

PENINSULA TOWNSHIP
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**Regular Town Board Meeting
November 7, 2018, 7:00 pm
Peninsula Town Hall
Minutes**

1. **Call to Order** by Manigold at 7:00 pm
2. **Pledge**
3. **Roll Call** Present: Sanger, Wahl, Bickle, Manigold, Westphal, Achorn Absent: Wunsch
4. **Citizen Comments for items not on the agenda** None
5. **Approve Agenda**

Manigold stated that there were two additional items to the Business agenda. The County Road Commission has requested that the Township pass a resolution opposing Senate Bill #396; this will be item F. The other item will be item G; it addresses the Park Commission dissolution by popular vote and the need to cover remaining park business for the calendar year. Closed session will be H.

Manigold asked for a motion to accept the amended agenda. Wahl moved; Bickle seconded. Voice vote **Passed unam**

6. **Conflict of Interest** None

7. **Consent Agenda**

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

- a. Reports and announcements (as provided in packet)
 1. Officers
 - a. Clerk—Voting Update (oral) Twp. vote: Prec#1-1023; Prec#2-1003; AVB-2063
 - b. Treasurer's Report
 - b. Correspondence
 - c. List of Invoices (for approval)
 - d. Approve request by Fire Department to surplus Phillips Heartstart MRX Monitors
 - e. Present Transcribed Meeting Minutes (not for approval; not provided in packet)

Bickle moved to accept the consent agenda as presented; Wahl seconded. Roll Call: Manigold-Yes; Westphal-Yes; Achorn-Yes; Sanger-Yes; Wahl-Yes; Bickle-Yes. **Passed unam**

8. **Business**

- a. **Final interview of applicants for the Clerk position**

This is the second interview for the two applicants. Bickle did a background check on each and said he found nothing. Manigold stated that state law permits a Board to appoint a clerk 30 days before the resignation of the sitting clerk, which was given as December 31, 2018. Manigold asked the Board to approve BS&A training for the two applicants in terms of handling the bookkeeping. Westphal suggested that both candidates take the Bureau of Elections (BOE) training as well as early as possible; these courses are available throughout the year.

Bickle made a motion to authorize the Supervisor to sign up the two candidates over the next 60 days for any training that is deemed necessary and reasonable to the performance of

duties relating to Clerk and Deputy Clerk. Sanger seconded the motion. He also raised the question of compensation. Bickle said he has not thought through that aspect because he wanted to give the Supervisor the authority to direct the two individuals for training as appropriate. Compensation can be discussed later. Manigold agreed with Bickle, and stated that he did not think the Board was ready to discuss compensation at this point. Manigold restates the motion to authorize the Supervisor to sign up the two individuals for classes between now and January 1; Bickle seconds. Roll call: Manigold-Yes; Westphal- Yes; Achorn-Yes; Sanger-Yes; Wahl-Yes; Bickle-Yes. **Passed unam**

Sanger moved to select Becky Chown as the next Clerk of the Township; Wahl seconds. Roll call. Westphal-Yes; Achorn-Yes; Sanger-Yes; Wahl-Yes; Bickle-Yes; Manigold-Yes. **Passed unam**

Westphal will swear Robin Noval on Thursday, November 8, 2018, at 5:00 pm as my new Deputy Clerk.

b. Presentation of best practices for minutes (Meihn)

Attorney Meihn presented a PowerPoint presentation relating to best practices for taking township minutes. She stated that there are different ways to take minutes, but this is the way that is recommended for government entities. He went through the various requirements of the Open Minutes Act; the basic requirement is to provide a factual basis of what happened at a meeting. Legal requirements include date, time, presiding body, location, voting members present and absent, decisions made at a meeting (motion, second, and vote), and the purpose for which a closed session is held. That is all that is required. Minutes should be open to public inspection at 8 business days after the meeting, and should be corrected within 5 business days of a meeting where the minutes were approved. The township Clerk has the responsibility to meet the requirements surrounding the minutes and to delegate the requirements of minute-taking to others. The minutes do not have to be recorded verbatim. Rather, they should capture who spoke on what, what their concerns, what actions were taken, and what was the action taken. When conducting a public hearing, all comments of individuals speaking should be recorded. Any actions taken by the presiding body beyond a vote, should be recorded. The tape or video of a meeting may be erased after the minutes of the meeting have been reviewed and approved. In closed session meeting, the minutes must be saved for one year. Zoning, land use, and Special Use Permit decisions in minutes are the exception to the rule, and more information is required in the minutes in a statement of findings; these decisions must be referenced by the ordinance language involved. These tapes or videos are required to be protected for perpetuity. He then went through the 21 steps that generate best management practices, as provided in the PowerPoint handout.

c. Presentation on Weatherholt Purchase of Development Rights (Rigan)

Laura Rigan reported on the Weatherholt Purchase of Development Rights package that was approved by the citizen advisory committee on PDR on March 15, 2018. Packet contains the required documents for closing, including a letter of understanding for the terms of the sale, a title policy, a survey, a deed of sale, a document containing the language of the conservation easement, and a legal description of the property at the time of sale. All of these documents will be reviewed by the Township attorney. The actual sale will occur in December, 2018.

d. Presentation of Fire Truck Bids with recommendation for purchase (Gilstorff)

Fire Chief Gilstorff reviewed the bids received for the fire truck. Three bids were received on November 1, 2018. West Shore Fire Equipment chose not to bid. R&R came in with a bid of \$491,847.00; CSI came in at \$479,656.00. We checked to make sure the specifications were the same between the two bidders, and they were. He requested that the Town Board purchase the fire truck from CSI. He went through financing as well, and described the various options. Bickle described how the funding will be paid out in terms of the dedicated fire department millage. Achorn asked what will happen to the older fire truck that is being replaced. Gilstorff said it will be put up for sale. Manigold suggested that the motion be that the two fire department pick up trucks be purchased in cash, and that the fire truck be leased on a 10 year basis; Bickle made the motion. Westphal seconds. Roll call. Wahl-Yes; Bickle-Yes; Manigold-Yes; Westphal- Yes; Achorn-Yes; Sanger-Yes. **Passed unam**

e. Approve Cemetery Software for clerk's office (Westphal)

Westphal presented the activities that were undertaken by the Township Citizen Cemetery Committee leading up to the recommendation to purchase cemetery software from BS&A. Three software companies were reviewed: CemSites, Pontem, and BS&A for their record-keeping, mapping capability, and how well the three products met our stated goals for the cemetery software. CemSites was the most progressive; it was set up to use the Cloud as its platform. Pontem is used by several townships around here. BS&A was the software that interfaced the best with the software currently used in the Clerk's office for bookkeeping. CemSites estimate for installation of the software was over \$7000.00; Pontem did not furnish a definite price to us; and BS&A came in at slightly over \$4000.00 which included training and setting up the software on our computer system. The Cemetery Committee and the Sexton recommended the BS&A software for purchase.

Wahl moved to approve the purchase of cemetery software from BS&A; Westphal seconded it. Roll call: Westphal-Yes; Achorn-Yes; Sanger-Yes; Wahl-Yes; Bickle-Yes; Manigold-Yes. **Passed unam**

f. Resolution to support the County Road Commission opposition to Senate Bill #396 exempting heavy-duty logging trucks from the frost laws affecting road use

Manigold read a letter from the County Road Commissioners encouraging townships to sign a resolution opposing this bill in the state senate. The Road Commission provided the resolution language and encouraged the township to use their resolution. Westphal moved to support the Road Commission in killing Senate Bill #396 through signing the resolution; Sanger seconded. Roll call: Achorn-Yes; Sanger-Yes; Wahl-Yes; Bickle-Yes; Manigold-Yes; Westphal-Yes.

Passed unam

g. Discussion centering on the dissolution of the Park Commission as result of the popular vote in the election

Manigold reviewed the election results that dissolved the Park Commission as an elected body. He identified certain needs, like invoices that still need to be paid at least until the end of the calendar year. He recommended that the Board appoint the commissioners to continue in their roles until

January 1, 2019, to avoid disruption in park-related business. Bickle to allow the Park Commission to continue their duties until January 1, 2019; Wahl seconded. Roll call: Sanger-Yes; Wahl-Yes; Bickle-Yes; Manigold-Yes; Westphal-Yes; Achorn-Yes **Passed unam**

Because the Board was to go into closed session, Item 9. Citizen Comments were taken out of sequence of the posted agenda.

9. Citizen Comments

Dave Murphy, 6943 East Shore Road, asked the Board if they had a game plan for what will come next when the Park Board is officially dissolved and will that game plan be discussed during one of the December Town Board meetings. Manigold replied that no single plan has been discussed to date for replacing the Park Commission.

No other citizen comments were provided.

8. g. Closed session pursuant to MCL 15.268(e) for discussion with Attorney Meihn representing the Township in matters relating to litigation and personnel issues.

Bickle moved to go into closed session; Sanger seconded. Roll call: Wahl-Yes; Bickle-Yes; Manigold-Yes; Westphal-Yes; Achorn-Yes; Sanger-Yes **Passed unam**

(CLOSED SESSION)

Discussion of personnel and litigation issues took place in conference room of new Town Hall.

(OPEN SESSION)

Manigold requests a motion to come out of closed session into open session. Wahl moves; Bickle seconds. Roll call. Achorn-Yes; Sanger-Yes; Wahl-Yes; Bickle-Yes; Manigold-Yes; Westphal-Yes. **Passed unam**

Manigold states there are a couple of motions to make from the closed meeting. Sanger makes the first motion. He moves that the investigation report compiled by Attorney Meihn be distributed to Christina Deeren and Sally Akerley; Wahl seconds. Roll call. Sanger-Yes; Wahl-Yes; Bickle-Yes; Manigold-Yes; Westphal-No; Achorn-Yes. **Passes 5-1**

Sanger makes the motion that the minutes of the Town Board meetings of August 28, September 11, and September 25, 2018, are approved by default and the Board approves these minutes appended with transcripts relating to the three meetings, respectively; Bickle supports the motion. Roll call. Manigold-Yes; Westphal-Yes; Achorn-Yes; Sanger-Yes; Wahl-Yes; Bickle-Yes. **Passed unam**

10. Board Comments

Westphal stated that she would like to make the following comments for inclusion in the minutes of the meeting.

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JOANNE WESTPHAL
CLERK

November 7, 2018

Dear Town Board Members, Attorney Meihn, and Residents of Peninsula Township:

Just this week, as a state and a nation, we voted and witnessed how our founding fathers intended the transition of government from one administration to another--that is, in a smooth and orderly fashion. And so it should be in township government. Tomorrow at 5:00 pm, the Township will lose a dedicated and talented civil servant, in the person of Brenda DeKuiper. Brenda worked tirelessly in the Clerk's office over the past 21 months, performing the broad and indispensable duties of accounting, payroll, human resources, and elections. She was, and will continue to be, a valuable human resource to her new employer, and she will be missed. Because of Brenda's departure, I am required to swear in a new deputy clerk. I have asked Robin Noval, who has agreed to assume the responsibilities of Brenda's position, to take the oath of deputy clerk at 5:01 pm tomorrow. With this important action, I am insuring that an orderly transition of government in the Clerk's office takes place.

Over the next few weeks, I plan to take 10-days of well-earned vacation time for personal and medical reasons. In the interim, I will slowly work to finalize obligations relating to my office as Clerk, and to facilitate the smooth transition of the Clerk's responsibilities to Rebecca Chown. I will vacate my office at 5:00 pm on November 30, 2018; this frees the Town Board to appoint a new clerk on December 1, 2018. This day is within the minimum 30-day statutory timeframe allowed by state law, based on my posted resignation date of December 31, 2018.

I am grateful to the residents of the Township and the Town Board for giving me this opportunity to serve them as their Township Clerk. It has been an experience filled with ambiguities in terms of challenges and rewards, disappointments and opportunities, frustrations and successes, friends and newly created enemies. The clerk's position demands good will, discipline, endurance, and from time to time, a healthy dose of skepticism. I have found that the office will test the points of one's moral compass, and in doing so, the strength of one's personal metal. It has been, one of the most challenging positions that I have ever assumed. And it for this reason that I thank you, the voter, for allowing me to serve you in the capacity of Clerk.

Best wishes to the new clerk and deputy clerk who will assume their offices, and to you, the Town Board and staff who will carry forth the important roles that each of you fulfill in the Township.

With gratitude, respectfully submitted,

Joanne Westphal, Clerk
Peninsula Township

11. **Adjournment** The meeting was adjourned at 10:21 pm.