

PENINSULA TOWNSHIP  
Regular Town Board Meeting  
September 11, 2018, 7:00 pm

**Transcribed Meeting Minutes**

Supervisor: I would like to call the meeting to order, please stand for the Pledge of Allegiance.

Pledge

Rob: I would also ask everybody to remain standing, for a second for a moment of 9-11 for the problem that we had several years ago in memory of those people and the first responders that died.

Silence

Rob: Okay, roll call please Joanne.

Joanne: Brad?

Brad: Yes.

Joanne: David.

David: Here.

Joanne: Isiah?

Isiah: Here.

Joanne: Marge?

Marge: Here.

Joanne: Myself, here. Rob?

Rob: Yes, Warren is excused tonight he had a court case going late and he may be here later. Mr. Meihn got called off on another case and he will not be here this evening. Citizen comments this would be an appropriate time for anyone in the audience that would like to make a statement. Please say your name and address for the record and.

Harold David Edmondson, 12414 Center Rd.; I would like to comment on the issue of monitoring of the PDR contract. First of all would like to say that I hold five of these contracts so I am the grantor and the Township is the grantee and Rob you should know this contract well as your name is on it so I would assume that you have read it from front to back.

Rob: All of them.

Harold David Edmondson: Okay, in it says that we are supposed to have a independent, it doesn't say independent, it says we are supposed to have a qualified non-profit entity presumably, presumably the Land Conservancy, I know that they are not non-profit but that is what this contract, covenant says. This is a contract between the Township and me and the citizens. So even though the ordinance kind of gives you a path of how to monitor these contracts, I feel that allowing staff is a significant conflict of interest because they are part of this contract indirectly because they work for the Township and the Township is part of this contract. So, I think that is quite relevant and should solve any controversy that we seem to be having with issuing that contract out and a lot of stimuli has been coming out because of that which is totally uncalled for, but the other point that I would like to make is that, Isaiah, Joanne Westphal, Rob Manigold and Dave Sanger also hold PDR contracts. You can't have staff monitoring your contracts that's inappropriate and shouldn't be done even though it has been done. We found that even with Mr. Uthla it was, we that we didn't like the quality of work he did. At least he called me and showed up at my farm and we talked. No one else has ever done that other than the Conservancy when Brian Bordose worked there. So, I think you should really consider getting an independent outside source regardless of the cost. And another thing I don't think we should have people coming to our farms on the weekends to accommodate their time they need to accommodate the farmers and the people that hold this contract. Have respect for that. Thank you.

Rob: Thank you, anyone else care to comment?

Neil Lau, 18100 Bay; I know some of you, but I do not know all of you. My family has been occupying the house across the street from Haserot Beach for the last nine years before that we homesteaded on Island Rd., I have been trying to get some sanity down on Haserot Beach since we own the center of it for some years and the Road Commission is, I think you have heard of the Road Commission. The Sherriff's I have been working with but I was supposedly going to have a meeting tomorrow morning with the Lieutenant from the Sherriff's Department, the local community Deputy and someone from the Road Commission. The Road Commission has a conflict so in any case things are moving along down there. We recently got the 25 mile an hour speed limit signs back and I appreciate that as I know everyone has been pushing for that. What I wasn't to talk about tonight is Kelley Park and in looking at the proposals that were out there I think seem to be to me somewhat short sited and I know it is difficult for Governmental bodies to avoid being short sited but never the less I have been out there for a long time as many of us have been there for a long time and you know in fact it was pretty nice when it was a campground. It really didn't cause any troubles so you know having said that the idea of putting the parking lot on the beach side of that curb right or paved road seems not to be a good

idea. That beach that area seems to me should be beach, fire pits, and places to barbeque, picnic tables, maybe some trees and what not. Put the parking area up above let's say above the little road and just run a single, single gravel lane down to the beach to unload the boats which will not be anything very large as I understand. In that regard I would like to say that we have water in our basement for the first time since eighty-six and that beach moves in and out. Those of us that are becoming aging have seen it way out there and way back you know so I think that needs to be taken into account and I don't know that it has been and I don't know that it hasn't been but that is what occurred to me. So, from here on out I am just going off what my ideas were I didn't really prepare remarks. I would like to see, there were talks of tearing out all the buildings and tearing out all the info structure. I understand there are vaults down there for the toilet. Like the one at our place or something similar. No?

Rob: There's a pressure system built in there but it has been vacated and has not been exercised in fifteen years.

Lau: Awe, and of course I know there's electricity, are there wells?

Rob: I don't believe that there is a well there.

Lau: Okay, you know it just seems to me that I heard that the electricity was going to get taken out that was short sited since you know, when Isiah gets to be as old as I us everything is going to be electric and so it just seems to me that pulling out the buildings and pilling out the info structure is being short sited. You know if it's not broken don't fix it wait and wait to see what we can do with it. I would love to see people camping down there. What I would really like to see is that little building up by the street, by the street have a great big sign that says Public Beach with an arrow and one on Swaney Road saying Public Beach with an arrow. That would take the pressure off of Haserot.

Rob: You do know the DNR owns that and they are taking public suggestions I think til the end of the month for any additional work to be done there.

Lau: Okay, well let's just say I've kind of gone off into the weeds here. Just some ideas that is all. I thought that people could park on the grass without spending any money you know, instead of parking in some fancy parking lot and I would just like to see it you know not because I am selfish about the beach. I don't mind all the people coming down to the beach it makes me smile to see everyone down there having fun and being nice and we certainly did pull out the hat trick with the extra buoys.

Rob: Yes.

Lau: As the boats have all gone down to Kelley Beach so I guess that's all unless anybody has any questions of me?

Rob: No, thank you.

Lau: Thank you.

Rob: Any other citizen comment? Okay.

Unidentified audience member: I have one.

Rob: Oh, I'm sorry.

Is the Attorney here tonight?

Rob: No, he had been called away. He couldn't make it.

That's unfortunate maybe I should, maybe I should wait then until the meeting with the Attorney because what I have to say is important enough that the Attorney should hear it.

Rob: Okay.

Okay, but what I will say is that it is, Mary Swift, 13956 Peninsula Drive; What I will say is that there is serious concern about the quality of work coming out of the Clerk's Office and those concerns will be voiced publicly now because my reputation is personally being aligned in the community and I cannot allow that. So that is why I am going to address it but I will wait until the Attorney is present.

Rob: Okay, thank you.

Swift: Thank you.

Rob: Anyone else? Okay, approval of the agenda. We do have some additions to the agenda tonight. Mrs. Heller has asked that item number one, on consent calendar under the Clerk the voting location Congregational Church be put on the regular agenda. I should have started we will not have a closed session because the attorney is not here. So the hall for the voting precinct will e and f, it was brought to our attention today that, I will just briefly read the memo; On July 10, 2018, Peninsula Township Regular Board, what we did because we had a new Planner, we had two representatives on the Planning Commission coming up and two coming up for review on the Zoning Board of Appeals and what we did was grant a one year term for them and we found out that this is illegal we have to do a full term so tonight I will bring that up to the Board and we will either ask those people to come in to be, or go through the process to appoint them to the regular three year term so that there will be effective voting. I did check with everything on the agenda tonight and we did have a legal quorum at the Planning Commission for Brys even with two of them not being if that is a controversy. So I'd like to add that and I guess that's it. I would entertain a motion for approval agenda amended.

Isiah: I move that we approve the agenda with the proposed amendments.

Brad: Second.

Rob: We have a motion and support, further discussion? Okay, conflict of interest?

Brad: None.

David: None.

Marge: No.

Joanne: No.

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. Meeting minutes Approval, August 14, August 28, Regular Town Board 7pm, reports and announcements as provided in packet we did move the voting to Congregational Church down the business part, staff report, Planner's report, correspondence and list of invoices that recommend approval. Is there anyone in the audience that would like any of those removed and placed elsewhere on the agenda?

No reply from the audience.

Rob: Anybody on the Board?

David: Pull the minutes from the August 14<sup>th</sup> for a few corrections please.

Rob: Okay. Take them off the agenda?

Brad: Pull them down so they can insert comments or correction.

Rob: Oh.

David: Address them at the regular meeting, yes.

Rob: Okay, that would be g?

David: Okay.

Rob: Or can you do them very briefly?

David: I can be brief, yes.

Rob: Okay.

Brad: Do you want to see if there are any other's here?

Rob: We will as soon as this is done. Yeah, go ahead.

David: Should I address this now? The minutes of August the 14<sup>th</sup> on page 6, Randy or our new Planner was speaking, Randy Mielnik and there is a typo on his name it could be confused with our attorney so I suggest that be clarified it should be (spells out the name Mielnik) speaking under item e as in Edward for the McKenna report and then on page 8, I am being quoted and I used the words and they want to call a truce and the minutes have the word truths, (spells out the word truths) it should be clarified that the word used was (spells out the word truce) it is in the middle of the paragraph page 8 under Sanger.

Rob: Okay.

David: Thank you.

Rob: Anything else?

Several Board members speak at the same time.

Brad: I just want to point out some of the invoices in here if I may?

Rob: Okay.

Brad: I just want to take a minute for the information of the Town Board and the residents. In the invoices under recommended approval you will notice if you have had a chance to review them there are a number of Gordy Fraiser invoices. We the Clerk's Office and Treasurer's Office looked at them together we discussed it and these are invoices that are long past due for various reasons so we felt that they need to get paid. They are providing services to us and because there may be some issues with some of the people outside of the Township at the benefit of it for issues that we are working with our Attorney so that is what that is for. Also I think we'll have in here as the Board may remember but I would like to remind you we were very fortunate to retain Greg Meihn under counsel for a fixed rate for his contract the one thing we didn't do was set it up for a monthly payment so id don't know if that's in this amended packet but just be aware that, that is a fixed rate and so whatever he does for us he generally falls under that monthly stipend. That's all. Thank you, Mr. Chairman.

Rob: Okay, and I would like to pull August 28<sup>th</sup> meetings and the point that Dave brought up about going out for monitoring. I do not believe that that reflects what the minutes said. I would like them transcribed verbatim. So I would like those removed until the next meeting. Just that part verbatim on the monitoring. Any other corrections or changes, additions? I would entertain a motion.

Isiah: I would move that we approve the August 14<sup>th</sup> minutes with the recommended changes, that we table the August 28<sup>th</sup> meeting minutes until the proposed changes that have been incorporated, and that we approve the list of invoices.

Brad: I second that.

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

Brad: None.

Rob: Clarification? Roll call please Joanne.

Joanne: Marge?

Marge: Yes.

Joanne: Isiah?

Isiah: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: Myself, yes.

Rob: Okay, we will go to the first item of business this evening. It's a public hearing on Brys amendment special use permit one-fifteen. At this time, I would like to close the regular scheduled meeting and open the public hearing. Randy do you want to explain a little or Walter did you want to come up and go through this?

Isiah: Do we need a motion to open this public hearing?

Brad: What's that?

Isiah: Do we need a motion to open the public hearing?

Rob: No.

Isiah: Alright.

Rob: It's published as a public hearing.

Isiah: (Makes a statement that is unclear).

My name is Walter Brys, my mailing address is; 3309 Blue Water Rd.; What I decided to do this evening is I have a copy of what I am going to say that I have provided to the Recording Secretary there so.

Rob: Okay.

Walter Brys: I gave one to Randy earlier today. He might have it in my packet somewhere if you want to look at it. I currently live in the renovated farmhouse at 3301 Blue Water Road which is designated under my SUP 115 as the on-site manager's residence. I am here to present a summary of my request for approval of amendment number three to SUP 115. The amendment number three request is asking for Town Board approval to proceed with the following:

First, the current Winery-Chateau zoning language Section 8.7.3.10 stipulates that within the Winery-Chateau special use permit an on-site resident manager is required reference Section 8.7.3.10.j, and this request is to change the designated location of that on-site resident manager from 3301 Blue Water Road to 3547 Blue Water Road. On July 10, 2018 the Grand Traverse County Road Commission approved a driveway permit and the Grand Traverse Equalization Department assigned the 3547 Blue Water Road Street address for the requested location of the on-site resident manager; copies of both approved documents have been provided to the Peninsula Township Planning Department. This amendment number three request does not, say does not, require a variance to the existing approved SUP 115 because the 3547 Blue Water Road location is within the originally approved acreage required by the Winery-Chateau special use zoning and does not negatively affects any vineyard plantings. Prior to selecting the 3547 Blue Water Road site I did hire KTM Excavating to confirm with Grand Traverse Health Department officials that soil conditions were suitable for installation of a typical septic system. Four test pits or locations were dug. Three test pits were suitable for drain field installation. These results were verbally reported by KTM Excavating to Mr. Daniel Thorell, the Grand Traverse County Environmental Health Director. Town Board's approval of this request will allow me to proceed with negotiations and costly contractual obligations with a home contractor to build the on-site resident manager home. All necessary governmental permits and approvals, including final occupancy permit, will be the contractual responsibility of the home builder. The estimated timeframe to complete the project from contract signing until occupancy permit is twelve months. The approval of the Town Board is necessary as the first step to this project. Moving forward with a building contractor is costly and is not prudent without having, first having the Town Board approval. Furthermore, the Township is protected as all permits and code approvals are required by the building code department before an occupancy permit is even given.

A little interjection here I thought, Ilene and I were talking about it as to why, why do you want to move out of that house you live in. It's a pretty nice place. Well it was a great place seventeen years ago when we fixed it up. But in the last seventeen years mother nature, gravity and all the good things that happen to peoples bodies have piled up so we've had issues to my wife's back, she had a hip replacement we've had a variety of things that have happened that say one level living is the way to go for us especially looking forward and so we can create a better spacial environment

for us all on one level. The plan that we are looking at includes a three car garage which would accommodate any kind of ramping things you may need in your garage so that you can get in and out of your car with ease with protection from the weather so we do not want to move there per say we like it there but we have to move forward and let you know why we're, and let you know why we're thinking about doing this.

So, the second item that's included in this request, the second is the current winery zoning language Section 8.7.3.10, stipulates that within the Winery-Chateau special use permit up to twelve guest rooms are allowed. Currently SUP 115 is approved for two guest rooms in its on-site guest house. This amendment number three is to approve five guest rooms in the 3301 Blue Water Road farmhouse; for combined total of seven approved guest rooms within SUP 115. When the 3301 Blue Water Road farmhouse was renovated in years 2000, it started in 2000 and ended in 2001 it included five bedrooms each with un suite full bathrooms and all exceeding 250 square feet in size, and you should reference Section 8.7.3.10.k, for that requirement in the Winery-Chateau ordinance. Currently, the original architectural/engineering plans that were originally permitted by the Grand Traverse County Building Department in 2000 have been, are being reviewed by the local architectural/engineering firm of Traverse Architecture Group in coordination with Mr. Bruce Remai who is the Building Official – Grand Traverse County Construction Code Office, and they're reviewing it for code compliance for the proposed use as five guest rooms. A summary copy of their review has been provided to the Peninsula Township Planning Department. It basically said that the house works and meets the codes with the exception of one room where we have to make an adjustment to a window for exiting purposes so and that's been turned over to the planning people today so Mr. Remai has made those, he has done a review in coordination with the architect that we hired and it looks like that is the only item we have that requires some sort of adjustment to the house. Necessary code related changes to the existing farmhouse will be made by licensed contractors under required permits prior to requesting an occupancy permit for use of the guest rooms. In response to Section 8.7.3.10.n, of the Winery-Chateau zoning language, on August 28, 2018, the Grand Traverse County Environmental Health Division conducted a review of the farmhouses existing well and septic permits in consideration for use as five guest rooms the results confirm that the existing septic system meets the proposed guest rooms use requirements, however, because of the age of the existing well plus its minimal distance from the septic tank, the concrete tank, they are requiring that a new well be installed per the specifications noted on the Well and Septic Status Form report dated August 28, 2018, and a copy of the report has been provided to the Planning group for the record. This requirement will be met prior to any occupancy permit request being made for the guest room use.

The well was initially installed in the 70's we have lost one pump down the well casing already and we got a second one in there. It is pretty old and the pressure it just needs, it's a good idea and we will place the new well at least 75 feet away from the current holding tank so we made the distance in excess of whatever the requirement is for the Code Department.

So, in summary, the Town Board's approval of SUP amendment number three will provide the applicant confidence to enter into costly and expensive commitments

with contractors to number one, complete the necessary code changes to the existing farmhouse for guest room use and then number two to sign a contract with a licensed home contractor for completion of the on-site resident manager home.

Also, again, these next steps are costly and it would not be prudent on the part of the applicant to proceed without first attaining the Town Board's approval. Once approval is granted it will make sense to move forward and as plans move forward each requirement by the Code Department and other entities will be met before a final occupancy permit is granted. The estimated timeframe for completion of both facilities is by May 2020, so I will be 74 by then so a couple more birthdays, if it all works out so, it is important to note that there is a sequence that occurs with a building project, so in order to get all the approvals needed for a new building as well as an existing home becoming guest rooms, the first steps, the first step is the Town Board's approval to proceed with a land use permit or whatever other document requirement is. That concludes my comment and my presentation and I thank you for your time, do you have any questions?

Rob: Nope, is there anyone here this evening that would like to have a question on this proposed special use permit?

Joanne: I have a question, Walter.

Rob: Well we'll bring it back to the Board, anybody else in the audience? Okay, at this time I would.

Unidentified audience member: Is this still part of public hearing?

Rob: Public hearing for the public.

Unidentified audience member: Okay, Can I speak or what?

Rob: Yes.

Unidentified audience member: I have something that I want to say.

Rob: Sure.

Harold David Edmondson, 12414 Center Rd.; I would like to say that I met Mr. Brys and Ilene back in 2000, I believe it was. Jo and I have the farm directly south, 83 acres, to the south. I guess I would say what a wonderful project that they have brought in front of the community. I commend him for doing his absolute best to thread the needle which is quite difficult it seems like and he has done an unbelievable job I believe doing that and looking at his projected project it looks awesome and what he has done in the past is very nice. I believe that they are one of the winery's that are clearly an asset to this community and a perfect model to help new places look at to try to fit their program to such as we probably will have more and to, I would just like to say that I am very appreciative of their excellent effort and I would like to see them move forward as fast as possible because I think it truly is an asset and they have a very good balance out here such as some of our other wineries are out of balance and just, I think shed a bad light so perfect example. Thank you all very much.

Rob: Anyone else care to make a statement? Okay, at this point I would close the public hearing and open the regular scheduled meeting for Board comments. I would let everyone know I was asked by Board members the packet came out late the Planning Commission minutes, I guess are not in there and they have asked to table it until the next meeting. That is where we will go over the findings of fact but if you have any questions now would be the appropriate. We had to take the public hearing because it was advertised as that for this evening and Walter, if we have a special meeting it will be on it but we will meet again in two weeks. You have been working very well with the Township and it was on our end. And I just have to when Board members don't feel that they've had the time to read the documents throughally they don't feel comfortable so that's on our end and not yours and I want you to know that. Any Board comments would be.

Joanne: Walter, I have a question for you, just a clarification. You talked about seven guest rooms on the site, five in the old farmhouse and two in the adjacent building that was permitted.

Walter: Back in 2007.

Joanne: Okay, is there any intention to have any more guest rooms in the resident manager's house?

Walter: No, actually the way that the ordinance reads you cannot use it for guest room purposes. So, once you make that re-designation on that location that's off the map as it is not allowed.

Joanne: Okay.

Walter: And you always have to have, If I read the ordinance properly you always have to have an on-site resident manager, an on-site managers residence.

Joanne: Okay.

Marge: I have a question.

Rob: Okay.

Marge: Um, has our Engineer gone through the detail of this packet including the calculations for acreage?

Jennifer: No, I have not had an opportunity to review the package.

Marge: So, you will do that?

Jennifer: I am happy to take the opportunity to do that prior to your next meeting.

Marge: Thank you, and has our Attorney had the opportunity to review this packet?

Randy: Are you asking me?

Marge: Anyone who is knowledgeable.

Randy: I don't recall specifically if he has.

Marge: Okay, in our meetings this winter it was a requirement that the Board place on everything going through the Township that our Engineer and our Attorney review all of these applications so I am requesting that the attorney also review the application.

Rob: Okay.

Randy: I would just like to add that the material that Mr. Brys spoke of in terms of the Health Department approval as well as coordination with the County Building Department has been provided to us and we have that documentation.

Rob: Okay.

Randy: With respect to the Health Department and the wells and septic systems as well as the necessary requirements for the building permit for modifications to the existing farmhouse.

Brad: Randy understand it is not like anyone is trying to drag their feet or slow it down if anything I think it's a great project. It's just that we've learned by our errors of recent that there's just those two gateways that we want to make sure we pass through. Attorney Meihn is a very quick study he'll basically take a look at it and say that everything looks in order. Jennifer Hodges has always delivered a quick and very solid work product so that's all. We just want to make sure that we keep consistent with the items that's why we're having the dialog today so we can close those loops so when we meet again between now and two weeks from now, we've got everything in order. Okay?

Rob: Okay, any other questions?

Isiah: I would just add for the purpose of discussion that this one passed through the Planning Commission in just one meeting and I think generally we didn't see any changes that would be broad enough to be of major concern so we talked about looking at the legal and engineering review before passing at the Planning Commission level but chose to move it on because it is a unique enough circumstances that it doesn't look like it will have a lot of potential for spill over into other projects.

Rob: Okay.

Isiah: Not a precedence setting decision.

Brad: Okay.

David: Is this an appropriate time to table this until the meeting of September 25<sup>th</sup>?

Rob: Is that the date two weeks from now?

David: I believe so, yes.

Rob: Until our next meeting, yeah.

David: Next meeting, yes, I would so move.

Marge: I have one more curiosity question. Where do you plan on putting your managers residence, I am looking at a very poor diagram?

Walter brings up large set of plans and shows the proposed site location to Marge and explains the location of the current location of the residence and the proposed location of the new site for the on-site manager's residence, east towards East Bay on Blue Water Rd. Mr. Brys asked the Board if it would be okay to hand over the print that was shown to Marge to Jennifer Hodges.

Rob: Dave, do you want to make your motion again?

Dave: I move that we table this matter until the next meeting of the Township Board, the matter being amendment to SUP 115, the third amendment.

Joanne: I second.

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

Brad: None.

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

Board: All "I's."

Rob: Opposed? Okay, thank you Walter.

Brad: Thank you, Walter.

Rob: Item b, approve the 2018 L-4029 millage tax rate. Brad.

Brad: Okay, this will be brief. This is a process that takes place every year before we go into the December tax roll. I wanted to call out if you may recall that last season, we had the park Palizzari we have satisfied and extinguished that bond so therefore we're no longer collecting for it. The other four items still remain if you will on our tax millage rate as you may also remember we raised the Fire Department to 2.000 mils we also had prior and through the August 7<sup>th</sup> election raised the Police or renewed the Police millage and raised it to .200 so what we ask for is a vote by each member of the Town Board. I would recommend approval of this an upon approval I would have the Supervisor and the Clerk sign it and I will get it off to the necessary authorities, the County, the State and everywhere else in the world who gets this.

Isiah: I would move that we approve the 2018 Tax Rate Request.

Joanne: I seconded it.

Brad: Okay, thanks Jo.

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

Joanne: Rob?

Rob: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Isiah?

Isiah: Yes.

Joanne: Marge?

Marge: Yes.

Joanne: Myself, yes.

Brad: Thank you.

Rob: Okay, item number c, approve 2018 Bonobo compliance report., Randy.

Randy: Okay, you have in your packet a report that follows up on Bonobo Winery special use permit 118 which was the subject of a settlement agreement in 2017. A copy of which is attached to the memo I have provided. There are a number of compliance issues that were in place then and we have gone through with the help of Christina and Gordon to document compliance with them in terms of that settlement agreement which is again is exhibit E in your packet. This is documentation with respect to coordination Michigan State purchase of fruit trees there are drawings that indicate how much of the area has been planted and in developing this report I did have this reviewed by our Attorney who approved it and offer it to you for your review and for your consideration.

Rob: Todd did you have anything to say or?

Todd: Sure.

Laughter

Rob: I don't mean to put you on the spot. It looks like you're working very well with what we agreed to and you're in total compliance with what we agreed to.

Todd Oosterhouse, 7700 Peninsula Drive, I just wanted to say thanks for having the opportunity to work with me and get this up where we needed it to be. I know it has been a long haul to get there but we did and I appreciate all the effort by everybody. Thank you.

Rob: I think the appropriate thing to do would be a motion to receive the settlement agreement the document to receive and file it.

Isiah: So, moved.

Brad: I second.

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

Joanne: Dave?

Dave: Yes.

Joanne: Marge?

Marge: Yes.

Joanne: Isiah?

Isiah: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Myself, yes.

Rob: Okay, continue discussion of the personnel policy handbook.

Brad: Should we consider citizen comments before we go into this because this could be quite a long dialog on the handbook and stuff.

Rob: I don't know how long it's going to be I thought we were going to just set a date.

Board members chatter unclear who is speaking and what is being said.

Joanne: You had specific questions, Marge had specific questions, and Brad had specific questions and I sent them to Chelsey Ditz who is um.

Rob: I wondered I didn't see them in the packet so.

Chelsey Ditz; And I apologize for being late I was looking around where to come in so, some of the specific questions had to do with the review of the documentation by John Hancock and Byoua so those are the matters.

Rob: Will you talk in the mic please for the record.

Brad: And tell us who you are so it is on the record. Thank you.

My name is Chelsey Ditz, I am an Associate Attorney with Keller, Tomma, Labor Counsel for the Peninsula, for Peninsula Township. There were several different questions the bulk of which had to do with exempt verses non-exempt employees we're going to get to that second. The first piece of the questions had to do with whether or not the documentation regarding the pension 457 plans were reviewed by Byoua and John Hancock perspective vendors so that would be something that does need to go to them for review. One of the suggestions that we talked about at the last session was that there could be reference to those documents the plan documents themselves any variance will be ruled by the planned documentation itself you're plan with those vendors who provide that service will review. More, the larger issue that was questioned was the exempt verse non-exempt status of the employees and what that means. Which is a very good question and a complex matter. In order to be an exempt employee and an exempt employee means you are not subject to overtime whether you work forty hours in a week or seventy hours in a week you are subject to the same salary, you may, the Township may determine that you want to provide overtime pay but you are not required under the Fair Labor Standards Act to do so if you're an exempt employee. Being a salaried employee and then that's often the terminology that is used does not actually make an employee exempt. There are two different categories of employees here at the Township, or two different categories that the employees here at the Township may fall into, as a, in order to be an exempt employee and that is an executive or an administrative exemption. An executive exemption requires that that employee supervise at least two full-time equivalent employees. So looking at the Township employees there's very few Township employees who supervise at least two full-time employees. I will use an example. The Fire Chief supervises the three full-time firefighters. In addition the executive employee has to have the ability to bind the Township and have the authority to make determinations that can be subject to Board approval but they can have authority, general authority, and ability to exercise their discretion. Once again a very broad example, the Fire Chief has the ability to run his department and make decisions for his department. There may be things that come to the Board for approval but he makes decisions on a daily basis in terms of the operations of the department. The administrative exemption is a little different and a little more complicated so Jo provided me with the job descriptions for the employees. There are some questions that I have that I would like to go over and perhaps this is not the best opportunity but potentially even with those employees just to get a better understanding of their jobs. In terms of whether or not they are exercising independent discretion in determination and whether or not they have the ability to

bind the Township in any way. It may be that they do not but some of these job descriptions make me think that they have more discretion potentially so it's something to be reviewed but in order to qualify under the administrative exemption the employee has to meet at least two to three of these criteria that are determined to be independent discretion criteria and there's outlined in the Federal Regulations. I have a binder here with all that information but essentially that goes to like I said before such matters as binding the Township the authority to enter into a contract potentially without approval or they have the discretion to deviate from policy as needed in order to accomplish the goals of the department potentially. So, there are a couple positions that may need a little more scrutiny with that but on the whole looking at the job descriptions and these exemptions the Township has very few employees who would qualify as exempt, salaried exempt employees, because of those requirements especially with executive requirement.

Brad: Okay, thank you.

Rob: That was the biggest question that came up from.

Ditz: Yes.

Rob: The employees who is exempt and we tried to get into with you on the phone last meeting and it was.

Ditz: It was chaos a little bit, there's like I said a couple of questions I still have so I am going to speak to Joanne about that and potentially even those employees just so we have a better understanding of what their particular job duties are but for the whole as a general statement the majority of the employees I would qualify as non-exempt.

Rob: Non-exempt.

Ditz: Non-exempt.

Joanne: Again, non-exempt is?

Ditz: Non-exempt means the employee is subject to overtime if they have work over forty hours a week. The employees here in your city, your Township Hall are not scheduled to work a regular forty-hour work week because of the four-day work week you have a thirty, well, thirty-seven point five currently work week and potentially thirty-eight-hour work week. So, they could work those two or two and a half additional hours up to the forty at their regular straight hourly rate. Anything over that would have to be at overtime at one and half the regular rate of pay and/or can be if there is an agreement with that employee, they can earn it as comp time, compensation, compensatory time. Which you, I believe that you do currently and that is earned at an hour and a half per as well. Compensatory time does have to be paid out upon any separation with the employee whether it be retirement, termination

or even if an employee working and dies while they're working that money is owed to their estate.

Rob: Thank you. The other question that I was aware of that Marge brought up but I don't think that you deal with the insurance it was the cafeteria type plan.

Ditz: Right, that would be a question for your health insurance in terms of your vendor that you utilize, I don't know.

Board members all speaking at once. (Peterson and McGregor).

Ditz: Peterson and McGregor, okay, I didn't want to misquote it. In terms of what is available to you that would be a question for them in terms of what product might be available such as an FSA's. My guess is probably what you are looking at as a potential.

Rob: Okay, Brad did you have questions that you gave Joanne?

Brad: That was it basically the exempt verses the non-exempt so that we understood the general scope of it. It will be something that we will have to explain to the staff and all the rest what that means.

Rob: In an attempt and we are all here except for Warren is to meet with all the staff as kind of a joint meeting and get all the answers and work through this.

Ditz: Okay.

Rob: And hopefully we'll have you at that meeting. What I was hoping to do was set that meeting date at our next Tuesday meeting we'll do Brys right up front and then the rest of the meeting will be dedicated. It is kind of hard to work on a personal policy for you know in a general meeting like this so we need to dedicate a block of time I guess is what I am trying to say so if everyone is.

Brad: Is it your thought Rob that we will have the staff here as well at that evening meeting or?

Rob: Yes, I would hope so. Maybe we would have to meet during the day for the staff could attend.

Brad: We will have to take a poll them to find out cause some people have other obligations after five o'clock.

Rob: Okay.

Marge: I think our current policy if we require them to come to an afterhours meeting, we must pay them.

Rob: Okay, well we could, we do have Warren that we have to deal with on his attorney schedule to fit in. We have one guy that actually has a job on the Board so.

Laughter

Ditz: Fair enough.

Rob: I shouldn't say it that way. Well thank you very much and we'll try to get the next meeting scheduled as soon as we can we'll get with the staff and move forward. Thank you very much for coming and that was the key information that seemed to be.

Joanne: So, is it the intent of the Board to have Chelsey at the next staff Board meeting?

Rob: I.

Marge: Perhaps we need Peter's McGregor there too so, or they should provide us with a sample or what their research says on the cafeteria plan because some of the recommendations.

Rob: I think that would be a good idea.

Brad: To answer Jo's question let's find out what would be mutually agreeable to everybody that's going to be impacted by this new policy handbook and get them in a room go through it because you'll need your experts there in insurance and in labor law to answer the questions that we do not know. So I think, again let's frame a time and a date and then we can fill in the attendees at that point.

Isiah: Yep, I would say that my number one and two concerns are making sure that we are on the right side of law and that we are offering competitive benefits package so I think bringing those two groups our insurance benefits manager can be really helpful to figure out what the market place looks like.

Brad: And even if it's a skype session so you don't have to drive then that's fine. That's the new world we live in we have all of this technology so.

Ditz: I am up in Bellaire for the next couple of days so this worked out perfect.

Brad: Oh, okay.

Rob: Alright, well thank you very much.

Marge: Wait, wait, in one of our prior meetings Jo mentioned that we, that you had a report from Barry Cotter Bishop that showed some type of future costs analysis of our personnel, do you have that report that we can share with the Board.

Joanne: Not here right now.

Marge: No, no, can you share with the Board in preparation. Also, Isaiah mentioned something about competitive, are we competitive in our personal manual perhaps we should check with some of the other Townships, Government units around to see what is in their personal manuals.

Rob: Okay, alright I guess anything else on that? Alright, we'll do probably a consensus when we can get together at our earliest convenience and we'll include you, Chelsey and Peterson McGregor and whoever else is available. Thank you again for coming all the way over.

Ditz: Your welcome.

Brad: Do we need to change the tape?

Rob: Do we need to change the tape?

Recording secretary: Yes, I can change it.

Rob: Okay.

Joanne: While we have a moment here, does anybody have any other questions for Chelsey?

Brad: I do not at this time.

Rob: The employees kept saying how can we look at this without really knowing if we're exempt or not exempt. How do they approach it so before we went any farther it was very clear that we had to.

Ditz: That's the major issue to understand the distinction.

Marge: So, in your opinion legally that only the Fire Chief is exempt?

Ditz: Well I have to, like I said, have some additional questions that I need answered regarding particular job descriptions and whether or not, sometimes job descriptions are not actually what the job is and so I just have a few more questions for some particular positions.

Brad: That's like the elected officials, the three of us it is a salary that is agreed upon so I can imagine, exclusive of everyone else.

Ditz: Well still have to comply with Fair Labor Standard Acts but however as elected officials you have discretion and authority to make decisions and conduct business in each of your respectable roles so that is distinct.

Disk two of meeting:

Marge: So, then the three officials are also exempt?

Isiah: Three executives.

Marge: Executives.

Ditz: Well actually I don't believe all three of you supervise two full-time equivalent employees correct?

Brad: Just the Supervisor.

Ditz: Just Rob does, yeah.

Brad: Then the Treasurer and Clerk have an appointed deputy.

Ditz: Right, so you only supervise, under Fair Labor Acts you wouldn't qualify as an executive because you have to supervise at least two full-time employees, but however there is an administrative exemption.

Brad: I understand.

Joanne: I think one of the problems that we've faced with the personal policy handbook is that when we inherited it, it really looked at most of the staff as hourly workers at thirty-seven and a half hours a week. However, the really more appropriately salaried individuals because their hours flex so dramatically and so we inherited a fairly ridged system that does not to a large extent reflect the flexing that had, has to occur in the Township for various positions based on time of the year, types of activities engaged in and so on.

Ditz: And in order to make the determination whether their salaried or not does determine the exempt status and so that there's just a piece missing for a couple of these positions I need to have clarification on to determine if they truly fall in one of the administrative exemptions or not. The executive exemption, like I said would only be those who supervise at least two full-time equivalent employees and then also have independent discretion and authority to make decisions. So the Supervisor would be a great example of a position that would qualify as that. However, there may be other there are other positions that may qualify as exempt because their administrative capacity. For which they exercise independent discretion and make determinations. They can be subject to Board approval but they are running departments in the manner that is effectively making decisions on a daily basis and making determinations for the Township.

Rob: Thank you.

Ditz: Your welcome.

Dave: I would just like to ask one if I can Rob. Chelsey, I understand that you feel at this time we do have nine exempt employees and I think you said there's probably the majority, but that's not the point. The payment mechanism by the Township as I understand by and large all salaried in other words people are paid a salary. When we met at the next meeting would you help us to understand typically in a non-exempt environment, we pay people hourly. If you'd be prepared at our next meeting to help us understand the pay in a salaried mode and basically treating our people as non-exempt and hourly mode. I am concerned that the handbook goes on states a

lot of working hours working times and that we just need your help number one to be sure we do not automatically re-classify any of our salaried exempt as salaried non-exempt. We need to be careful that we are not too specific on our working hours and secondly, I would like to fully understand in the salaried paid environment for a non-exempt employee the over-time calculation, okay and thank you.

Ditz: Absolutely.

Joanne: Just one more clarification because I want to make sure I understand this. Salaried exempt can be administrative if they have two to three employees working under them and independent discretion criteria which means they can enter into a contract independently or deviate from policy they have to have both those conditions?

Ditz: That would be under the executive exemption would be the two employees, the administrative exemption requires that the majority of work be clerical in nature and running an operation, operational. So, you wouldn't have someone who is out in the field for example qualified under administrative exemption and then there are numerous different criteria within the Federal regulations what I was giving were examples that would be something that would qualify your particular employees qualify under the administrative exemption.

Joanne: Okay, but with this particular situation of three officers on a Board, on the Board none of us can enter into a contract without Board approval or can we deviate from policy without Board approval. So that would eliminate us.

Ditz: That is why we need to talk about details that's why.

Rob: Ok, Thank you.

Ditz: Your welcome.

Rob: The next item was a request from Mrs. Heller to remove from the consent agenda the Clerk's request precinct two voting location, Congregational Church, November, or excuse me of 2018 removed and placed elsewhere on the agenda for discussion. I guess in explanation of that we have been working at the Fire Station and we are asking people to vote in a different location. What I am wondering about is and actually I don't have a problem doing that but I'm wondering how are we going to get the word out to the thousands of people that have been voting in that Fire Station for the thirty years?

David: I thought I read somewhere that you were going to mail out new voter registration cards.

Joanne: Yep, and that is exactly what we are in the process of doing. We have contacted Printing Systems who handles Government documents for us including ballots and so on and so forth and registration forms. They actually will place the red lettered "your polling place has changed" on a new registration post card that goes out to all of the registered voters in precinct two. There's twenty-seven hundred registered

voters and it will cost us of course the post card and the stamp but we have to do that relatively quick and we need to move forward and the issue was where was an alternative location and so I tried the Unitarian Church but they could not handle what they envisioned would be the parking situation and a polling session, a polling room set aside with their other scheduled annual classes. So then I tried the Congregational Church cause that was really the next large location where they would have a hall and people could park easily and it was in the vicinity of precinct two. After that if any of you know of any, someone suggested the school but there's, with the new restrictions on people coming and going to school that is virtually impossible today to schedule that and that leaves us with nothing south in the precinct two area that could handle a polling place. So unless we want to again have the Fire Department men move out for that day which Fred really would prefer not to do the First Congregational Church their elders have agreed to offer a suitable polling place for us in their music room. I went down and looked at it it's large enough and it could handle a gubernatorial race in terms of the likely turnout in our Township. They also are not charging us for this because they feel this is a public service and they want to be able support the community and they are willing to extend the use of the polling place for the 2020 election. So those are three really positive things there has been one individual a resident who complained that she had read something or had seen something or had heard something it's not really clear that one of the elders evidently had made a statement that was anti-Muslim. I have not been able to find this but that was brought up to some of the election workers at the last election, the primary election, and so they relayed that to our office but we have not been able to verify it. So other than that's the only objection that I have seen and yes, we have started the wheels in motion to let people know that it is likely, but we have not bought the cards yet and we have bought the stamps yet so it's really a matter of whether or not if we move forward and approve this.

David: Would this be for the November election or?

Joanne: Yes.

David: Okay, and the other question that I have I see Nancy is not here do we know any reason why Nancy wanted this on the regular agenda, any concerns she had?

Rob: No, I do not want to speak for her. We had been talking about having the firemen go into the bay for that one day and not, but apparently this is a different solution. Any further discussion on this, we would have to do approval and we will also probably have to amend the budget for postage and everything if we are going to do that to move quickly enough to stay ahead of the absentee voters.

David: It makes sense to me the decisions we've made to advance our fire department, it makes sense to me not to disturb that operation which is about a twenty-four hour disturbance from the time you set up. We have, obviously as you know two individuals that will be sleeping there at that time. Moving equipment in and out is, and we could have a major fire or a major emergency so I think it makes sense. I just wonder from the standpoint of the cost could we do one of those mail to everyone kinds of thing or does it really have to go to the name Jo?

Joanne: They have to have an updated registration card anyone because it tells them where the polling place is.

David: Okay, okay, make sense yeah.

Joanne: So the cost would be there anyway but the notification you know our newsletter is coming up on October 1, I've called for getting text in for that it should be front and center on the front page of the newsletter for the new polling place if we're going to approve it and I think that getting the cards out, our absentee voters they don't go to the precinct so that is a moot question but the other , the other voters who do go to the precinct do need to know and we have enough time to get this message out on the website, through the cards and also in the newsletter so those are, that was our strategy and in thinking about it we also felt that we could buy some directional signs that we could place near the church that says "polling place" ahead with directional arrows. I think that will help as well so.

Rob: Okay, what's the pleasure of the Board?

Isiah: I would move that we approve the First Congregational Church as the precinct two polling location for the November 2018 election.

Joanne: I second it.

Rob: We have a motion and support, any further discussion? All in favor signify by saying "I".

Board: All "I's."

Rob: Maybe we can use Jane Boursaw to as much as we can get out there. I just don't want older people coming out in November no matter what the weather and then they're at the wrong place calling. The next item is one that I added this evening. Joanne was talking with MTA and when we extended the terms of two people on the Planning Commission and two people on the Zoning Board of Appeals, which you have in front of you. We did it for one year with the thought that our new Planner would be in and be able to weigh in on those interviews but apparently it seems that is not going to work. So, I'm asking the Board either we make a motion to approve Monnie Peters and Laura Serocki for the three-year term rather than a one and the Zoning Board of Appeals Matt Cowall and Bernie Soutar for a three-year term rather than one or else we can do an interview process.

Joanne: I think that you have to first rescind the Town Board vote for the extension, one-year extension based on my understanding.

Rob: We could do that.

Brad: How would the interview process work Rob I didn't realize there was that option?

Rob: Well we would do it like we normally interview. Their terms are expired we put the ad in the paper, bring people in and then we would appoint for the normal thing.

Marge: I think that would be a good idea.

David: I think the fact that we now have the Planner on board that's very exciting way to tackle this.

Rob: Okay, my only concern, Christina, we have Zoning Board of Appeals this month?

Christina: We do yes.

Brad: Can it be rescheduled?

Isiah: You sit as a ZBA member until you are either reappointed or someone else.

Brad: I don't understand what you are saying, can you speak up.

Isiah: I apologize. I'm kind of losing my voice I believe that you serve on the Zoning Board of Appeals or the Planning Commission by default until you are either reappointed or .

Brad: And we went through that before I think we came on board there was that gap that I believe a couple of the sitting commissioners, I forgot which one, Planning that they were in seat until their replacement was dually nominated, elected, appointed.

Joanne: Donna Hornberger.

Brad: Yes.

Rob: Okay.

Christina: I do have one change on this though. John Snow did write a letter that he doesn't want to be a ZBA member so we will have to look at replacing him.

Rob: What I'm understanding is that we will put an ad in the paper and interview for the two seats on the Planning and the two seats on the Zoning Board of Appeals.

Joanne: First you need to.

Brad: Rescind.

Joanne: Rescind.

Rob: I would entertain a motion to rescind the motion of July 10, 2018, at the Regular Township Board meeting where we appointed Monnie Peters, Laura Serocki for a one-year term on the Planning Commission and Matt Cowall and Bernie Soutar for a one-year term to the Zoning Board of Appeals.

Joanne: So, moved.

Brad: Second.

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

Board: All "I's."

Rob: Okay, I'm just concerned about the Zoning Board when is that? Do we have a week or two?

Christina: I have one Thursday.

David: It's Thursday.

Joanne: They can still serve.

Isiah: They can serve until reappointed or replaced.

Brad: Okay, so replaced.

Isiah: Because I've run out of my term once before and it took a couple of months to renew.

Rob: Isn't that just contradictory to what you, why we had to do this?

Joanne: No.

Brad: You have to undo the one to being the process. Does that make sense?

Isiah: Makes a comment that is not understandable.

Rob: Okay, alright, that being the last thing on the agenda citizen comments, Monnie.

Monnie Peters, 1425 Neahatawanta Rd.; I am glad that you are finally doing this properly because your last thing about having us come before you and advertise it and do the proper three years rather than do a one year and then be faced next year with four people on the Planning Commission and maybe all three people on the ZBA. You also probably should spend time it wouldn't take you more than five minutes to go back through and read the ordinance about the Planning Commission, ordinance number forty-two. The ZBA is covered under the zoning code. I am not sure why ZBA gets under zoning code and Planning is under a certain ordinance but I think it is how the various State Enabling Acts have set these bodies up. But you know there may be other things that we're not following carefully enough that we ought to look at so I know I'm going to go back and re-read it, I was given that when I became a Planning Commissioner and I haven't read it in three years but it is probably good that we all read it and make sure that we are following the rules that we have passed. When we created an ordinance and we don't just say oh we'd like to go this way this year rather than follow the set rules and indeed I say that Isiah is right because I know we serve until replaced but you are now saying we want to go through the process of looking at new ZBA people and the two of us who are up for PC and I think that's exactly what you should be doing. Thank you.

Rob: Thank you, anyone else for public comment?

Brad: Did you want to say something Randy?

Randy: Just a couple of comments on that I guess you know the Planning Enabling Act was updated in 2008 and there's a number of areas that the new Zoning Code update that is in the process of being worked on is going to cover. So there are some things, and also I think what is absent, may be absent is a set of rules and procedures for the Planning Commission and how they conduct meetings so that is another element that just came to light. And then thirdly there is also a need to elect officers here shortly for the Planning Commission and they typically as I understand do it with the nominated committee so. It will be important that we get closure on that soon.

Rob: Thank you Randy, any other public comment?

Sally: Hello, is this on?

Brad: Yes.

My name is Sally Akerley, I am the Township Assessor, do you need my address?

Recording Secretary: No.

Sally Akerley, I wanted to address the Board about remarks that we made at the last Township Board meeting in which the decision was made to seek bids for the PDR Monitoring contract. On that agenda for the evening was the renewal of the contract between Peninsula Township, and myself, Sally Akerley and Christina Deeren. At the Clerk's urging it was recommended that the contract go out for bids for three reasons. One, the contract being over one thousand dollars warranted the bidding process, two, Christina's recent injury and three, a new part-time field appraiser in the assessing office. Regarding the bid it's not Township policy to bid for this contractual amount. Regarding injury I felt the discussion regarding Christina's injury were invasive and unfair. Nobody asked us how we planned on segregating the duties of that contract in order to get the job done instead assumptions were made. Christina is one of the hardest working individuals I've met. Her drive and work ethic are beyond reproach and she would never accept a project without knowing she should complete it. Regarding the part-time help in assessing, the Clerk by referencing our new field appraiser made the distinct impression that I was overloaded and unable to complete my work. She worried that the contract would only add more work and that did not make logical sense to her and I take great offense to that suggestion on two counts, first being the relevancy of the field appraiser position. The PDR work was to be performed outside of regular business hours. Second, I have been employed with this Township for fifteen years and in that time I have singularly managed the assessment administration of a very large complex and high intense community. I have forged positive relationships, and have assisted taxpayers in a variety of capacities and always maintained a curtsey attitude. I perform the processing of eight distinct special assessment districts encompassing forty resolutions before this

Board and sixteen public hearings and a multitude of newspaper publishing's all without a hitch it was seamless. All while preparing the annual assessment roll and holding Board of Review hearings. Not many people can do what I do and the recent State Tax Commission Audit of Assessing Practices I scored one hundred percent on behalf of myself and this municipality and only ten percent of Township's State wide can claim that. To suggest that I'm incapable of handling any work load is offensive to me. This is a letter that I drafted in response to the last Town Board topic. I timely placed this letter in the Clerk's Office for submission to your Town Board packets. It didn't arrive in your Town Board packets, it is absent. So, I am going to read this letter now and when I am finished, I am going to file it with the Recording Secretary and asked that it be placed in this evening written minutes this is one page it will be brief. Akerley reads the following correspondence:

WRITTEN CORRESPONDENCE- To be submitted to TB meeting agenda 9/11/18

At the most recent town board meeting, a singular town board member expressed some concerns about a business item – the annual PDR Monitoring Contract. Because those concerns were largely without merit and based on a faulty understanding of facts, I feel compelled to address those here, in writing.

The Contract, the contract was to be a renewal from the previous year utilizing the same staff under the same terms. Per the contract, Christina Deeren, the Township Zoning Administrator, and Sally Akerley, myself, were to monitor all PDR properties for a specified sum and perform the work outside of Peninsula Township's regular business hours. There was concern that the assessor does not have enough time to perform the monitoring duties during regular business hours and a fear that the zoning administrator, having sustained a recent injury, would likely be unable to perform the required duties safely. These concerns could have easily been allayed through conversation with staff or the reading of the contract. To reiterate, the contracted work was to be performed outside of regular township business hours. To reference recently hired assessing staff as grounds for ineligibility is misleading, at best. As our township grows and state required responsibilities expand, it becomes necessary to address those proper staffing levels. The PDR monitoring contract was specifically formulated to prevent any diversion from regular township duties. While invasive, the medical concerns expressed regarding the Zoning Administrator had no grounds, as no field work was to be performed without proper medical release which has been since then received. The monitoring duties contain two components and they are roughly equal parts, physical site inspection versus paper processing, mailings and phone interviews. Those dual work requirements being performed by a team made the medical issue a non-issue. The Conclusion, We felt the Peninsula Township staff model of PDR monitoring has worked well. Staff is familiar with the properties, both owners and the distinct parcel features as we deal with them on a daily basis. Staff can easily annotate the BS&A database with pertinent changes

and observations and staff is keenly aware of changes which assure all acreage is properly monitored. There is no justification to exclude this document from the packet. I spoke to the Clerk about the PDR topic the day after the meeting and in response the Clerk drafted a letter dated, 8/31/18, and disbursed it to this Town Board, this Personal Committee and likely others. In my opinion that action is retaliatory in nature the substance and characterization portrayed in that letter are highly inaccurate and wildly misleading. I would expect a remedy to this situation in the form of an apology and a formal retraction. I have presently begun conversations with legal counsel regarding claims of defamation and false light. I have been advised to make my grievance known to this Town Board both publicly and in writing. In conclusion I believe this Township should encourage a working environment where there can be a free flow of ideas and communication and not one where an employee is concerned about voicing an opinions and concerns. This creates a hostile work environment where employees are concerned that having their reputations tarnished if they don't agree with their superiors or an elected official. It hinders progress and denies growth. I have historically enjoyed an open avenue of communication in this Township with the co-workers and elected staff and I sincerely hope that can continue.

Rob: Thank you, anyone else? Dave.

Harold David Edmondson, 12414 Center Rd; On this PDR contract issue is this, are they claiming to be independent contractors or are they working under the Township outside of work?

Rob: Outside of work but I've been told that we're going to be served with complaints tomorrow I am not going to make any statements for or against or anything else.  
Harold David

Harold: Okay, I guess what I want to know.

Rob: Anything you would like to say Dave put it on the record.

Harold: I guess what I want to know myself if I am going to someone else's property I have to have liability insurance. Do they? Or have they had it in the past with Gill and the gals last year?

Rob: I would think, I will have to look at that.

Harold: So, you don't know.

Rob: I am not going to make any statements.

Harold: That's all I need to know.

Rob: Thank you. Mary.

Mary Swift, 13956 Peninsula Drive: I am going to start part of what I was going to wait for the Attorney because of what just happened leads into part of why I need to be here. There's a huge conflict of interest going on in the Clerk's Office. Mr. Edmondson just stood up here earlier in the evening talking about these PDR contracts that they own, he and Joanne Westphal own five of them and yet Joanne is the one finding fault with the contract with the employees. I'm sorry but I'm confused. He raised the issue of conflict of interest with some of you that have PDR properties and yet Joanne is the one raising these issues with the staff outside of work. So what I am just tell you tonight as this will come up again when the lawyer is here from me because something is broken in this Township. There is conflict of interest going on and it needs to stop.

Christina Deeren, I am the Director of Zoning for Peninsula Township. At the August 28, 2018, Regular Township Board meeting under agenda item f – approve contract for the annual monitoring of the PDR properties, Clerk Westphal opened the discussion regarding my personal injury. I was appalled that this issue was being discussed openly at a public meeting without my permission or consent. My health issues are personal to me. Furthermore, they are protected by Michigan Employment laws which should not have been disclosed or discussed publicly. The Clerk's statements implied that I could not do the job and in my opinion were the basis of why this contract was opened up for bids. The same contract was approved in June 2017. It was listed under the consent agenda and was approved without Board discussion or questions from any Board members. The cost of the contract was for the same sum as set in the 2018 agreement. The Clerk's statements are in violation of HIPPA and my privacy rights. I have been advised to seek legal counsel regarding this matter and I too have been asked to make a statement before the Board tonight. Thank you.

Rob: Thank you, anyone else care to make a statement this evening? Sally.

Sally Akerley; Regardless of who is granted the PDR Monitoring contract these reports are due by year end. The deadline is coming up fast so this Town Board needs to make a decision on what you're going to do. We felt that we were qualified candidates and individuals for the job because the ordinance says the Township will contract with a recognized and legally established non-profit Land Conservancy or other experienced qualified individuals. At one of the last Town Board meetings this Board decided to seek bids within two weeks so you can make a decision. The PDR program and the properties that have willing encumbered themselves are what make this Township beautiful and unique and we need to take care that they are properly monitored. When the decision was made to go out for bids the Town Board sought expedition in publishing advertisements for the bids. The ads been published but there's been no submission date. The PDR was not an agenda item tonight so I'm just concerned and curious when the matter is going to be addressed so we or whoever is entrusted to perform this work gets it done in a timely fashion.

Rob: Anyone else from the public? Okay, Board comments?

Brad: None.

Joanne: I would like to make a comment. First of all, there has been an interested party in pursuing this, the Regional Land Conservancy has contacted the Clerk's Office and has asked for the information necessary. They are aware that this is a very short fused contract that needs to be done because they have done it in the past before the Township decided to expedite things by hiring their own people or former employees which I personally think is a conflict of interest between the Township and the applicant. These compliance examinations or field studies are to ensure both sides of the covenant, the contract are being met. You can't have your own people doing a compliance check. They're part of the Township. Furthermore, in attending a Human Recourse Audit workshop just a week and a half ago one of the attorneys that was presenting the information at the audit clearly said when I raised the question of whether or not individuals in a Township can serve as independent contractors to do work for the Township the answer was absolutely not unless they have multiple employers hiring them to do that type of work. Otherwise, and liability insurance, for doing the work and they then, and if they don't, they then need to come back under the umbrella of their employment and be paid at the forty-hour breakout at time and a half for the work that's being done. That's how the law interprets whether or not an independent contractor is independent or not. The issue here, the central issue is whether or not they're independent contractors and if they are employed by the Township, they're a part of the Township structure that is being examined for compliance in an equal manner to the applicant. In other words, the Township has to observe the rules and regulations of the contract language as well as the applicant. Both sets have to have an independent observer verifying that they are not violating their contract. That's the central crux of the matter. The issue that it's been done the last three or four years by people that were once associated with the Township or in this case were hired last year to do this work is against the basic premise under which those contracts were established and regulated within the Township. We must manage our policies so that both sides are held accountable for meeting the terms of the contract. That's why we cannot hire our own staff period, it is just that simple.

Now I would like to make a statement; To the Township residents and the esteemed Township Board Members who are here, it is exactly two years ago to the day that I attended my first Town Board meeting. At that time the task before us seemed daunting but there was an optimism that with team work a new day was dawned and it was. Over the past two years as a Town Board we have made significant hires in the persons of Christina Deeren, Zoning Administrator, David Sanger, Code Enforcement Officer, Fred Gilstorff, Fire Chief and Randy Mielnik, Director of Planning. Where we found offices in disarray, we reorganized thousands of documents while we streamlined payroll procedures and improved accounting practices. Just last month for the first time the Treasurer's and Clerk's Offices were able to reconcile their books an important and essential fiduciary responsibility. But we have not met success in all areas. Over the past two year's strains within and outside of the team have resulted in settle erosive disregard for maintaining the

integrity of our code of ethics Township ordinances and public policy. In turn it has affected how we conduct ourselves and the business of the Township. Today a lack of stability and decorum exist in the workplace. I have personally experienced bullying, insubordination and intimidation. I have been shouted down in staff meetings and accused erroneously of acts that I never committed or authorized. Recently I was affronted and threatened by a staff member in my own office because I believe that a Township contract should go out for bids. Behaviors such as these are debilitating and violate my civil sense of propriety, well-being and personal safety. These perceptions in turn make me less effective in challenging the status quo of questionable practices in the Township or in fulfilling my statutory responsibility as the Township Clerk. As a professional of forty-five years I cannot tolerate this set of conditions in the Town Hall. It is for these reasons that I tender my resignation as Clerk of Peninsula Township effective December 31, 2018. With this complete statement of resignation, I will have no further comment on this matter and I recommend to the Town Board that this meeting be adjourned. Respectfully submitted, Joanne Westphal.

Rob: Well we'll adjourn when we are ready to adjourn. Are there any more Board comments? I hesitate to make any statement and I encourage you not to because I was told on the way over counsel has been hired about some issues dealing with this. I think that there's going to be a lot more coming out I don't want anybody going on record. We would entertain a motion to accept the Clerk's resignation.

Marge: I so move.

Rob: Do we have support?

Brad: Second.

Rob: We have a motion and support to accept the Clerk's resignation, all those in favor signify by saying "I".

Board: All "I's."

Joanne: Roll call please.

Rob: Roll call, okay.

Joanne: Marge?

Marge: I.

Joanne: Isiah?

Isiah: Yes.

Joanne: David?

David: I'll vote no.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: Okay. So, moved.

Rob: Okay, there being nothing else we would entertain a motion to adjourn.

Brad: So, moved.

Rob: Support?

David: Support.

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

Board: All "I's".