issue. So, let me start off with the easiest one, Rob, the Supervisor has I think sent to everybody the more recent Mawlby report. I think you just got it today so I doubt that any of you have got a chance to review it. The short story of that is that the report apparently does not show that there is some arsenic issues in there as suspected or thought could happen and there had been a request by their counsel to consider that part of the 81 conditions to be removed. Again, that just came into me and was forwarded to the Supervisor and I saw that it was forwarded to you. I do not want to have that discussion. First of all in open session of how we would do it because of how it relates to the lawsuit and the Court of Appeals and our recent win on the preemptory reversal but I would like everybody to be on notice to take a look at that letter and if we could schedule a meeting in a week to two weeks when you've had an opportunity to look at that and I grant that Madam Clerk is going to be busy but I'm sure she'll, this is important to her or she'll have a chance to look at it. But give everybody a chance to review it and then we can have that meeting the soonest is best I think because there are other ways, we can use that. So that is the first update. The second update is that I have finished my presentation for best practices on minutes and I would think that would be an opportunity to get that meeting that we're going to set for. It is a twenty-five-minute presentation. Along with handouts and everything I got that finished this morning so I will get that material to you. It won't take us that long but I think it is very important to go over that and look at the best practices and what I share with you is best practices from a non-profit perspective, best practices from a Municipality perspective and best practices from a corporate perspective. They are all different and all of them have their different levels of expertise. I will not focus on the other two that are non-municipality much but just to give you a broad perspective. So, I would like to be part of this meeting that we can set up. The third thing is that Joanne was kind enough to meet with me this past Friday and finished up the investigation that I am doing with regard to the complaint that she has made against two employees and the two employees have since been made against Joanne. Joanne was also kind enough to answer all of the questions that I had and even provide me the initial draft letter that she had shared with your employment counsel and that's material that had been moved out of it that was broader aspect that I really wanted to see the broader aspect of what the background history was. So I have all of that, I have the report completed and I'm looking for the Board to give me direction of how that should be disseminated and then how we can discuss it. I will say that I would like to discuss it at the meeting next week or two weeks but the first and most important thing is how we should disseminate that. I know that you've made the Board the entire Personal Committee I would suggest that you have three options. One, option that it gets disseminated to Joanne and to the two individual ladies and to the Supervisor and then we go into a closed session at that point and time and all of you then get the rest of the information. That's one way to do it. The other way to do it is to have all that information provided to you under the Attorney

Client privilege and then when we go to the meeting we go into closed session and discuss the results in the finding. Either way is appropriate I just want to plead with you that this information is privileged and it is an Attorney Client privilege material and that however you decide you want me to disseminate I will disseminate but you want to protect everybody that is involved in this situation because from at least my involvement there's some good people here. There is and so it is up to you how you would like it disseminated initially to Rob to Joanne and to the two ladies and then at the meeting you all then find out the information there and we can take as much time as we need to or we can do it all at once.

Rob: I would weigh in that all the members of the Personal Committee get it at the same time. Under Attorney Client privilege so you have time to read it and if you need to research something or go back to the minutes then we can do it rather than getting it handed to you at a meeting.

Greg: Joanne what are your thoughts?

Joanne: I would just like to say that I asserted a complaint against one individual.

Greg: Thank you for the correction, yes and let me make very clear, thank you Joanne. Joanne had made a complaint against Sally and Sally had made a complaint against Joanne and Christina had made a complaint against Joanne. Thank you very much. How would you like, what are your thoughts Joanne? Because I like to ask each Board member what their thoughts are.

Joanne: Well, initially I had sent the complaint to the two Attorneys', Swartz and yourself and Personal Committee which was at that time the Town Board and it was supposed to be kept confidential but it wasn't.

Greg: But.

Joanne: I just have to say that.

Greg: But that's not my question. My question is how do you want to address with the report that I have prepared are you comfortable of it going to the Personal Committee or are you uncomfortable and want to go only to Rob, yourself and then to be discussed in a closed session?

Joanne: No, I think it should go the Personal Committee.

Greg: Thank you, Isiah?

Isiah: I would be fine with it going to the entire Personal Committee.

Greg: Brad?

Brad: Greg, to the entire Personal Committee, but I really want to reemphasize privileged and confidential.

Greg: Yep.

Brad: We've really got to do a very fair and thorough job of what we have in front of us to your point so when we individually can do our own studies and our own thoughts and be best prepared to have a fair dialog.

Greg: Got it, Dave?

Dave: Statement is unclear.

Greg: Okay, so if you would make a motion that I am free to release the report to the Personal Committee I would be comfortable with that or not you I'm sorry one of you individuals.

Brad: I would motion that we, motion that we motion, it has been a long night. I would like to make a motion that we have Township Attorney Mr. Meihn release as personal and confidential his findings of discovery as pertains to the issue as we've discussed tonight that's my motion.

Isiah: Support.

Rob: We have a motion and support, further discussion?

Brad: None.

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

Brad: Should we do a roll call Mr. Meih?

Greg: Yeah, please.

Joanne: Rob?

Rob: Yep.

Joanne: Brad?

Brad: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Isiah?

Isiah: Yes.

Joanne: Myself, yes.

Greg:

So the final thing I have is a discussion or at least provide to the Board in an open session in terms of committees, Planning Commission meetings and other things I had provided the Board over two weeks ago a report in my monthly update. Indicating that the law is very clear and very muddy but it's more clear than muddy that committees that do not constitute a quorum of the Board are not within the ambit of the Open Meetings Act there just not and if there not in the ambit of the Open Meetings Act in the cases that I am going to give to you they are not subject to notice provisions and they are not subject to minute requirements. Now where committee meetings can get into trouble is when a committee is actually making decisions and then that decision is rubber stamped by Board. In other words, the Board simply says we don't need a discussion the committee did their job and we're done. Where a Board takes a committees, report reviews it looks at it, thinks about it has other proposals that they had received and then makes the determination to follow the same line of a committee that's not a committee acting as a public body and again the cases are very clear. With regard to that, in fact let me sight to you the LaRont vs. Cleveland Township case which said as follows: It says there is no dispute that Township Boards and Planning Commissions are public bodies as defined by the OMA and subject to the requirements of fifteen-two, six, three, however, to constitute a meeting of a public body as contemplated by the OMA the following eliminates must be present. One, quorum of the Board, two, deliberation or rendering a final decision and three utters matters of public policy. That's the rule. That's the Attorney General's opinion, that's the opinion of the Michigan Court of Appeals and that's the opinion that still prevails today subject to that exception that I talked to you about where people try to avoid the Open Meetings Act by sifting stuff to a committee and then a committee secretly making decisions and then the Board not engaging in deliberating processes. One other thing when you talk about Planning Commissions meetings, Planning Commission or Commission meetings that do not have a quorum there are also not part of the Open Meetings Act and also do not require minutes and also do not require that they be posted if there isn't a quorum of the Planning there to do that, again subject to the same things. Now with that said let's talk about best practices alright, best practices is different than what the law requires. Some Townships, I know school districts across the State of Michigan and I will speak very broadly because I've represent about thirty-four of them follow the direction that I've just given in terms of committees they do not publicize the notification they do not do minutes and they don't have a quorum scenario and they do that for a number of reasons that are not important to you. Approximately half of the Townships and Cities that I represent do it one way or the other. Some post the notice of a meeting but don't do the minutes unless it is a committee that just meets all a long, long, long time but when you have a committee that meets for one particular purpose and it dispels that is even more of that process. I always think it is best practice for the public to know no matter what you are doing even if you're if I can be funny clipping your toe nails. It's always better for the public to know when you're dealing with public business. It is always nice to be able to if have if you so choose to do so minutes but the problem is there is nowhere for storage of those minutes there's nowhere for that specifically when you have a committee that doesn't exist. So best practices would indicate that anytime a Board operates or acts might want to throw up a notice on there you did in regard to the committee that I am talking about in terms of the PDR. You in fact announced it here that you were going to have that meeting that

next day. Posting a notice would have really done nothing for the public good in terms of that process and you're not required to do so. You are not required to do so and you're not required to concentrate the minutes. But you do have somewhat minutes of that meeting in the sense that you have the actual recommendations and the thoughts of that committee. So I wanted to kind of clear the air because I thought I did when I wrote the opinion and again I want to be very forceful but that's the law whether we like it or not but I also want to be respectful of the fact that some people do perceive when you have a committee meeting that what goes on in a committee meeting may not find its way to the Board but the purpose of committee meetings are to allow certain kinds of communication certain engagements and certain involvements that are needed for that type of committee. Again in our specific case when that issue regarding the PDR came before the Board I've looked at all the documents that you considered, I looked at quotes, I looked at the deliberation process you made and you're in good stet. You've done everything that you're supposed to be doing but I will heed to something that Joanne since I met her have talked about and that is think about this in terms of best practices. If you have standing committees that are long term processes, I think those standing committees may even though you are not required to give notice but when you appoint a committee of any nature you know what the law is and you know what the Attorney General now says and you know what the Michigan Court of Appeals said over and over again. So with that said I'm going to also reduce this for you in writing I did it once in terms of an email update but I will do it again in that process but I would just be mindful of the fact that two adages just because you do it doesn't make it the right decision so don't take that negatively but on the other hand you take every circumstance of which confronted with and you make the appropriate decisions based upon that and I have given you my opinion in regard to the PDR meeting. I thought it was appropriate, you followed law and you did your job as a Board from deliberation perspective. So those are all my five things that I have.

Rob: Maybe we should do an Open Meetings thing too so everybody is aware of that.

Greg: That's going to be in two weeks I'm hoping and I hope everybody can come so that we can do that presentation.

Brad: That was point one.

Greg: Yeah, that was point one, sorry. As we get old we sometimes forget stuff.

Laughter

Greg: I'm just joking.

Rob: Okay, citizen comments, and I do want to say that we are all neighbors we do have opinions sometimes I feel like I am referring here and the purpose of business meeting if you have certain things that need to be done please put it in writing and we can give it to the Attorney but is there anyone that would like to make a statement? Okay, Board?

John: I just wanted to thank the Board for their consideration and up against a tough group of candidates here and I will be back. Thank you very much.

Rob: Thank you. Board comments? Motion to adjourn?

Brad: Motion to adjourn.

Dave: Support.

Isiah: Second.

Laughter