

PENINSULA TOWNSHIP  
Regular Town Board Meeting  
November 27, 2018

Transcribed Meeting Minutes

Rob: I'd like to call the meeting to Order would everyone please stand for the Pledge of Allegiance.

Pledge

Rob: Roll call please, Joanne.

Joanne: Isiah?

Isiah: Here.

Joanne: Marge?

Marge: Here.

Joanne: Myself, yes, Rob?

Rob: Yep.

Joanne: Brad?

Brad: Yes, present.

Joanne: Warren?

Warren: Yes.

Joanne: And David?

David: Yes.

Rob: Okay, we have a full board. Mr. Meihn is on his way and he's got some good news, he was in court today on one of the lawsuits and made some pretty good progress but I believe he will be here in about forty-five minutes.

Brad: He was driving up from downstate right after the court hearing that was a significant victory.

Rob: Any additions or changes to tonight's agenda? I would entertain a motion to approve as presented.

Brad: So moved.

Isiah: Support.

Rob: We have a motion Bickle.

Joanne: I'd like to make a change.

Rob: Oh, I'm sorry.

Joanne: Under correspondence I would like to remove the correspondence of Fredrick Bimber to business item.

Rob: Okay.

Marge: Oh, I would like to make one too.

Rob: Okay, just a second. We'll put Bimber as D, okay, and Marge?

Marge: The Hasserot Park correspondence to business.

Rob: The what?

Marge: The correspondence from Grand Traverse County Road Commission.

Rob: Oh, okay.

Marge: For Hasserot Park.

Rob: Yep.

Joanne: Is that E?

Brad: Yeah.

Joanne: And then the closed session will become F?

Brad: Yes.

Rob: Okay, we'd entertain a motion to approve as amended.

Brad: So moved.

Isiah: Support.

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

Brad: None.

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

Board members all state "I's".

Rob: Opposed? Brief audience comments anybody care to make a statement right now? Okay, conflict of interest?

Marge: No.

Isiah: None.

Rob: Okay, 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, reports and announcements, officers, no reports, departmental code enforcement, Township Deputy, Library report as submitted in packet, correspondence as provided in packet, invoices and payroll, you do have an addition in front of you tonight too.

Brad: If I may Rob on that, the Treasurer's office worked with the Clerk's office we would recommend that we do the conditional approval on all of the invoices so we have a chance tomorrow to work with the Deputy Clerk to make sure that everything is in the correct buckets.

Rob: Okay, authorize signage for the Old Mission Women's Club cookie sale and approve Wolstano Paniagua, new cadet for Fire Department roster. Anybody from the audience that would like any of those removed and placed elsewhere on the agenda? Anyone on the board?

Brad: Nope.

Rob: We'd entertain a motion to approve the consent agenda.

Brad: So moved.

Joanne: Second.

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

Brad: None.

Rob: Roll call please.

Joanne: Rob?

Rob: Yeah.

Joanne: Myself, yes, Marge?

Marge: Yes.

Joanne: Isiah?

Isiah: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Rob: Okay, first item of business is approve the annual insurance benefit for staff and full-time Firefighters, Brad?

Brad: I'd be glad to just do a brief summary, I trust that all the board members and anyone else that's present had a chance to review through this, there is some positive update news is that our old loan insurance that we currently have for this new year is down almost four percent. A portion of that has to do with the district and how they roll us into it. So after doing the review of all the different options it's recommended that we renew option one which says right there renewal. Which is a continuation of the insurance and benefits we already have in place, it was also part of a dialog during the Union negotiations as well. So that's as brief of a summary as I can provide to you, the recommendation is to support the renewal as presented. That's four percent under last year.

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

Joanne: Brad, I thought it was three point seven percent.

Brad: Three point nine-four.

Rob: Okay, any other questions? We'd entertain a motion to approve.

Dave: I'll move to approve the recommendation of the Treasurer to adopt option to the renewal of the Blue Cross/Blue Shield insurance contract.

Marge: It's not option one.

Brad: To renew our current plan.

Dave: Renew the current plan, thank you.

Brad: You're welcome.

Isiah: I'll support.

Rob: Okay, we have a motion Sanger/Wunsch to approve as presented, further discussion?

Joanne: Question, was there any discussion on what percentage that the employees would be paying on this contract if any was there any change recommended or discussed at this meeting?

Brad: There was not.

Joanne: Okay.

Rob: Roll call please, Jo.

Jo: Brad?

Brad: Yes.

Jo: Warren?

Warren: Yes.

Jo: David?

David: Yes.

Jo: Isiah?

Isiah: Yes.

Jo: Marge?

Marge: Yes.

Jo: Myself, yes.

Brad: Thank you Jo.

Rob: Yes.

Jo: And Mr. Manigold.

Rob: Okay, item number two payment of Township Attorney Meihn for this special investigation submitted a bill for I believe it was two thousand dollars.

Brad: That's correct.

Joanne: If I may pass something out to the rest of the board.

Passing papers around to board members.

Brad: There's actually a two page document Jo, do you have that in your files? I didn't bring a copy with me the second page.

Rob: No this was the first one.

Rob and Brad speaking at the same time.

Rob: And did a three year contract with him.

Joanne: Well we weren't able to find the three part contract at all in the minutes of the Town Board and we checked the agenda, the packets and the minutes and we did not find the three year contract this was the only contract that we found in the minutes and it was dated January the fifth twenty-eighteen and it was one page. Susan did the investigation today and I asked, I talked to Greg Meihn earlier in the day and I asked him if he had a copy of the contract or if he had sent a copy of the contract because I remember having, having approved it when we were in session, in Town Board session, and he said that he didn't have one with him but he would send me one, and I didn't have anything when I left at five but he said that this contract by the way was never signed by the Supervisor even though it was approved so he had no signed copies of this.

Rob: Well, that was the original one and then we went back to him while we were here and we said we'd like to make it for three years then he sent another one which he signed and I know I've signed one.

Brad: I'm going to go over to my office I'll get that right now.

Rob: Yeah, cause.

Brad: Do you want to move onto another business item while I get that?

Rob: I guess we'll just take a few minute recess.

Brad: Or we can move it, however you want to do it Rob.

Rob: There is an agreement and as a board we asked him to go for three years he sent it and I have it, I just looked at it before I got over here. You probably have it on yours now too. The contract from him so.

Joanne: You mean it would be on my email now.

Rob: I believe so.

Joanne: Okay, because there is no contracts from Foley and Mansfield in the Clerk's office right now, period.

Warren: Makes a comment and gets up from table.

Rob: Okay, I think the copy he had sent he had signed and I remember signing one and I think giving it to you and your office rather and to, I know the Treasurer I believe and maybe I have one too, signed.

Joanne: I went through the entire drawer that's contracts and I could not find a Foley.

Rob: Okay.

Joanne: Foley Mansfield, and Greg said as far as he knew he never got a signed copy back from you.

Rob: That could be. I know that he sent a signed one and I do recall signing it and it was until 2020 I believe.

Joanne: I remember the discussion.

Isiah: I think we should be on recess.

Warren: Do we have to do a motion for that?

Isiah: I move that we recess until the Clerk and the Treasurer re-join us.

Warren: Support.

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

Warren, Isiah, Rob, Dave and Marge all state "I's".

Brad returns back to the Board meeting, handing out papers.

Brad: Also I found the minutes from January 9<sup>th</sup>, where the Board unanimously approved it.

Rob: Oh yeah, be extended to three years, January 9<sup>th</sup>.

Isiah: I would move that we resume.

Warren: Support.

Isiah: Our regularly scheduled meeting.

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

Board members all state "I's".

Rob: Okay, what we have on the cover was the original contract with Foley-Mansfield.

Brad: Which was sent UPS, so it may be in your office.

Rob: Which is a January 1<sup>st</sup> to December 31<sup>st</sup> 2018, then an email dated January 9<sup>th</sup>, 2018, Rob, this is to constitute or shall constitute my follow-up information regarding my proposal I submitted. First I am more than happy to extend the proposal for three years and the same terms and conditions. Second the proposal is inclusive of Peninsula Township matters the only additional to be paid Township would be filing fees, litigation costs such as depositions, transcripts, proposals all-inclusive attorney's fee and then on January 9<sup>th</sup>, of 2018, that night it is on the agenda, item number two, consider approval of Greg Meihn as general counsel on a flat rate fee of forty-two-five, legal services, and it goes on and questions and then moved by What to approve Meihn for Township Attorney services for three years, seconded by Bickle, passed unanimously, again, at the January 19<sup>th</sup>, 2018, meeting.

Joanne: Okay, so my question is he asked Mr. Meihn if this contract could be extended three years and Meihn agreed it was at that point that it was approved that evening but it looks like the correspondence dealing with the three year extension actually came in earlier in the day, in the afternoon and it must have been discussed before that because it says; Rob, this email shall constitute my follow-up information regarding the proposal on my submitted, first I am more than happy to extend the proposal to a three year period on the same terms and conditions, of what is of interest, and please consider this, where my concern lies is, second the proposal is all inclusive of all Peninsula Township matters. The only additional expense to be paid by the Township would be any filing fees, and litigation costs. Perrins such as a deposition transcripts un-Perrins. The proposal is all inclusive as to attorney's fees, and it's for that reason I cannot support this additional two thousand dollar investigation of complaint invoice that he has sent us concerning complaint that I submitted to you all, Town Board members to the two attorney groups both Mr. Meihn's , Foley-Mansfield and to Chelsey Dietz and Steve Schawartz because they were our Human Resource people, and so I find that this should actually be covered under the agreement that the Township entered into Mr. Meihn with because of what he states will be all inclusive. That's why I was looking for the contract today was to see if in fact it was all inclusive and it appears that it was. So I don't think that we should be paying this additional two thousand dollars.

Rob: Okay.

Warren: I think this is actually interesting cause if you look at the first page the original, the proposal is for services for general Township matters. I think this would be out of the scope of general township matters, but then you do go to the email where he says; I'm, first I'm more than happy to extend the proposal the three years for a three year period on the same terms and conditions I get up to the second paragraph where he says; all inclusive, I would assume that the all-inclusive is still referring to general township matters, but it does get a little bleak up in that aspect but my assumption is that when he say's all-inclusive he is still talking about all-inclusive for the general township matters.



Joanne: But it does not say all-inclusive for general it says all-inclusive of all Peninsula Township matters. The only additional expense to be paid by the township would be any filing fees and litigation costs this did not represent filing fees or litigation costs and in checking with my attorney he felt that in fact if this contract was as it appeared on this first page that it would include conflicts within conflicts covered by a personal policy handbook, period. That is a part of the general day to day operation by which we work and Mr. Meihn is our general counsel in that regard. So it's for that reason that I raise this issue.

Marge: Do we do have some other legal fees that are in addition to general township matters and that has to do with land divisions, he has a separate billing arrangement with us for those land divisions and so there are examples of other legal matters that are not considered to general.

Joanne: I have not seen that in writing anywhere nor is it documented in the Clerk's office.

Marge: We have paid the bills.

Joanne: I would like to know what other exemptions he has added now that differs from what we're seeing on the January 9<sup>th</sup> memo here.

Brad: I think one could look at this and say, general legal matters, I understand that as well and if one looked at the history of counsel representation of the township for the last ten years they tended to do just that, but no one could anticipate a very unique personal situation that arose that it's reasonable to say required something different had we gone to outside counsel we would had to have paid them to do the investigation and that is outside of the general township business. I think that when you have this in front of you, this invoice it could be from Keller-Tomma cause there was money spent through them for it and Mr. Meihn is done many phone conferences with residents and gone to meetings so I think for us to say well we want to pick apart the definition when really look at the history this was a unique situation it required to be thoroughly investigated so that we all understood and we saw the results from what came from it. So I feel that no matter who did it their deserved to be remunerated for their services because it's over and above.

Warren: I'm trying to remember we agreed to have Meihn look into this, we considered other attorneys didn't we?

Rob: Well.

Warren: Did we simply go with.

Joanne: No, the record shows that Rob went directly to Mr. Meih instead of going to our Human Resource attorneys which I thought would have been the more appropriate legal group and I thought that he did it because he felt that Mr. Meihn was covered under this forty-two thousand dollars that we're paying him and I, I admired him for his frugality in doing that and assumed that that was probably he went to Greg instead of the Human Resource attorneys, who are much better, I think to be able to handle these types of

issues. I don't think that this is at all uncommon in any form of government office I don't think it's uncommon and it certainly hasn't been uncommon in this township over the years. I think that this should be covered under his normal fees of forty-two thousand a year and that is why I am bringing it up.

Isiah: I would just say that in my professional life I view holding clients and customers, vendors in strict adherence to contracts sometimes can be damaging to a business relationship. I think it is generally best to look at a contract as a as a guard rail on normal functioning on a business relationship and I think there a number of us on the board here particularly those of us who do not have a real or perceived conflict relative to the matter at hand. Who would say that this issue is in fact something rises above and beyond normal course of business for the township. So I would support paying this one I think it would make sense for us to monitor any other sorts of invoices that we get from attorney Meihn but on the whole I think that he's been very reasonable and helpful to the township and I do view this issue as something that falls outside of the scope of what the attorney or the township expected when we entered into this, into this agreement.

Brad: You know and further to that conversation Isiah, and Board members, I've had, I've had to and long has the Clerk's office, drill down on these substantial billings from our previous counsel and its mind numbing and it took forever to figure out and then when you really put all the values back together it was very substantial and I feel that for all the things that current counsel Meihn does do for this service being unique that he should be remunerated and I think it was fair and what he offered in his hours and even a professional discount.

Joanne: I have to say in reviewing the hours that he has listed that I found a number of mistakes. I can tell you in terms of meeting with the Clerk's employees, he never met with the Clerk's employees. He only talked to them on the telephone briefly, and if it took an hour to review their statements of which one was a single paragraph and the other one was two paragraphs, I find that rather outrageous. I also met with Mr. Meihn and there was very little exchange in that one hour that he has listed here that actually had to do with the complaint at hand and the counter complaints that resulted, and finally I find his review of action taken for RFP bids at point one hours and competing bids to be fairly indicative of some of the materials that I have seen come from him recently in terms of sloppiness and really lack of care and what he's reporting, and it's, I don't want to be picky on this, I very much appreciate and like Mr. Meihn, but I really find that our contract with him really should include these types of things. They are not unusual in day to day operations dealing with Townships, Municipalities all levels of government, if you talk to any employment lawyer her or she will tell you that. I have talked to my attorneys and they have told me that. So I really think that this belongs under the umbrella of Mr. Meihn's forty-two thousand dollars, and I'm sorry to be picky about some of these items but I do believe in holding people accountable. For what they are submitting and I'm not doing this with any malice or disregard for Mr. Meihn and his very sharp and mentally inquisitive performance, but I do find things a bit a squid here and I'm going to bring them up because I think that's my job and it's also your job as Township Trustees and Officers, and so.

Rob: Okay, we know where Joanne is.

Dave: Let me kind of weigh in if I can as the new guy. I had the same concerns that Jo's raising and I spent some time going through matters. So I do acknowledge, I've seen this one page letter here, this agreement and I thought at the time this was very good. Quite a contract it is very much in the Township's favor from a client's point of view. I ran some quick numbers and I realized that at one hundred dollars an hour which is a lot of money but not much money for legal advice a hundred dollars an hour. This amounts less to eight hours a week of service to the Township and I can tell you in my job as Enforcement Officer I spend probably an hour a week in communication with Mr. Meihn. I find him very sharp, he's a substantial improvement over other attorneys I've worked with here in the Township. Coming back to what I have sworn to uphold here, if we had a multi-page contract where I could go right to page three and find an exact reason for supporting or not supporting this bill I would do that. But what we have before us is a one page gentleman's agreement I'll call it or a personal agreement and we've heard from my colleague to my left that he interrupts general matters to be general matters. Yes, you could argue that you have employee matters come up but again given a number of factors, the factor that I believe his compensation is very fair. I believe that the agreement that was signed on January the fifth is general enough that it makes it difficult for me to penalize Mr. Meihn for giving this additional service to the Township and again in my experience with him since he came with us on a full-time bases it's a breath of fresh air compared to other counsels this Township has had. So putting it all together I have to let reason prevail and I believe that it's reasonable to compensate him additionally for what I see as additional work or work load.

Brad: Is that a motion?

Dave: I would move that we approve Mr. Meihn's bill to the Township with the investigation of complaints billing after discount two-thousand dollars.

Isiah: I would support that motion.

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

Brad: None.

Rob: Roll call please, Joanne.

Joanne: Warren?

Warren: I, I support the motion.

Joanne: That's a yes?

Warren: Yes.

Joanne: Myself, no, Dave?

Dave: I'll support the motion but I would like to comment, that I strongly suggest we enter into a more comprehensive.

Rob: Defined.

Dave: Defined agreement.

Brad: That's reasonable.

Joanne: Excuse me I would like to make this a roll call if I may.

Rob: Yeah, I did. I asked for a roll call.

Joanne: Oh, I didn't hear that.

Isiah: It's a roll call.

Brad: It's a roll call vote.

Rob: Warren is?

Warren: Yes.

Brad: Dave is a yes.

Joanne: Myself, no, Marge?

Marge: Yes.

Joanne: Isiah?

Isiah: Yes.

Joanne: Rob?

Rob: Yeah.

Joanne: Okay, it passes six.

Brad: Jo, I vote yes, Jo.

Jo: Okay.

Brad: Thank you.

Jo: Brad six to one.

Rob: But I do think we do need to set down with him and get a more clarified document than what we do have and it would be a lot easier as we proceed.

Warren: I think what you are going to have is it's hard to define a contract like that.

Rob: Okay, we have the Weatherholt purchase of development rights, last week you were given the packet to go over, Laura do you want to come up and I guess if we have any questions, are there any questions on the Weatherholt, we have the money set aside for the purchase.

Brad: Yes, it's earmarked and prepared for disbursement as directed.

Rob: The procedure would be too basically if we approve it we would authorize Joanne and I to sign the agreement and I believe the closing you have set up for.

Laura: Tentatively it's scheduled for December 6<sup>th</sup>, which is next Thursday we might need to push that back a little to like mid to late December.

Rob: Okay.

Brad: That's fine, as long as you let me know.

Laura: Yeah.

Brad: The funds are readily available.

Laura: Okay.

Brad: Their secured, so we're ready when you are. Just give me at least seventy-two hour notice.

Laura: Sure.

Brad: Please.

Rob: Okay, questions?

Marge: I have one question.

Rob: Marge.

Marge: It's perhaps because I don't understand the ramifications of the difference between a resolution and the actual contract. On the second page of the resolution, number three, it says the useful life of the property is hereby determined to be not less than fifteen years, but everywhere else it talks about perpetual or

Jo: Perpetuity.

Marge: In perpetuity or the land will forever be available for agricultural production and or open spaces and I was just wondering why there was this difference.

Laura: To be honest that was like a standard slate used in the past for the Township that was drafted by previous attorneys and Greg did review that so that is more I would point to Greg for that language as far as the resolution language itself the easement language I could provide more details with but I would have to defer to Greg on the resolution language.

Dave: I assumed that was a legal statement that has legal meaning.

Laura: Yeah.

Dave: Something that has a useful life in effect not less than fifteen years.

Rob: Okay, are there any other questions?

Jo: I think that's a significant.

Rob: We'll wait until Greg gets here.

Jo: Question.

Rob: Then.

Jo: That we need to address.

Rob: Yeah, well we'll have to wait for him but in the meantime do we have any other questions?

Brad: I have no more questions.

Jo: Could you tell me who did the appraisal on this?

Laura: Steve Nickles.

Jo: Okay, and the properties that he compared this property to?

Laura: That should be in the abbreviated appraisal that is listed in that the packet that was provided.

Jo: Okay.

Brad: Yep, it is.

Laura: There is properties that before value and there's properties that are in there after the value.

Jo: Okay.

Laura: There's several properties listed.

Jo: Al righty.

Laura: The table from it.

Rob: Okay, I think if there are no other questions. We will pretty much table this until Greg gets here. He did express to me he had a change in the resolution too so.

Jo: I would say then that we should table this until the next meeting.

Rob: He'll be here shortly.

Jo: I know but if he knows that there is already an error in the resolution and now we have this question.

Rob: Well Joanne, your taking words out of my.

Joanne: No, I'm not.

Rob: And changing but we have a tentative date we would have to have a special meeting to hit their closing date. That's why we put all the documents out for everybody way in advance so in fairness I think we need to wait for Greg to answer Marge's question unless there is something else on the table, and I do believe he did say something about a different resolution but I'm, I can't say that for sure.

Dave: Rob, to that point, might I ask the representative here is Mr. Weatherholt planning to close by year end, last (unclear) perhaps?

Laura: Yes.

Dave: Okay, so I'm hopeful we honor that and give the close on this property then.

Rob: Unless we have a problem with something.

Dave: Right.

Rob: Then when Greg gets here.

Dave: Right.

Rob: But, okay.

Joanne: I don't have any problem on closing with this thing before December 31<sup>st</sup>, or January 1<sup>st</sup>, I'm just saying that you don't want to sign off on a resolution that you haven't seen the language on.

Rob: Well lets way.

Joanne: So if there's an error we need to make sure we have the correct resolution in front of us.

Rob: And maybe he'll use this one, I don't know Joanne.

Joanne: Okay, well you brought up the issue so.

Brad: Do we table, do we have to vote for table?

Rob: Yes, we have to take a motion to table.

Brad: I would motion that we table this until Mr. Meihn is available to answer questions and provide clarification.

Isiah: Support.

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

Board members all state "I's".

Rob: Opposed? Okay, were tabled until the attorney arrives. The next item was in correspondence. The letter from Mr. Bimber and Joanne you asked to put that on the agenda.

Joanne: I did and I would like to first ask if every board member has read this information from Mr. Bimber because it was specifically requested by the Town Board at the October 11<sup>th</sup> meeting at which time Warren and I were not in attendance. Warren because he was in court and I because I was in a meeting with the Cemetery Committee and I think it's very important that we go on the record saying that we have read, that we have in fact read through this material that Mr. Bimber has taken the time to put together.

Marge: My question was why was it included in our packet? I think that the question at that meeting was it was an oral statement of facts and it was requested that a written presentation be given to the Township so the attorney could review the facts, I don't see why it has reached the board level.

Joanne: If you go on the video stream Marge it actually, Rob requested this from Mr. Bimber on behalf of the Town Board and Mr. Meihn and this is what was provided it was not requested to be in confidentiality or any other privileged sense and I think that he was simply abiding by Mr. Manigold's request.

Marge: I think that's an outrageous request for us without any reason at this time to be looking at it in detail, I think we need guidance before we start taking the time to read page by page by page of legal documentation that's years old until we know what we're dealing with.



Brad: Jo, I wasn't able to, because when it came in it's a very comprehensive package. It came in as correspondence so I positioned it to be something to read through and understand, I wasn't aware we should have been fully prepared for tonight's meeting to do, say we've signed off, because I did, I treated it as correspondence as okay please be aware Town Board for your knowledge and information because I do as I, there's a lot of things I don't understand and I need somebody that understands the legal componentry to say this means this and this means that.

Rob: Well, that's what came Mr. Bimber did do what we asked him to. He sent it to Greg why, and I thought it was in correspondence so everybody would read it but it actually needs to be on probably next month as an agenda item because Mr. Meihn is reviewing it. We have the Banobo people and their attorneys reviewing it and I think Mr. Campbell was gonna get it and somehow Mr. Santucci it seemed like he was in there. But they've all received it I sent it to them earlier this week and Greg is looking into it and I think to pull it off the agenda and try to act on it now is not the way to do it. But when the attorneys come in with their opinions and maybe Mr. Bimber wants to be here we would put it on as an agenda item on a Board

Brad: Rob, I think,

Rob: meeting.

Brad: Another question, if I recall there was I think you had passing in the hallway you had a communication with the previous attorneys Bryan Graham didn't they, I don't recall what that was.

Rob: They sent us a tremendous amount of information when this became an issue so we have volumes and then I sent that to Greg so he will be doing an opinion on it. I don't know that he's able to do it tonight when he comes because it was a correspondence thing. I think we should put it on the agenda if you want it on the agenda but we can definitely put it on for the next month.

Joanne: I don't have any problem with that. I'm somewhat surprised that Marge doesn't think she would be interested in the content of this especially seeing as Rob has now sent it out to the other attorneys and other individuals especially Mr. Bimber was providing it to the Township Board and to Greg Meihn as part of correspondence because he was requested to turn in the materials that he reported on at that meeting on the 11<sup>th</sup> of October. I am surprised at, I don't have any problem please don't think that I do in tabling this to.

Rob: Okay.

Joanne: Another meeting.

Brad: I would support that too so we can digest information.

Rob: Is that a motion.

Joanne: Yeah.

Brad: and be fully prepared.

Rob: We have a motion and support to.

Bard: I second that, yeah.

Rob: Meeting in December, further discussion? All those in favor signify by saying "I".

Board members all state "I's".

Rob: Opposed? Pretty rough on your equipment there Marge. Okay, Marge you brought up the Hasserot Beach, Hasserot Park things from the Road Commission that is the next item on the agenda.

Marge: I was, number one it was a funding request for the Township yet it was still in correspondence and I don't think we have any background on it and I think it needs more investigation before we discuss it.

Rob: Well, yeah, I put it in this is the letter I received from the Road Commission and we were meeting with the Road Commission and Isiah met with them on Hasserot Beach and how we can get the traffic signs finally in there, the walking pedestrian areas marked like they do in say Traverse City, the big white things on the road and I went to meet at the site and the meeting was at the Road Commission so Isiah kind of handled it and the Road Commission came and said if we want those strips and all this stuff we have to act immediately because the truck was in town to do that and then they go all over the state. So, I told the Road Commission that I have the ability to spend up to a thousand dollars and that's my limit so it can't exceed that and the rest of the kind of stuff was worked out with Isiah and the property owners down in Old Mission and then it was shared with me and I gave the approval up to a thousand dollars that's why I'm putting it in here. I don't believe that we've seen a bill yet but it is a substantial improvement down there for safety. We finally, we've been working with them for years to get the road signs in and the parking in areas so the two of us pretty much did it.

Brad: Okay.

Isiah: Yeah and the striping will be a recurring thing. I assume that we probably need to vote on it as a Board. I didn't know Rob had up to a thousand dollars in spending capability that for the improvements and safety the well achieve down there it's well worth it and I think the striping is supposed to last for three or four years on a road like that so we can certainly.

Rob: If you've ever been down at Hasserot especially on the hot sunny days people are parking on both sides the neighbors can't get in or out of their house and they needed 'no parking' signs and honestly I, it's been several years and then amazingly a big boulder showed up along the road side and then they got removed and it's been quite

an issue so I think we have a substantial improvement and safety and the welfare of the people down there.

Dave: So if I could summarize it items one, two, three and four, I understand one is no cost and the County would do it, it sounds like two and three were approved by the Supervisor within the spending authority and what's left on the table either for tonight or a future meeting is four hundred dollars for a parking lot sign.

Rob: Yeah.

Joanne: Well, and it's four hundred dollars annually to re-paint.

Rob: If we need it.

Joanne: That's the predicted cost.

Rob: So, but we haven't been billed yet, but I wanted to put it on the.

Joanne: So, are you going to use your credit card to pay for this or was this going to come out of your payroll?

Rob: Laughs, no.

Joanne: If we didn't approve it?

Dave: When do we have to deal with larger sum, Rob, can that wait until springtime or?

Isiah: Their recommendation was that we wait until actually until we have a clearer idea of what we want to do with the Bower's Harbor, or not the Bower's Harbor expansion but the Kelley Park, whether we want to try to direct more traffic toward the lot over there or whether we want to direct more traffic towards the Hasserot Park or parking lot because if we have enough parking spaces over at the Kelley Park addition it may make sense to direct some of that tourist traffic or divert some of the tourist traffic to that lot.

Rob: So, it's no action required now.

Isiah: Right.

Rob: But there will be a bill coming and then.

Isiah: Yeah.

Marge: So would this be something for the next year's budget?

Rob: It may be I would think I don't know how often they bill.

Isiah: Yeah, I think the process went relatively smoothly I think if there are other areas we are running into with any kind of pedestrian, motorist conflict in the township it might make

sense to look at having this conversation with Road Commission on those issues as well. I believe the 'no parking' signs will allow our Code Enforcement Officer the ability to write parking tickets.

Rob: Well, well you go down there now and you wonder why we do anything cause there's no one there but on the hot summer day there's cars parked on both sides of the road, there's little children running across the road, darting out between cars to get a towel out of their car and things and it is a hazardous situation and in working with the group down there I hope we have made a substantial improvement so.

Brad: I just got, maybe he sent it to you Rob, I happen to keep my phone with me I got a note from Mr. Meihn he said he's about eight minutes out so do we want to maybe propose a break because it's almost an hour and you can change the disk.

Rob: Alright.

Joanne: We didn't, our disk is we started our disk.

Brad: Okay.

Joanne: For

Rob: Well, he won't be here for eight minutes and we've gone through everything we need to come on the resolution, then the closed session so I would entertain a motion to adjourn for the next ten minutes.

Brad: So moved.

Warren: Support.

Isiah: Support.

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

Board members all state "I's".

Joanne: Who seconded it who made the motion?

Warren: I seconded it.

Brad: You made it and I seconded it.

Warren: No. You made it.

Rob: You made it, you seconded it.

Recess

Rob: I would entertain a motion to come out of recess back to the regular scheduled meeting.

Brad: So moved.

Isiah: Support.

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

Board members all state "I's".

Rob: Mr. Meihn we've gone through the agenda and we're at the purchase of development rights contract and I can't remember if you said if you wanted to (not clear as Rob moves from his seat to Mr. Meihn to show Meihn the contract) but Marge had a question that dealt with, Marge please.

Marge: On page two line three says 'the useful life of the property is hereby determined not to be less than fifteen years,' I didn't know if it was just some legalese that is there because everywhere else it says in perpetuity or permanent.

Meihn: Well, that was a standard statement that meets the requirements that it cannot be less than fifteen years. I wanted to, that was one paragraph that I was looking to make inconformity and I'm having my staff do that research and its fine.

Marge: Okay.

Meihn: So its's the way it should be in there.

Marge: Okay.

Rob: Okay, is the resolution as presented correct?

Meihn: Yes.

Rob: Okay, any other questions of that?

Brad: None.

Rob: Then we'd entertain a motion to approve the resolution.

Isiah: So moved.

Brad: I second that.

Rob: We have a motion and support to approve the resolution as presented, further discussion?

Brad: None.

Rob: Roll call please, Joanne.

Joanne: Isiah?

Isiah: Yes.

Joanne: Marge?

Marge: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Myself, yes, Rob?

Rob: Yes, okay, and at this time we would entertain a motion to go into closed session and we would go next door and talk about litigation and did you want to talk about where you were just before you came up before we do that?

Meihn: Yeah, I, I left this morning to head down to negotiate with another lawyer that in a matter that we are litigating on they seemed to be willing to engage now on the result and I will explain more to you in the closed session and that meeting lasted a little longer so it was three and a half hours there and five hours back.

Rob: Okay, we'd entertain a motion to go into closed.

Isiah: Do we want to open up the floor for public comment?

Rob: Oh.

Isiah: I don't know how long our.

Rob: In case we're gone would anybody want to in the public make a comment if you don't want to stay for a while?

Nancy R. Heller, 3901 Blue Water Road; under the consent agenda I feel you are, you the board or whoever is doing the agenda, I may not understand exactly the consent agenda I'm under the impression that anything on the agenda, consent agenda is unanimously passed without discussion. If that is true your putting way too much under the consent

agenda and it should be a, a agenda item. I would, I would like a definition or the legal, what is the consent agenda and what does it mean because I honestly don't know but if, if that's a true statement so again I know you're not here to answer questions but I would like you to answer when you are able. Thank you.

Rob: Okay, anyone else care to make a statement? Sally.

I thought this might, Sally Akerley, Peninsula Township Assessor; I thought this might be a good opportunity to present to the Board for discussion at next Town Board meeting as an agenda item a formal appeal of excessive fees for the FIOA request that was submitted. I didn't want to be too picky about it but it did seem rather excessive for the pretty brief query that was requested. The fees for compiling forty-two copies from the Clerk's office appeared to have taken almost four hours and 'd just like to question that and just kind of do a deeper dive into the fees associated with this FIOA so I just wanted to make sure nothing has slipped through the cracks and we could deal with it effectively at the next meeting.

Rob: Okay.

Sally: Can I leave this is this the recording secretary or do I give it to the Clerk?

Rob: Hand it to Greg and he'll pass it onto us. Okay, anyone else? Alright, then we would entertain a motion to go into closed session.

Brad: So moved.

Isiah: Support.

Dave: Support.

Rob: Roll call please, Joanne.

Joanne: Marge?

Marge: Yes.

Joanne: Myself, yes, Rob?

Rob: Yep.

Joanne: Brad?

Brad: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Isiah?

Isiah: Yes.

Board members leave the building for a closed session hearing. Minutes from that meeting are not recorded in this document as the recordings have not been provided.

Microphones came back on;

Warren: Support.

Rob: We have a motion and support, roll call please, Joanne.

Joanne: David?

David: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: Myself, yes, Marge?

Marge: Yes.

Joanne: Isiah?

Isiah: Yes.

Rob: Okay, Dave do you want to.

Brad: Make a motion.

Rob: Make a motion?



Dave: I move to direct Attorney Meihn to follow through on this strategy regarding the Peninsula Township Board vs. Gardynik litigation.

Isiah: Support.

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

Brad: None.

Rob: Clarification? Roll call please, Joanne.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: David?

David: Yes.

Joanne: Myself, yes, Marge?

Marge: Yes.

Joanne: Isiah?

Isiah: Yes.

Rob: Okay.

Joanne: Could you tell me who made the motion?

Members point to Dave

Joanne: Dave and Isiah, okay.

Rob: Then we would entertain a motion to authorize the Supervisor to sign the contract for Tim Wilhelm to aid in the 81 lawsuit.

Isiah: So moved.

Brad: Second.

Warren: Civil lawsuit to clarify.

Rob: Civil lawsuit.

Brad: As amended.

Isiah: Yep.

Rob: Further discussion?

Brad: None.

Rob: Did you get who made those?

Joanne: I think I got Isiah and Brad.

Brad: Yes, I seconded.

Rob: Roll call please.

Joanne: Rob?

Rob: Yes.

Joanne: Myself, yes, Marge?

Marge: Yes.

Joanne: Isiah?

Isiah: Yes.

Joanne: David?

David: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Rob: Okay, we've done citizens comments does anybody else want to add anything? Board member comments, we talked about meeting with the Union and that will be coming any other Board comments?

Joanne: I just have one comment and that is at the last meeting I suggested that I would vacate my office on the 30<sup>th</sup> of November that is not possible, I talked to MTA and I will be retaining my office until I officially retire on December 31<sup>st</sup>, 2018.

Rob: Okay, you buying drinks at that or.

Joanne: You bettcha.

Laughter

Unidentified audience member; I didn't hear that motion that was made after your closed session.

Rob: The first motion, Dave made a motion to authorize our attorney to work a strategy negotiation with the current lawsuit.

Unidentified audience member; Thank you.

Rob: Okay, there being nothing else before us this evening I would entertain a motion to adjourn.

Warren: So moved.

Brad: Second.

Rob: Okay, Whal/Bickle, all those in favor signify by saying "I".

Board members all state "I's".

Rob: Thank you.

Adjourned.



