

PENINSULA TOWNSHIP  
Regular Town Board Meeting  
November 7, 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: Dave?

Dave: Here.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yep.

Joanne: Myself, yes, Marge?

Marge: Yes,

Rob: Okay, citizen comments if anybody.

Board member stops speaker (Joanne ask Rob question)

Rob: I guess he's out of town, so show Isiah as excused. Citizen comments, anyone who would like to make a statement please come up and say your name and address. Okay, approval of agenda, we do have two additional items on the agenda tonight. The County Road Commission has passed a resolution and asked the Township's to consider it opposing Senate Bill 396 which I will put as item E, and as item F, now that the vote is in on the Parks we will have, we'll talk about how we're going to handle that and motion to establish the park probably until January 1<sup>st</sup>, with the current members so they can continue paying the bills and do business so, any other changes or additions to this evenings agenda?

Joanne: I'm sorry what are you going to change, is this under business?

Rob: Yes, under business.

Joanne: Item E?

Rob: Item E be a request for support with the County Road Commission for Senate Bill 396.

Joanne: And then F is approve cemetery software?

Rob: No, F is the Park Board discussion. Greg did a legal opinion on the newsletter and also, we need to do a motion to keep those Board members in place apparently until the first of the year. I'll let him explain it when he gets here. He called and he's there's an accident he's caught up in traffic somewhere he's about fifteen to twenty minutes away.

Warren: I think this the confusion is that there's already an E and an F so now there's two E's and F's?

Rob: Well, isn't.

Brad: This should be G.

Rob: Yeah, I'm sorry F and G.

Warren: Okay.

Rob: My mistake, I wanted to put them before closed session.

Warren: Yeah, okay.

Joanne: So, resolution on Senate Bill 396 is going to be E or F?

Rob: Yeah, and G will be talking about the Park Commission.

Joanne: So, G is going to be after the closed session?

Rob: No.

Warren: Closed session would be H.

Rob: H, correct. Okay, any other changes or additions to this evening's agenda? I would ask for a motion to approve the agenda as amended.

Warren: So, moved.

Brad: I second.

Rob: Okay, we have a motion and support Whal/Bickle, all those in favor signify by saying "I".

Board members all state "I's".

Rob: Conflict of interest this evening?

Brad: None.

Dave: Rob.

Rob: Okay, consent agenda, any member of the Board, staff or public may ask that any item on the consent agenda be removed and placed elsewhere on the agenda for full discussion. Reports and announcements as provided in packet. Officers, Clerk, okay, do you want to add that now, do you the count?

Joanne: Yes, our vote for the election yesterday Precinct one had one thousand twenty-three residents voting, Precinct two had eleven hundred and three residents voting and our AV Board had two thousand and sixty-three absentee voter ballots that were actually returned and voted so we had over, close to forty-five hundred, I'm sorry, close to forty-one hundred, forty-two hundred registered voters casting vote ballots.

Brad: That's about 90 something percent.

Rob: And Treasurer's report, correspondence that we've received, a list of invoices, you've got the updated list also, approve request by the Fire Department to surplus Philips hard start MRX monitors and percent on transcribed meeting minutes, I believe that they will actually be presented to or discussed in closed session and we will have to take a motion to approve them after probably. Anyone in the audience would like any of those items taken off the agenda and placed elsewhere, anybody on the Board?

Brad: The only thing that I want to make mention of it won't be addressed tonight but when the October 31<sup>st</sup> minutes do get published for our review resident Heller come to me after previous meeting to provide she wanted to discuss clarification of her comments that were recorded on the 31<sup>st</sup>, at the Town Hall meeting as it pertains to the Personal Committee so when that is available then we'll have that as a matter of record it won't be tonight Mrs. Heller.

Rob: Okay, we'd entertain a motion to approve the consent agenda.

Brad: So, moved.

Warren: Support.

Rob: We have a motion Bickle/Whal for approval of the consent agenda, further discussion, clarification.

Brad: None.

Rob: Roll call please, Joanne.

Joanne: Rob?

Rob: Yep.

Joanne: Myself, yes, Marge?

Marge: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Rob: Okay, then we'll go to business the first item of business is the final interview for applicants for the Clerk position. Do both of you just actually want to come up and.

Brad: And if Greg comes in, he can sit down by where Isiah is.

Rob: Well this is the second interview for these two ladies we had a very good interview process and they were, they gave us permission Mr. Bickle ran a background check.

Brad: Everything was fine there was no issues of any kind.

Rob: Okay, so that's good to know. In Michigan Law you can't actually appoint the Clerk until thirty days of the vacancy. So technically we won't pick the Clerk until our December meeting and then December 31<sup>st</sup>, when Joanne rotates out then the Clerk will come in. So, but we do have your background check and we talking with Bonnie Shealy, the County Clerk she was suggested that we do this process in advance so the applicants could actually see the voting process and things she set it up I guess you probably were poll watchers, I believe the term is here and then at several other Townships around in the County and one thing that we would like to do there are several classes available BS&A and Michigan Township Association and what I would like to do is have the Board authorize us to pay to put those guys into training before the applicant comes up. So, if that's okay, I would like a motion to approve the training.

Joanne: I would like to clarify a few things. First of all, the Town Board can appoint a Clerk thirty days before the resignation date of the present Clerk according to MTA materials secondly, I would strongly recommend that both candidates take the Bureau of Elections course work that begins to train them as election inspectors. The election went very successfully yesterday but there is a lot to learn on the election side of things and really the earlier that they can get a start on training the more prepared their going

to be in all of the upcoming activities that will be surrounding any type of election that will come up. It's likely in the next year that we'll have any serious types of elections that deal with individuals it's more likely that you'll have resolutions which will be a God sent I assure you because those are a lot easier or referendum, I should say those are easier to manage because you'll have a short ballot. But the Bureau of Elections offers these courses and I would facilitate helping you get signed up individually and they'll go down to Lansing for two days.

Brad: Let me build on what Jo has put on the table to encompass motion. I would propose that this Board approve the Supervisor to execute any normal training that is deemed relevant for these candidates that are being considered in the Clerk or maybe Clerk's positions which includes but not limited to BS&A training which we have a contract with them to come and do on sight training for payroll, payables and other items and include elections training it would include other items that would be appropriate in our timing so that they have the ability to experience these items. So, the motion is to authorize the Supervisor for the next sixty days to sign for any training that would be reasonable and appropriate for Clerk positions. That's my motion.

Joanne: There's a point of clarification on the BS&A until the Clerk vacates her position no one can be authorized on BS&A as we learned when we came in, early Rob you and I, but the Deputy Clerk can and I will have to appoint a Deputy Clerk tomorrow at five o'clock, and I asked Robin if she would be willing to do that.

Rob: Are you in agreement with that?

Robin: Yes.

Dave: Is there an opening then in the Deputy Clerk position?

Joanne: Well Brenda is stepping down, she's resigning.

Rob: She's resigning.

Dave: I think I knew that but I wanted to put it on the record, thank you.

Brad: So, point of order taken, it will be as appropriate, deemed appropriate according to statute.

Warren: Support, and we haven't voted yet so.

Brad: No, we have not voted yet, it's a motion I have made.

Dave: I will support the motion.

Rob: Okay.

Dave: I would like to ask a question if I could?

Rob: Sure.

Dave: In terms of compensation have you thought through what we compensate either individual for attending these classes?

Brad: We've not gotten to that point. We want to start with the foundation of what's available we realize that we have a very short runway. So, we want to start with the ability for instead of stopping and getting a Personal Committee together to give the Supervisor the authority as deemed appropriate then these other nuances which are good questions can be hammered out as we go along.

Rob: Yeah and there's apparently classes available through MTA that has been recommended that they take and I don't know if BS&A.

Joanne: The Bureau of Elections they'll have classes.

Dave: I don't, I don't disagree with classes I just want to clarify which your motion made the Supervisor to compensate either of the two as an employee of the Township.

Many members speaking at the same time.

Joanne: One might be an employee of the Township.

Dave: I guess that complicates matters more because I'm only being fair to the people.

Rob: I don't think that we're in a position to do that right now Dave, to compensate I don't know how we would, I mean we would pay for the class and if they had to stay overnight the room. But pay them.

Joanne: But your Deputy Clerk would be.

Warren: The Deputy would be.

Rob: Well, yeah that would be once she is hired. I don't know, all we were trying to do was get all these classes I hadn't really thought about how we were going to approach all of this.

Brad: They both may say no. So, in the meantime I think the motion on the table for a vote is authorize the Supervisor to be able to sign up necessary training and then as we go forward with these other components we could do as they were premised good question, fair question, but I would like us to vote on the motion.

Rob: Is that your support?

Dave: Well, again I believe in treating people fairly and I think that I would add to your motion not necessarily amend it but also allow the Supervisor address the employment issue regarding this so we can be fair to it sounds like one new employee and one potential

employee or bring this other employee on a part-time basis with the understanding that it is temporary. But I would amend your motion to allow the Supervisor to.

Brad: Flexibility.

Dave: Flexibility to handle any employment compensation issues.

Brad: You have a look.

Becky: Let me see the look.

Joanne: Could you repeat the motion?

Laughter

Rob: I don't know how we would accomplish that.

Brad: I think we are over thinking this ladies and gentlemen at the end of the day we want to authorize the Supervisor to execute any necessary training documents, compensation although a valid point will be a dialog at a different component.

Warren: I also think that one I don't know if Rob can compensate a non-employee but also it would be monitory for the other person if they're not an employee to start it would be optional so they could decline and still wait until they're an employee and then take classes. I get that there is some sort of clarity there.

Dave: I just want to be sure that the Township and the individual is treated fairly and again if you hire the one that is not an employed as part-time employee that person would be covered by Worker's Comp Insurance there would be no question since they're being off premise because they're actually being compensated.

Rob: You do realize Joanne makes that call not the Board about hiring the Deputy.

Dave: Is Joanne going to make the call on hiring the person who is not the Deputy?

Rob: No.

Dave: To go through the training that's my concern.

Rob: Well, you're adding too much to a simple motion we're trying to get them down and lined up in training.

Brad: We have two choices, let Rob do it or we meet every day to get you

Dave: I'm trying to amend the motion to enable the Supervisor to get the job done and that would include handling any employment issues to be sure that were fair and meeting all the laws in terms of employment.

Rob: But see I would have a Board meeting if it was determinations not the Supervisor cause now, you're asking me if she accepts the job from Joanne there's pay scales, she's getting this and that now Becky you're asking me to pick a number and say here take this amount of money to go down to this class and I don't think I can do that.

Dave: Okay.

Rob: I would just prefer that we start over you can withdraw your motion.

Brad: That's all been forgotten.

Laughter

Brad: Okay, I withdraw the motion.

Rob: Can you withdraw your support?

Dave: Yes.

Rob: Okay, now if we can just have a motion to authorize to sign up for these classes between now and the first of the year.

Brad: That sounds like a motion.

Rob: It does.

Brad: I second it.

Rob: Okay, we have a motion to allow the Supervisor to sign the two individuals up for these classes prior to January 1<sup>st</sup>. Is there any question is there any further discussion? Roll all please, Joanne, I guess were spending money.

Joanne: Who seconded it?

Brad: I did.

Joanne: Who.

Warren: Rob.

Rob: I did.

Joanne: Then let's start with Rob.

Rob: Yes.

Joanne: Myself, yes, Marge?

Marge: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Rob: I appreciate what you are saying Dave I just don't know how we could accomplish that and in that direction so I guess that's about all we'll get a list of the classes that are available Joanne will have some and we have MTA and other training that can happen and we'll get with you and sign you up so you can look at the various dates and when that is going to occur.

Brad: Is there any more questions since our last interview.

Rob: Oh yes, I'm sorry last interview anymore questions of the two ladies, do you have anything else of us?

Both ladies do not have any further questions of the Board.

Brad: I have to compliment them both they have come in and I believe to visit with the Clerk's office to do some exploring of and asking questions, looking at things and so quotas to you both, nicely done.

Joanne: I believe that we can as a Board select the next Clerk, we just can't appoint her until that thirty-day moratorium before the resignation. When you hit the thirty days before the resignation date of December 31<sup>st</sup>, then the Clerk can be appointed by you guys officially, okay, she will not take office though until that 31<sup>st</sup>.

Rob: So, you're suggesting that we select the Clerk.

Joanne: Yes.

Rob: Not appoint.

Joanne: Right.

Rob: Okay.

Joanne: And she will have the right then to select her Deputy when I vacate the position.

Rob: Okay, since we've interviewed them, we'll talk but anybody cares to make a motion?

Dave: I so move that we.

Rob: Select.

Dave: Select, thank you, select Becky Chown as Clerk for Peninsula Township.

Warren: Support.

Brad: I support as well.

Rob: We have a motion and support to select Becky Chown as the next Township Clerk but actually will not take an appointment until end of December.

Becky: Okay.

Rob: Any further discussion?

Brad: None.

Rob: Roll call, Joanne.

Joanne: Myself, yes, Marge?

Marge: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yep. Okay, congratulations.

Becky: Thank you.

Rob: I'm sure you guys will work well together and Joanne will get you.

Brad: Continue to come in and visit us I really mean that because we right now Marge and I in the Treasurer's office have a window between now and December 1<sup>st</sup>, where we can spend all the time to share with you what you want and I'll let you coordinate your scheduled visits with Jo they just came off an election but there's still a lot of things that I'm sure that are out there but we offer our time as you see fit in the Treasurer's office.

Warren: The only thing that I would reiterate is although I think you both work well together we are in no way trying to influence who you pick.

Becky: Okay.

Warren: It yours, I think if you do that's acceptable as well but it is your decision and not our decision so.

Becky: Thank you, thank you, I do understand, I appreciate that.

Joanne: I will swear Robin in tomorrow at five o' one when Brenda steps down so that there is continuity in the Clerk's office and that she can be trained with the Barry, Cotter and Bishop folks that come in to do payroll next week right away so she can hit the ground running and in the meantime I have already given her a pretty extensive tour of the Clerk's office and so I think she'll be quite a good Deputy Clerk and so.

Rob: Okay, well thank you ladies.

Becky: Sure.

Robin: Thank you.

Rob: Yep, congratulations.

Becky: Thanks.

Brad: You'll enjoy it.

Rob: Okay, Greg's presentation on minutes he is still in route. So, we'll skip him for right now and go to presentation on the Weatherholt purchase of development rights, Laura Rigan.

Laura: Well in preparation for the voting to purchase development rights on the Philip D. Weatherholt Trust. Rob had requested a packet of information be presented to the Township Board and just a little bit of background to reiterate the purchase was recommended by the PDR Committee back in March would can be seen on the letter of understanding in that packet as well as the March 15<sup>th</sup>, 2018, PDR Committee meeting. The landowner a year end closing hence while there has been this gap between this spring recommendation and now and then as you can remember back in May the Township Board did a study session on the PDR process. So, the packet in front of you is what is required documents for closing. Just minus the title policy which we updated just prior to closing to show clear title. So, in that packet in front of you you'll find a

letter of understanding signed by the landowner and the PDR Committee Chair the deed of conservation easement which sets the permitted and prohibited uses on the property at the recording. The survey and the legal description of the property, the baseline documentation report which documents the current condition of the property at the time of easement as used to reference to monitor changes and enforcement issues and to supplement to the conservation easement and also an abbreviated appraisal is in this packet. The full appraisal itself is larger than the packet and so I thought I would just take the pertinent information and trim it down a little bit. So, yes, this is just for information purposes. I believe the vote to approve the purchase will be on the next Board meeting later this month.

Rob: Okay, yes, on the 20<sup>th</sup>.

Laura: On the 20<sup>th</sup>, and hopefully we'll be able to close soon after that in early December. So included in the closing packet will be those documents in front of you as well as the title policy insurance, closing statements and the Township Board resolution.

Rob: The Weatherholt's as she said wanted to do the closing before the end of the year and we've been waiting and we do have the money.

Brad: Yes, we do.

Rob: In a fund. Everything has been done and what I asked Laura to do was present all of the information at this meeting and then we will actually take action on it on November 20<sup>th</sup> at the meeting. I believe it's November 20<sup>th</sup> and that way you'll have time to read it and if you have any questions and if we have typo's you know everyone will have a chance to read it at their leisure then come back before we act on it.

Brad: When the Treasurer's office issues the funds to whom obviously made out to the Land Conservancy or to the Weatherholt's or.

Laura: To the trust themselves so.

Brad: So, you'll give us the proper instructions and how it should be processed.

Laura: And that is, we'll be working with the title company on some of those.

Brad: Okay.

Laura: Those details along with Greg and I will be.

Brad: Okay.

Laura: Going through those documents.

Rob: Yeah, the sequence of the plan will be presentation material to the Board and action by the Board November 20<sup>th</sup>, and then in December the meeting is setup it will be Title Company and at that time the Clerk and Treasurer will meet with the Title Company

take the check, it's a pretty big one, and then the transaction will occur. Greg has reviewed the documents so now it's just up to everybody to ask any questions so any questions of the Board? Thank you.

Laura: Thank you.

Rob: Mr. Meihn.

Meihn: Yes, sir.

Brad: All rise.

Rob: We do have a power point presentation here. A presentation of best practices for minutes.

Meihn: Or we can rehash the election.

Laughter

Meihn: Just joking. Almost there, in fact if you would like to take a one minute, two-minute break I can make sure it gets up, oh, there it is. So, forget it.

Rob: Does anyone want to take a short recess?

Brad: Just writing down Mr. Meihn's password.

Warren: Yeah.

Rob: We'll take a couple minute break if anyone needs to use the restroom, while we are loading the projector.

Meihn: Thank you.

Break

Meihn: What I want to do is talk a little bit about appropriate minutes. Minute taking and some requirements that you have my goal is not to go through all these twenty something slides or have my computer fall off but it is to at least get a pretty good primer for everybody as to what the requirements are and have the Board start looking at what they want the process to be. You see it says "just the facts taking Township minutes". Everyone should remember that the purpose of minutes is to have the factual basis of why and what you did in the minutes, not opinions, not comments that relate to opinions but the facts and too often many Municipalities put everything in that comes in opinions and thoughts and processes and it confuses it causes problems later on to try to find out what had happened and what the ultimate decision is. So keep that in the back of your mind of just the facts being the important part of any minutes. Alright, legal requirements MLL 5269, says; Each public body, which is really Open Meetings Act, shall keep minutes of each meeting showing the date, time, place, member present and

members absent and any decisions made at the meeting open to the public and the purpose or purposes for which a closed session is held. That is all that is required under the Open Meetings Act for minutes to be taken. There are no other requirements. Other than for you to make sure that who makes the vote and who seconds it and what the vote count is. The minute requirement is the Open Meetings Act is simply just that. Showing date, time, place, members present and members absent any decisions made at the meeting open to the public and the purpose or purposes for which a closed session is held. Now there are other statutes that come into play such as when you are dealing with a Planning Commission and if something is being looked at that particular statute requires much more discussion but from general Board practices unless there is a statute that applies those are the only things that are required for you to do. Now you contemplate that with what you do and you see that we're much farther than what the Open Meeting Act requires. Minutes are public records open to the public. Inspection of public body shall make the minutes available at the address designated extra. A public body shall make proposed minutes available for inspection within eight business days after the meeting and the public body shall make approved minutes available to the public inspection within five business days after the meeting under which the minutes were approved. A public body shall not include in or what or with its minutes any personally identifiable information that if released would prevent the public body from complying with Section 44 of sub part 4 and of part c generally dealing with FERPA, children and personal information. MCL 4166 provides that it's the Township Clerk as you are a General Township shall transcribe in the book of records of the Township the minutes the proceedings of each Township meeting held in the Township and shall enter in the book each order, direction or rule made by the Township meeting. So the responsibility of what we talked about a moment ago with the minutes required simply date, on, who was present, who made the vote, and the purpose or purposes for which one went into a closed session that's what the minutes require for the Open Meetings Act and the responsibility for doing that pursuant to statute is the Township Clerk who then has the ability to assign that those duties off to someone else. But ultimately, he or she is going to be responsible for making sure that those requirements are met. What information is required to be included in the minutes. We already talked about it for a moment but minutes are basically a record of action taken by the Township Board they are not meant to be word for word record of the meeting. The basic statutory requirements for the minutes are as we already talked and what we have to try to avoid, in my opinion, is that when we do minutes, we don't have word for word communication or discussions. We have simply the basic information that is necessary for you to go back and determine who voted what, what was being proposed what documents were provided, and from a public perspective who spoke on the issue and what were their concerns. Not their concerns word for word but their concerns in a summary fashion under which one could go back and understand it. Each public body shall keep minutes at each meeting showing the date, place, time, members present, absent and any decisions made down to the second major paragraph public body shall make corrections in the minutes at the next public meeting. The next section is the public body shall make corrected minutes available as they normally would after the initial meeting so you have the opportunity not only to transcribe the minutes but then look at them in review and then those decisions can be made. Everything that you're doing, you're already doing this. Sorry about that the internet here is, there we go.

Best practices, sorry, best practices minutes must be at a minimum indicate the body of which is the meeting, Township, Zoning Board, date, time and location of the meeting, motions, resolutions, made, supported, and the results of the motion and any action taken by the body which is not specifically indicated in the motions or resolutions. When a public body conducts a public hearing, the minutes should include the comments and arguments of those promoting or opposing any particular matter which is the subject of public hearing and the fact that the opportunity to be heard was given and that's when the public is standing up before us. Again, it is not a requirement from a best practice that you use word for word you will summarize those comments in a manner that is accurate to the tone and content of the comments. Although.

Joanne: Greg, this is at an officially called public hearing or just a general day to day meeting of?

Greg: Public, what is called a public meeting as prescribed by the Open Meetings Act which is when you have a quorum of full Board members under which decisions and discussions are made. That's where these minutes are being dictated in the process.

Joanne: So, you're not defining public hearing as a session whereby we have posted a public hearing dealing with an issue in a formal sense. You're just saying in general.

Greg: In general, yes, Mam cause when you deal with sup's there's another statute let's just use that as an example there's another statute that dictates exactly what your to do and we are going to talk about that in a moment. Best practices although the minutes do not have to include a verbatim recitation of all statements made at the meeting a record of the topics or issues addressed must be sufficient to provide a complete description of the proceeding of the meeting. We also note that if the Township Board was adopted or had adopted a policy following the provisions of Robert's Rules of Oder it requires the recordation of all motions in the meeting minutes. Finally, we note that an accurate record of all motions offered in disposition can avoid further disagreement. So, I'm not aware that this Township has adopted Robert's Rules of Order as it's measurers of acting so to the extent you don't that's fine but again I'm doing this three times and saying it in three different ways the minutes are not to be verbatim recitation they are to be sufficient enough to show what was brought before the Board, what was considered, what was the motion, what was the decision, who was absent and who was present to do that. If a tape was made in the purpose of transcribing the official minutes of the meeting the tape, and this is important everyone, because everybody that I meet gets this wrong, the tape must be retained until the minutes of the meeting are approved. At that time the tape may be erased or destroyed. Alright, best practice is that those tapes and recordings are destroyed after the minutes have been transcribed and approved by the Board. Now if there is a FOIA of course you don't want to destroy any documents or any information and therefore as you see later on in the meeting you will keep that tape or that recording until compliance with the FOIA request is done. Once you have done that then you destroy the tape and you destroy that. Now you may ask yourself why would you do that? Wouldn't you kind of be removing evidence that is outside of what happened in the meeting that could be relevant somewhere else? And the answer is yes, but when you look at what Boards do, Boards operate through motions. They operate through decisions that are made. So opinions and discussions and thoughts and other things that have nothing do ultimately

with what the decision was made, why it was made and who made it does nothing but cause a disservice to the actual document which should have all of the power. You govern by motions. You don't govern by opinion, you don't govern by I wish this was the case. And therefore, by removing the tape and the video or whatever it is that you've used to transcribe these minutes after the minutes have been reviewed and after the minutes have been approved it is a best practice for that very reason. You don't put yourself in a position where the best evidence the best document the only thing you're supposed to do under the Open Meetings Act is transcribe the motion and the action taken. You're removing that material so it doesn't contradict or get into the way of or reasons of what you are trying to do. Now the only exception is when you go into closed session meeting as you know a closed session meeting, you're required to retain those minutes and documents and tapes for up to one year and then after that one year you will destroy the closed session meeting minutes. A lot of Municipalities don't destroy those minutes in a closed session and it's important to do that also. Why, because if those materials and documents exist there is always the possibility of that material and documents becoming disseminated improperly or illegally in violation of the law to someone else. Or someone intentionally just knows the process and they disseminate that material which then can end up with criminal and other civil types of penalties. So, the processes that are set up by the Government and by the statute are not designed to hide information there designed to have an orderly process by which you operate and act and that it's reliable, it's sustainable and it is also enforceable. Zoning decisions and minutes totally different story and our Clerk was going after that if the Township Board or other public bodies make a decision based upon a zoning ordinance or master plan, they may also be required by statute to include more information in the minutes about its decisions than it normally would, and that is the case in Michigan. In Michigan if you're talking about body making decisions on the zoning ordinance that could be you that could be advisory Planning Commission meetings their required as you well know to get engaged in more. In fact if you look at the Act, in fact I think it is on the slide, if it's not I will just state it, let's say the Planning Commission is the body designating the Township Board needs to decide special lands permit applications in Michigan's Zoning and Enabling Act is a statute that controls the Zoning Act says that; The body or official designated to review and approve special land uses made or not approve or approve with conditions or request for special land use approval the decision on a special land use shall be incorporated in a statement of findings and conclusions relative to special land use which specifies the basis for the decision and any conditions imposed. And as you all know, all of the sup's that you have approved and I'll just use the 81 was one of them that you approved. You had to make specific findings of facts, you did. You also had to make specific conditions, and outlining the basis for those conditions, and you did. So as Joanne had referenced earlier when we talk about the first part of this discussion about what the Open Meetings Act requires you to do and the limited amount of information that you should have in the minutes we're talking about general activities and actions you that take. When we get into specific types of things like land use and sup's there are other statutes in Michigan that dictate exactly what those minutes may look like and exactly what the decisional actions may be. And for an example a special land use permit requires much more and that's what you have done, consistently in the past through all of your processes.

Randy: So, Greg is there a connection between the minutes and the actual report set up for the Board.

Greg: There is.

Randy: Okay.

Greg: There is, your minutes will either do one of two things and it will reference the special use permit, motions and conditions, and have it all in there, or it will just reference it and you will have that, approved certified later on by the Clerk of the special land use permit. But if it reference and it's there it's the same thing compromises all of that but you must make those types of decisional issues. So, let me summarize in just over very quickly twenty-one tips and it will be really fast in that regard. In general Board meetings what you do and what you don't do in regard to your extent of your or how big or large the minutes you have is really up to you. It's your expression. The Open Meetings Act just says you have to have the date, time and place, you have to have the people that were there listed, you have to have the people that were absent listed, you have to list the people that speak and summarize what they have spoken about, and when motions are made you have to have who made the motion and you have to have the second and you may even have to a lesser degree the discussion that was made before the ultimate approval, and then you have the decision. And that is all that is required and again as I said there is a reason that that's all that is required because again the focus is not on people's opinions or why one voted for this or why one it doesn't matter in the law. Why you voted. What matters is what you voted on and what you approve. Unless we are talking about these special areas like sup's where the difference that compelling you to say why you ruled and what you're thought processes were. So, there is this distinction between the two and I would hope as you think about how you want your minutes to be as it relates to general board types of activities may you understand that that's the focus of it. It makes no sense that I didn't like doing something but I ultimately voted to do it and it makes no sense that I, if I didn't like something that I voted not to do it. My vote of not doing it is all that is relevant that is allowed into evidence. Not all of the reasons and research and thoughts you've done, that isn't important for you as Board members to do that because that's how you came to your logical, intelligent opinion but those comments and stuff are not appropriate in the minutes because they do nothing but cause problems and confusion and there not allowed in an evidentiary perspective and they mean nothing to the ultimate outcome. Again, but you get to structure how you want to do that the Open Meetings Act says you should meet our basic requirements and what you want to do from there is up to you and then when we get to other areas such as sup's and other things the statutes requires that. So that's the first thing that I would like you to remember the second thing that I would like you to remember is that when you tape record and use any source or method of taking notes once the minutes are done and approved those notes and those recordings need to be destroyed. Because they mean nothing because it's what you approved at the next meeting after you've had the benefit of reviewing the minutes and reviewing the recordings if you so choose to do and you should and making sure that the minutes accurately reflect what you did. Because remember again, this is not about hiding stuff by destroying it's about the fact that the only thing that matters legally is what the decision was. And that's why the best practices from the Michigan

Township Authority from the case law and from everyone else has indicated this is how you operate so that what you do in the minutes and what decisions you make are the important part. So now there's twenty-one tips for taking minutes so I thought this was pretty fun. When you have somebody ultimately doing the minutes distribute the minutes from the previous meeting before the one you're getting ready to attend, pretty simple right? But you know we've had some difficulties here and I will tell you every Township across the state of Michigan has had difficulties at times getting the minutes to the people sufficiently in time to view, and by the way, I'm going to say this because it applies to everybody. As Board members you have an obligation to review that stuff before coming to a board meeting. It's not fair to the public and it's not fair to your brother's and sister's that sit on the board that you are reviewing the actual minutes that your supposed to be approving at the time that your sitting there. Now I'm not saying that anybody has done so, I'm just giving you a best practice as it relates to that and that's why it is important for us who provide services to you in terms of minutes and tape recordings and all that to try going forward to ensure we get that material in an efficient manner to you in time. No, the purpose, understand the importance of the task remember that minutes serve several purposes.

Marge: Question.

Greg: Yes.

Marge: Should they be stamped draft or should they show how be noted that they are draft, in draft form?

Greg: To the extent that you all are keeping track of things that you do while you're sitting here you have your own file that absolutely they should be stamped draft, In my view though once you've approved the minutes everything that is not approved should be removed from the public file because the draft minutes have nothing to add to it.

Marge: I was looking at Acme website tonight and their minutes for review at the meeting were noted draft.

Greg: Right.

Marge: And then their other minutes that were on the website that said approved right at the very top of the minutes. Should we follow something like that so we know whether they've been approved or not?

Greg: Well, Townships that have had problems determining which ones are approved and which ones are not, I think have adopted that process, I see nothing wrong with that. I think you can put the word adopt and you can put the word proposed, I think that those work. They don't make the, I mean if there approved, if there approved it doesn't matter if they've got a stamp or not there still the approved minutes as long as you've identified them. It's kind of like there is an old antigen if you've got to go to a restaurant and it says that we're not responsible for coats and purses that are stolen while the actual reality is that sign does not make them not responsible the law determines that and the facts are different so in other ways what I am saying to you is a stamped saying approved doesn't necessarily mean that they've been approved, they

could have been, should have been and they are, than the one that doesn't have the stamp.

Marge: When you are looking on the website there is no way to tell on ours whether they are still in draft form or whether we have approved them.

Greg: Understood, and in that regard, I think when we get to the tips below that's one of the things that you can do if that is an issue that you have specifically in terms of what it a draft and what is approved. So yes, the answer is you can do that. There are many Townships that do it, but I just wanted you to be aware of the fact that their stamped approved doesn't necessarily mean they were approved. One would still their due diligence to ensure that that occurred, but one would hope that you wouldn't stamp anything approved if it had not been but I will tell you that hole has not been realized in a number of municipalities in the U.P. and in Northern Michigan. So, understand the importance of the task of the minutes. They are a record of the group's decisions and actions. They are a reminder of who was given assignments. They are evidence of deadlines and they are a benefit for the people who are absent when decisions are made. Those are the four functions of what the minutes do. Number two, or number three, I'm sorry, if you're do the minutes get the agenda before, sorry, about the typo here, before the meeting. Get the agenda for the person conducting the meeting and make an outline, do it so it will save time, but take accurate notes of the order of which major items are discussed. In other words, you want to know what the agenda is before you come into the meeting for which you are going to be taking the minutes so that you can then outline, which you will see in a moment, you can outline your template of the minutes to reflect exactly those items on the agenda. Four, choose your method, figure out beforehand which recording method would be most comfortable for you. All systems go, whichever method you decide to use make sure you have everything you will need, make sure it works, make sure you have electricity, I remember two meetings ago we had that.

Brad: Switch.

Greg: Generator going on and off. Leave space in which to work to provide ample room on paper for taking notes. Number seven; if possible have the names of all the participants before the meeting begins. If this isn't feasible pass around an attendance sheet once the people arrive, take note of who was present, who is missing, who arrives late and who leaves early. Now, I don't know this because I haven't asked any of you this I know that there is a sign sheet, a sign in sheet back there. What I like to see in the minutes is not only the Board members that were in attendance, but everybody in the public that showed up, their names on those minutes that they were present at that time, and the best way to do it is get that sheet, that I think you use back there or spread one around but just only having those people who talked before you and then maybe have them listed that way, in my view that's not a best practice so best practice would be when you call the meeting to order you're going to have a list of all the Board members and you're going to have a list of whether the Attorney's here or not , whether you're Engineers here and then you want to have attendance and you want to have everybody that attended the meeting. It helps you again be accurate and reflecting on what took place and what didn't take place and who was here and who wasn't, and later on it provides a good legal basis for us to work. Having a seating chart, we won't do this but for people

that are new if they come and do the meetings you don't need a seating chart you've got the name plates that helps the people in doing what they're doing. Now fortunately for me when I was trying to do those minutes for August and September and October you looked at the video because it was easy to see the name plates for the people in my office that were doing those transcripts. It becomes important for everybody to know what's that and who's involved and what they are doing. Know everyone's position and in addition to knowing peoples name you should also know before the meeting again who serves or has any committees like knowing people's names ahead of time, knowing their positions will save time when finalizing the minutes. We're almost their guys. Create a minute template one of the things that is very effective is that the person doing the minutes comes with a computer open and with a template and starts to create the minutes at the time that the meeting is going on. It's a very simple process if you've got the template right and basically you can in a blank form that indicate type of meeting, purpose of meeting, date and time, person name of chairman or facilitator, name of those in attendance, was a quorum present, approval, you can go all through these things and in an appropriate template, and I could provide you one, that I've given to other municipalities that really allow to get the basic information of the minutes right done right away before you even leave and the rest of it you can figure out as you go through. Listen with care, simple just the facts. Statements that are facts and those that are opinions you want to make sure that it factual statements that you're doing not opinions, not anything else keep it clear and simple. Be exact, note motions note what is on hold. Which is very important anytime I have seen in minutes where Boards who have me do the minutes or have me review them and approve them beforehand you know we are always looking for what's been tabled and what's the proper way to table it until the next meeting. Summarize the public's comments don't delay in getting it done and then of course the other two fun stuff, proof read with care and not so fast twenty-one is part of your job as the minutes recorder include distributing minutes to everyone you should have them approved by meeting chair or facilitator before they are available to those that need to have them. They should also be as close to perfect as you can have then before anyone sees them. So you know it's a drudge to do this just as it was probably for all of you to sit here for the last twenty minutes and listen to this presentation but it's important. Your minutes are the only legacy that you have and given that they are your legacy it's important that you make sure that you met the basic requirements, you understand what you have to do when you have to do it and you also then take into consideration that you have control of how you want your minutes to be designed for general purposes as we've talked about and then what the statutes require going forward. So, with that said I would task you with taking a look at the power point a few more times which you have in your possession and then at the next meeting I would ask that all of you be prepared to discuss what you think effective minutes would be for you. Not for what the Open Meetings Act says, but for you in terms of your operations keeping in mind that facts and decisions are what minutes need to be and opinions and conjecture are not what the minutes should indicate. But it's your township, and it's the people you serve and you have special individual needs you may want to be addressed and I would like you to be able to be in a position to decide how you're going to be able to go forward from December to the next year on the minutes, what they're going to look like in a template. I can also send your Clerk a copy of the templates that I've provided for three other

municipalities that she can upload take a look at them and see if they fit. But one shoe does not fit, alright. Thank you.

Rob: Any questions? Thank you. Okay I guess we will discuss this again on Monday. We will take a recess while we change the tape.

Joanne: Alright.

Rob: Good to go? Alright, we are back on. Hey guys, okay, item D, presentation on fire truck bids and recommendations from Chief.

Chief: Good evening Board, as you know a few months back we asked for your approval to go out for bids for the fire trucks. We opened the bids November 1<sup>st</sup>, in the presence of the Clerk, the Supervisor and the Treasurer. We received three bids. They were as follows: West Shore Fire Equipment, they chose not to bid. They sent a letter saying as such. So zero on that. R and R Fire Truck, came in at four hundred and ninety-one thousand, eight hundred and forty-seven dollars, and then CSI Emergency Apparatus came in at four seventy-nine six fifty-six. Myself, and two other members of our department went through these specifications through ally. First let me explain a little bit about the specifications what we did in the process is we basically chose a fire truck that we wanted. We get with the manufacturer we have them write the specs as we want as we're looking for. So once those specs are done we take that information and send it out to multiple manufacturers, in this case I sent it out to six different manufacturers, knowing and they know what the truck is when they read the specs so they know if it's their manufacturer or not, but their job is to go through it and see if they comply with every specification that we put forth and sent out. Both, both these companies that bid the truck actually produce the same truck. So actually, it was a win, win for us because we had two dealers that were, that could build the same exact truck fighting against each other basically for this, for this truck. That's uncommon cause most of the time you're only dealing with one dealer and the of them are different manufacturers so when you go through the bid specification you can pinpoint things that they won't be able to match in your specification. Therefore, tossing them out or eliminating them. So, we did benefit in this. Going through our review we could not, we could not substantiate the difference in cost. Both, both these bids met our specifications almost verbatim. There were a couple of slight differences that really in the long term didn't make up the twelve-thousand-dollar difference between the two bids. So, with that being said I'm requesting us to purchase or go under contract to purchase one fire truck from CSI Emergency Apparatus in the price amount of four-hundred and seventy-nine thousand six-fifty-six. Also, with that came a financing quote as well. I've spoken with the Treasurer and the Deputy Treasurer and we went over the avenues and we believe that this time it would be best to go with a ten-year lease of this truck. The ten-year lease will allow us time to take care of other things that we have to take care of. Give us a little leeway flexibility. Also, within that time frame if we so chose or we have the ability we can pay more towards the debt or if we.

Brad: Pay it off.

Chief: Or pay it off. So, we have that flexibility with this, this is also the case with the two pickup trucks that we ordered previously. We can pay them off at any time with no penalty. That's what I'm asking to support this so we can start replacing equipment once again just to reiterate this truck will replace a twenty-five-year-old truck.

Rob: Okay.

Joanne: Fred, I have a couple of questions about the truck and specifications. Could you just in liegeman's terms give us an idea of the characteristics of this truck and why you selected those characteristics what were you looking for just fragility?

Fred: Right.

Joanne: Were you looking for durability, were you looking for reliability, were you looking for capacity.

Fred: Right.

Joanne: What were you looking for when you came up with these specifications, cause none of us.

Fred: Right, okay.

Joanne: Would have that kind of knowledge.

Fred: Right, the first thing I did, and I knew I had to replace start replacing some trucks because the age of the vehicles. The first thing being new to this area I relied heavily on my Firefighters. We formed a committee and we had discussions about what they saw as needing or best fitting the geographic area and the needs of the community and things of that nature.

Joanne: Can you just kind of tell us as a Board what those characteristics were.

Fred: The main thing we looked at with the truck compared to the ones that we currently have was its ability to get into tight spaces. Currently the truck that we have now is roughly around thirty-five feet, this new one is going to be about thirty which allows us a sharper turning radius as you know there's many areas, there's Whispering Trail, so to speak, that it's tough for us to get the bigger trucks into. The other thing with this newer truck is efficiency. Back, back when the older trucks were ordered they had thirty-five people on the Fire Department. The older truck has what's called a top mount pump. So basically, a truck operator or engine operator would stand on top and basically stay there and run letters. Right, so that was when they had thirty-five Firefighters. We don't have that many now, we don't have the luxury of putting one person right there. The guy running the pump has to do multiple things so he's all around that truck. So not having to go up and down and having everything right here at his eye level and not having to climb, safety reasons increases the efficiency. The truck will have a fifteen hundred GPM pump, a gallon per minute pump. That's how much water it can pump. It can actually pump more than that but that's what it's rated for

and it has a thousand gallon tank. It's going to have a lot more compartment space to carry all of the equipment that we have. Also, in this spec was battery operated jaws, which jaws of life, which is what we basically use to pry people out of cars, farm equipment, anything that's heavy we need to move it. The great thing about this tool is that it doesn't have to have a gasoline power unit to operate it. So, if the guys, if somebody was down an embankment quite a ways, we don't have to carry the tools down there we just grab one tool and we go because it is battery operated and it complies with the specifications that these newer vehicles are being built stronger. They have stronger metals in it. So, you need the force to be able to pry our older tools don't have that force. So, that's going to be a great deal for us. Plus, the newer apparatus is going to be a lot safer and just the overall capabilities of the truck to get it where we need it to get is going to be a great, it's going to enhance our abilities.

Joanne: When you say the new truck will be safer in what regards?

Fred: Well, it's twenty-five year newer technology as far as safety standards, complying with National Fire Protection Safety Standards. Every three years they are updating them. So, the manufacturers have to comply with these standards in order to produce their trucks. There's crush standards, crash test all these different things that go into the safety so that truck rolls it's going to be safe. The guys aren't going to get hurt things of that nature.

Joanne: Thank you that's very helpful.

Fred: You're welcome.

Brad: Yeah, Fred to build on to what Jo was asking does the newer equipment when ISO does its evaluation it's a long string equation does this, this vehicle will that be a positive benefit when they do the ISO assessment?

Fred: It will definitely as far as dependability because, because of the truck. As you know I've spoken to you that the engine that's replacing actually failed a pump test and we've been sticking quite a bit of money into it recently. So, it, it will help increase the ISO because of our ability to put more equipment on it. Our current trucks are not as deep compartmentalized.

Brad: Right.

Fred: So we'll be able to comply with everything that ISO wants on that truck. Sometimes, sometimes it's very, very hard to get everything that want on the truck. There are what's called a service truck which gives additional credits so if you can get additional equipment on that piece of apparatus instead of it getting rated as just a fire truck, they can rate it as a service truck which would actually give you more service points.

Brad: Okay.

Fred: Towards the ISO.

Rob: How long are we waiting for delivery on that truck?

Fred: The truck, the contract will say one hundred and eighty days. So, six months from the time that we sign the papers and agreement.

Brad: I think, Dave, you had at one point, I think you had a depreciation schedule of all this equipment. I remember seeing it somewhere when I was going through the massive files and what struck me is that that depreciation schedule which was several years ago showed that all this equipment was well passed expired past it's depreciated life, past everything by every measure so the fact that we've been running on these apparatuses well beyond there.

Fred: Right.

Brad: depreciated life and all.

Dave: Well, and Chief this is the younger of the two engines correct?

Fred: No, it's the older one.

Dave: It's the old one.

Fred: It's the oldest one.

Dave: I guess I'm looking at what is the age of the backup, the second engine?

Fred: Right now, we currently, the one it will be replacing is a 1994.

Dave: Right.

Fred: And the backup to that is a 1998 and so I've, I've went through and did a layout of how we're going to replace the other apparatus. A so called plan and I'm also working on the five year strategic plan. I think you all have a copy of it I need to update it. As to what we have previously done. It's a fluid document so upgrading it and presenting it here in the near future. But to your point yes, it's a 1994 and typically fire trucks fifteen to twenty years frontline service which means it's a first out truck then you can get five to ten years as a backup truck behind where it sits back in and just goes into reserve mode to where it's not used all the time. Speaking of the trucks and the failures you know we started staffing the station down there so obviously them trucks are on the road a lot more which is a good for them trucks. It's better to be moving and lubricating things and things functioning for longevity of the apparatus. It isn't good for the apparatus to sit so that's a plus on that aspect the problem is that we've been finding a lot of issues and I've been working to try to take care of the issues with the apparatus through this last year and we've pretty much knocked a lot of it out but the one, the truck we're replacing it did fail a pump test that as I said I can de-rate the pump, it's not that the pump is not working. It's only working at about seventy-five percent capacity of where it is supposed to be. So, I can de-rate that, and I do plan on that. Because since we're

going to be replacing that truck, I can't see spending ten thousand dollars to try and fix it.

Dave: Well, you raise the point that when I was on the Fire Board, ten years or a number of years ago, it's clear that we had equipment aging very fast and we're at the point with this mainline engine that we don't have a choice. I'm pleased to see that we do have leasing options again which will help us smooth out our cash flow. Ideally, we should either be in my view setting aside a sinking fund each year for the depreciation on these vehicles. They're not cheap as you know where the leasing provides us again a very similar mechanism to try to pay as you go. The fact that you buy a truck and can't forget about it for twenty-five years and oh, my gosh we need to spend another half million dollars. I'm very pleased too Chief when I sat on the Fire Board here the number, we we're using has replacement was close to three million dollars so I'm happy to see that this is under a half million dollars. That's a lot of money but it sounds like the right truck.

Brad: I don't mean to be laughing, because every time he came to the Treasurer, we had to beat him up a little bit more so, he did a fine job.

Joanne: Is there, is there a down payment, does this include a down payment?

Fred: The first, the first payment will be rolled into next budget year. The first payment would be in October of 19.

Joanne: And that's eighty thousand dollars?

Fred: Well, the ten year plan, I think I did.

Brad: Yeah, if you want, if I may, Fred let me take the lead on this for a second cause you and I spent time, you, I and Marge did. So, Board members here's what we did. Fred had brought in for our consideration a payment plan of ten years or five years. Based on the four-seventy-nine rig if it were a ten year plan it's about sixty thousand a month. Keep in mind.

Fred: A year.

Multiple Board members: A year.

Brad: Oh, I'm sorry.

Fred: Annual, yep.

Brad: I was thinking of house payments.

Laughter

Brad: No, so, but the thought is this the suggestion for this Board's consideration is that we take a look at putting it on a ten year buyout plan because we can accelerate it to any

degree any amount that we should decide to do so. Second point, is that it's suggested for the Board's consideration that we approve the accusation of desperately needed replacement truck for the Chief and the plow truck that accusation is about seventy-five thousand dollars, give or take some money. My suggestion is instead of putting it on payment plan of five and a half percent we have the ability right now because we went through it, we have about two hundred and sixty-nine thousand dollars that is available. Not, you know that I don't like to spend money, but I think we should logically look at paying for those two trucks, the Chief truck and the plow truck. I see some nods. And that we then go on to do a ten year payment for the big rig and the other thing is that the question one would ask themselves is well how does that affect the budget, the good news is with that two-sixty-nine, maybe three hundred, we also looked at Fred, I and Deputy Treasurer, knowing we have union negotiations were coming up so we did a high side estimate of what did we think that union negotiations may end up at. It's an estimate of anywhere from a three to five percent increase, I'm not going to go into the detail but just bear with it the fact that that would be another to thirty to fifty thousand dollars and we can still support that personnel increase wherever it lands with the union. We can still support the accusation of the two trucks or the necessary replacement of that old rig and we can put this rig in order and we will start collecting in December the new millage of two mills for the Fire Department so what we'll end up doing as a normal practice my office we would only issue the final millage payoff to each of our applicable departments in March. This time as I've shared with the Chief every fifteen days when I disperse the next taxing units. We will fund the Fire Department and for the benefit further and I'm going to keep it brief, we've set up now for each one of our different funds a high interest bearing, fully insured FDIC, investment account and so the fire money sits in a one point nine percent interest bearing account, fully covered, fully insured and the same thing for police, and PDR and common and the dot, dot, dot. So, we're going to plentish that up let it earn some interest and use it where applicable so the bottom line is that we have the ability, we have the funds and that is what I suggest the Board consider in what's being proposed here.

- Joanne: Brad, where's the two thousand, two hundred and sixty-nine thousand coming from, where is it available from?
- Brad: Oh, well that has been in monies that we had carried forward that weren't expended in the previous tax seasons. So we've kept that and that's what's in the money market for the Fire Department.
- Joanne: Okay, but this was for Fire Department.
- Brad: Only Fire Department, good question.
- Joanne: It's not all funds that were carried forward.
- Brad: Just Fire, cause we segregated all funds that were at one time in the CR's account and it took some time to segregate them into their correct specific accounts so the trackable interest could be applied to them.

Rob: I think the easiest way to say it is that all money is coming out of the Fire mileage.

Brad: Yeah.

Rob: Okay, any further.

Marge: Hey Rob, I have one. Once this new truck comes on board we'll have three trucks.

Fred: We'll give, we'll get rid of the one it's replacing.

Marge: So, one truck will be at station one and one truck will be at station two?

Fred: Right, the new truck will be at, I'm not sure which one yet, okay, but the truck that we're replacing we will put out for sale.

Brad: We'll declare it surplus.

Fred: We'll declare it surplus and then we will figure out a way to sell it. Most, most likely we will hire a Broacher. I did this downstate for a five hundred thousand dollar truck we basically they list it, broadcast it and get it out across the country and then you pay like five percent of whatever the cost of that you sell. Is what you would be charged for them basically broadcasting it.

Joanne: So it won't be on Beacon Auctions or anything like that?

Laughter

Fred: Well, you could.

Laughter

Fred: You could put it anywhere you want it. I mean it would, we'll get it out there, but yeah, I had very good luck downstate with this company selling it. So it, it could end up where we list it on our website and sell it outright, we could go multiple avenues with that but just know the truck will be gone and taken out of surplus from our department so we're no longer sticking money into it.

Rob: Okay, any further discussion? I believe the appropriate motion on the Treasurer's recommendation would be to pay for the two pickups with cash and to enter into this agreement for the engine on a ten year financing.

Brad: Yep.

Rob: Is that your motion?

Laughter

Brad: That is my motion. Any seconds?

Joanne: I second.

Brad: Thank you Jo.

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

Joanne: Roll call.

Rob: Roll call, please.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yep.

Joanne: Myself, yes, Marge?

Marge: Yes.

Joanne: Dave?

Dave: Definitely, yes.

Joanne: Do I have to put definitely yes into minutes?

Greg: No, mam.

Laughter

Greg: Just the facts no opinion.

Dave: You don't know how long we've been working on this.

Greg: I know sir.

Fred: Thanks a lot.

Rob: Thank you, Fred.

Dave: Thanks, Fred.

Rob: Okay, item E, approve cemetery software for Clerk's office, Joanne.

Joanne: Over the last half year the Cemetery Committee has met three times. The first meeting we looked at the current rules and regulations that the Cemetery Committee is operating under thanks to sexton, he also, who is Bob Wilkins. Bob brought in additional rules and procedures in recommendations based on other cemeteries that were in the area. It's important to know that we are only one of three green cemeteries in the state of Michigan and that we have request for lots and plots within the Peninsula's cemetery the newest of the cemeteries from all over the country because of the green burial opportunity. Once we did this then we began looking at different software companies that offer record keeping capabilities and mapping capabilities with the cemetery, cemeteries in mind and we looked at Cemcites, its cemsites (Joanne spells out), for cemetery sites obviously and Pontum which is another software cemetery record keeping and that was in the second meeting that we had a just on the 11<sup>th</sup> we had a third meeting, the 11<sup>th</sup> of October, and we looked at BS&A's cemetery software. Each of the cemetery software's had different advantages Cemcites was cloud based. It was an aggressive software looking at future changes in data keeping and mapping activities. The Pontum is being used around here in several Townships' and it's very easy to use but it does not have a bookkeeping component associated with it and lastly the BS&A software really works on the platform that our current BS&A general ledger, accounts payable and payroll system works on and so it really was a very nice integrated system or would be integrated system with our current bookkeeping in the Clerk's office. So, after seeing these three different types of software, Jenney Gleason suggested that we reiterate what the goals were of the process. What were we really trying to accomplish and in the minutes you'll see what they were. I think they were really expressed by every member of the committee a different one or several of them and there was general consensus that the BS&A software would meet almost all of the goals that were set by the committee for a digital software based record keeping and mapping system and so we looked at the cost factor we didn't have a cost factor from Pontum directly but we did have cost factor from Cemcites which was over seven thousand dollars and we decided that we probably would be better served by looking at BS&A with a total cost of forty-six hundred thirty-five dollars because of its ability to integrate easily with our BS&A system or accounting and payroll. So, with that in mind the Cemetery Committee recommends that we move forward and purchase the BS&A software for cemetery record keeping and mapping.

Brad: Plus, Jo, they would provide as they do with our other programs, BS&A does provide on demand phone assistance and I can speak from our experience with BS&A on one of applications that we use. They are phenomenal and I think that the BS&A, I would be in favor of cause it would integrate our system as Jo's presented and if you have a glitch they can dial right in figure out what that is. So, I'm in favor of that proposal.

Rob: Is that money in the cemetery fund or does it have to be moved from another fund?

Joanne: I didn't know that we even had a cemetery fund in the Clerk's office.

Rob: We used to.

Brad: Common.

Rob: Marge, we don't have one?

Marge: There's no cemetery fund. It is combined in the Clerk's office accounting records. So there's really no history.

Rob: So we would have to have a motion to move this from Enterprise fund?

Marge: I have another question before we get to that point. How would the existing records be incorporated into this software?

Joanne: BS&A, the representative from BS&A who worked with us through a webinar based activity at the last meeting said that the project management to implement this software onsite would be a fee of four hundred and twenty-five dollars and that would be BS&A's project staff that actually will help in the transfer of this system of pass and current deeds into digital deed, but its, in looking at the system the actual input of the data is very, very similar to payroll in BS&A and anyone's who's, in this case would probably be the Clerk or Deputy Clerk input from the records that are in the three volumes and the BS&A staff will direct them on how each of the individual variables are placed in that system.

Marge: Okay, is there a reason for purchasing the system right now verses in the next year's budget?

Joanne: Not really, other than we've been delaying with this for almost two years and I can tell you that on average when someone comes into the Clerk's office it is at least a forty-five to one hour and fifteen-minute process that takes the Clerk or the Deputy. Well the Deputy Clerk doesn't do it per say, it takes the Clerk in terms of time to get the deed, to get the payment, to identify the sites and prepare the materials that come to your office Marge for receipt and it's extremely disruptive because people will come in at any time. Like I had someone come in on Monday to purchase a site with the elections the next day and so we just asked them if they would mind going out to pick their site first and come back like today or tomorrow to actually purchase the site and it's always good to have the sexton available as well because he will answer questions of the head stone and other characteristics of the particular lot or plot in which a person is going to be buried. You have the person who actually pays for the site who may not be the same person who is going to be buried in the site and then you also have the variables of whether or not someone's coming in a casket or as a cremains and in different parts of Peninsula cemetery there are different restrictions for the casket or shrouded wrapped individual and the sexton has to know where that body is going to be placed so that the cremains is added he's not breaking into that particular body. So, it takes a lot of time to facilitate almost instantly they pick out a site okay, this is what can be buried here in combination of either casket or shroud or cremains. So that's all a part of facilitating a decision making on the part of the person buying it as well as on the part of the us getting recorded and getting the deed out to the purchaser so.

Dave: What records do you have today, the cemetery records computerized today?

Joanne: No, not at all. It's all hand written, in fact the original Ogdensburg cemetery is in on an old venetian blind that you pull down its hand drawn on it all of that would be transferred and the project management staff would be available to advise us in how best to go about doing that.

Dave: I can tell you from my experience at the church that's what I inherited at the church about twelve years ago, I don't know if it was a roll or what it was, but it was falling apart. I think computerization is a must we must be able to know who the owners are where the in ferments are what's available and quite often people come to you at a time of stress and it requires quite a bit of hand holding and quite a bit of let's say Bob going on site for people that want to see the grave site of loved ones and when the records are in shambles it's hard to give good service. My only question would be in terms of timing if this is the Clerk's job we've got some new people in the Clerk's office and I'm pleased to see that the BS&A will do the transition from the paper documents into computerization.

Marge: I don't think that's what she said; she said the Clerk's office will be involved in inputting this material.

Joanne: The BS&A people can set up the program part.

Dave: Right.

Joanne: And we will have a two day training session available to show the Clerk and Deputy Clerk how to put individual pieces of data in.

Dave: They will in fact layout the cemetery stakes so in other words they'll lay it out the geography of the cemetery, arrange the burial sites so they'll do all that being the Township we have to put in the data.

Joanne: That is correct, that's correct.

Dave: That's going to take some time over the next year.

Marge: I am in favor of this project however I'm very cautious about putting it on the Clerk's office at this time. I think a commitment to put it in this year's budget when the Clerk's office has a little bit more experience and will not have this additional burden on them right now.

Joanne: But the additional burden will come in them having to do everything by hand and then having to then transfer it into the system at a later date. I think as they learn the BS&A system especially the payroll which is a very similar format for inputting data in terms of task and other things, I think personally, I think, I'm bringing this up at this point in time because it will help them just dealing with all things the Clerk's office has to deal with and I think that BS&A is, they are aware of this transition that is going to be taking place

and I think that they're the best prepared to actually assist and interface and integrate these systems. But it really is up to the Board if they want to wait.

Rob: Do you envision both of the ladies being in there and doing this with BS&A?

Joanne: I personally feel that both individuals should learn this system because you never know if one or the other is away at training or assignment in town, the county and it really helps to be able to put this in right away and its very fast, it's probably less than ten minutes of data input to get the deed ready to go and to get the site sold and the money transferred into a check. I actually have had people come with cash so.

Dave: I see two issues, do we have money in this year's budget is the first question and the second question is one really of time management in the Clerk's office, I think it's going to take some time but we've got to get going at some time so it would seem to me that if we've the money in this year's budget we should not delay.

Brad: And we can always amend it we being my.

Marge: I have a critical fast question. Can new purchases be put in without the assisting inventory have to be put in where you have maybe ten purchases a year, maybe twelve purchases a year.

Joanne: We've had about thirty purchases a year

Dave: Again, again.

Marge: My, my.

Both Dave and Marge speaking at the same time.

Dave: I can tell you based upon my experiences, I assume they are very similar the key is laying out our cemeteries in space in geography. The key is laying it out so that grave site 101 you know where it is from grave site 131, if BS&A will come in and set up the software so that we can actually print out a picture of our cemetery.

Brad: A sketch.

Dave: Right, then I would assume that if someone comes in and wants to buy grave site 131 you can put the data in record for 131.

Joanne: And then the map will reflect it either with the color code or some other factor that would say this site has been sold and that is really critical because right now how it happens is we have an 11x17 of Peninsula cemetery and get our yellow marker out and we mark it and then we have to mark every additional copy of that and it's very easy to get out of date if you're not disciplined enough to take the time to mark all of those, those things and then you have people coming in and the site was already sold. So, I think it is really important that this.

Marge: Once again, I'm thinking about the burden that is going to be placed on that Clerk's office.

Joanne: Yep.

Marge: This software after the BS&A implements it if it's costly to put in a purchase period. To put in six purchases from now until April without having to put in the entire grave all the graves that have been sold in the past. The Clerk's office cannot be burdened with putting in this existing sale information. They cannot have that additional pressure right now.

Brad: But they have to handle it regardless, Marge. It doesn't stop with or without us.

Warren: I think what she's saying is if it's not a completely different inventory from the old style and the new style so that.

Brad: I can envision that.

Brad, Marge and Warren all speaking over each other – very unclear as to what each is stating.

Marge: Who, who, who is going to put in that inventory of sold lots when they're going to be trying to figure out how to do accounts payable, how to do payroll, how to manage the minutes. They cannot be expected to do that in addition to all those other things. If the software will allow them to input just new sales until they can get a handle on their normal job then that would be wonderful to purchase it right now.

Rob: Marge, isn't the question really is purchase now and by the time it arrives you know it's going to be over a year from the time you implement it.

Brad: Well, today is November, December, January, February, March, that's four months from now so we could look at it this way, to try to bottom line this, if we approve because the ground work has been done the committee has met there's a proposal in front of us. It doesn't mean that they have to go out immediately and spend it or implement it because I don't see it happening between now and December 31<sup>st</sup>, and knowing that the work gets done as proposed in front of us but I think as the new Clerk and Deputy Clerk get comfortable with the other functions of their office then at least we know it's there and then we can make sure it is budgeted for as well.

Marge: Well, I have no problem with purchasing.

Brad: You're just worried about the workload.

Marge: I'm worried about the workload.

Brad: I understand.

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

Warren: I move that we approve the cemetery software the BS&A program.

Joanne: I second it.

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

Brad: None.

Rob: Roll call, Joanne.

Joanne: Myself, yes, Marge?

Marge: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yep, okay. Okay, the next item on the agenda popped up a couple of days ago, and it's a letter from the Road Commission about Senate Bill 396, and briefly I'll read their email; On October 25, 2018, regular meeting, the Board of County Road Commissioners, Grand Traverse County, adopted a resolution opposing Senate Bill 396, this bill would allow logging trucks to be exempt from weight and speed restrictions during the frost laws and you know frost laws our roads break up and so heavy traffic even like our garbage trucks can only go half full so they don't break the roads up. Grand Traverse County Road Commission would sincerely appreciate your Township Boards serious consideration in adopting a similar resolution, and they sent us a sample and we filled it in so if the Board felt inclined, we would support the County Road Commission in their effort to kill that bill.

Marge: So, moved.

Dave: Support.

Joanne: Who was the support?

Rob: Dave.

Brad: Mr. Sanger.

Rob: Roll call please, Joanne.

Joanne: Marge?

Marge: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yep.

Joanne: Myself, yes.

Rob: Okay, the next item comes to you, Greg.

Greg: Yes, sir.

Rob: And that is dealing with the vote eliminating the Park Board, the Park Board has been calling are still viable and I've told them no, that they aren't.

Greg: Pursuant to the resolution that you had made a while back at the time of the vote if the vote was positive then their functionality would now longer exist to the extent that you are looking for them to carry on with their functionality through January 1<sup>st</sup> or some date while you do what you need to do from a structural perspective the Board simply needs to make a motion to empower them to do that.

Rob: And there are a lot of things going on while we decide if it's going to be an appointed Board similar to Planning Commission or there's also some concern of a Park Superintendent so those are discussions, so I think when I talked to Greg this morning what we were proposing is that the Board make a motion to extend the five people on the Park Board until January 1<sup>st</sup>. They also have bills occurring from, everything from porta Jon rentals to things that need to be addressed and they are being done next Wednesday. So, unless anyone has a problem with that, I would entertain a motion.

Brad: So, moved.

Warren: Support.

Rob: We have a motion and support, to allow the Park Board to continue on until January 1<sup>st</sup>, any further discussion? Do you want that roll called?

Greg: Yes, please.

Rob: Okay.

Joanne: Dave?

Dave: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: Myself, yes, Marge?

Marge: Yes.

Rob: Okay, also Greg, I would like you to comment I know you did a legal opinion on, there was an issue too that showed up in one of the, what's it called, Neighborhood's North or something, alleging a possible violation of the newsletter with the information as it was put in the newsletter.

Greg: Right, love to see what that alleged opinion is. I find it curious that people throw out opinions of violation of the voting process. I've not seen it nor's been printed nor has an individual been listed. I will simply tell you that you did not violate any law. Township's across the country and cities across the country use newsletters and other forms of communication to explain what votes and what things are up for voting and as I understand it and as I have read you simply provided a question and answer that had been put together from some of the members that were out soliciting their names and approval or at least wanting to put it on for vote. Remember when these people were out there, they were soliciting for people to make sure it got on the ballot. They weren't necessarily soliciting for the decision. They were soliciting for that so a question and answering of what a particular ballot proposal is not a violation. It's information and in fact, it is what you're supposed to do as a Township. To the extent you try to

cause people to sway and change their vote that's a violation and when you look at the question and answer then that's not in any way shape or form. In fact, the language at the end would indicate otherwise.

Rob: Okay, thank you, I guess the next item would be going, a motion to go into closed session. Marge asked me, this could be a long-closed session. Should we have Board or member comments now or when we come back?

Brad: Is that a consensus question of the Board?

Rob: Well, I guess.

Brad: I mean if we are going to be at least an hour or more I don't know how long we'll be so if you're asking if we should have citizen comments I guess if anyone holds their hand up you could do that. Then they've spoken their peace and then.

Rob: And we could do it either way, anyone care to make a citizen comment at this time, Dave.

I just have a question, Dave Murphy, 6943 East Shore Road, given that the Parks Commission will continue to function until the first of the year, do you have kind of a game plan for what then body or planning group will come next and when you'll make a decision on that there may be some folks who would like to have that information and attend a meeting on it.

Rob: As I stated you know my personal opinion and as I looked at a three or five member appointed Board to continue working diligently like the people are on the Parks, a couple of people, I know like the Chair of the Park Commission has been adamant about a Park Superintendent and we don't have a budget to do that and what would that entail I don't know but those are things that we have to put on a meeting and discuss so when we do then we'll.

Dave: I think my main question is just from a timing standpoint if they cease to exist January 1<sup>st</sup>, will there be a Town Board meeting in December where there might be discussion on this next step.

Rob: I would think we'd have to do that relatively quickly, but we haven't talked about a date or anything. It's just that there are bills that are occurring monthly that they need to meet on to make recommendation to pay and quite frankly we're in the middle of two trust fund projects which several of those people have been very active on. Very active on the moorings, working with the DNR, so we don't want to drop any of those projects either in the mix so.

Dave: Sure.

Rob: Okay, anyone else? Alright, at this time we would take a motion to go into closed session.

Brad: So, moved, that we go into closed session.

Dave: Support.

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

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: Myself, yes, Marge?

Marge: Yes.

Joanne: Dave?

Dave: Yes.

Board moves into closed session

Board returns from closed session:

Rob: I'd like to call the meeting back to order I would entertain a motion to back out of closed session and back to the regular scheduled meeting.

Warren: So, moved.

Brad: I second.

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

Joanne: Marge?

Marge: Yes.

Joanne: David?

David: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yep.

Joanne: Myself, yes.

Rob: Okay, we have approximately a couple of motions that we would like to make on the record.

David: I would move that we approve Township Attorney, Meihn to release the report that he has prepared, release that report to Christine Deering, Sally Akerley on the results of his investigation.

Warren: I'll support that motion.

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

Brad: None.

Rob: Do we have to roll call that, Greg?

Greg: Nope, but it would be nice to.

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

Some Board members stated "I's".

Joanne: Roll call it, please.

Rob: Okay.

Joanne: Dave?

Dave: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Joanne: Rob?

Rob: Yes.

Joanne: Myself, no.

Marge: Yes, me, Marge.

Rob: Are you going to do the minutes.

Dave: I didn't realize that you finished the previous motion. This is on the matter of the minutes of the meetings of August 28<sup>th</sup>, September 11<sup>th</sup>, and September 25<sup>th</sup>, I move that the minutes of the Township Board meeting of August 28<sup>th</sup>, September 11<sup>th</sup>, and September 25<sup>th</sup> of 2018, that had been prepared but have not been approved are hereby approved by default.

Greg: Can I just correct that.

Dave: Yes, sir.

Greg: That the minutes that you just referenced have already been approved by default in that the Township had taken no action on those and then the motion would continue on to be that the Board would approve such minutes that have already been approved by fault with the attachment of the transcript, full transcript that has been received today for each of those days.

Dave: Certain three dates.

Greg: Yes.

Dave: That's fine, that's my motion.

Rob: Okay.

Joanne: Could you make the motion again?

Laughter

Greg: Do you want me to go for it?

Dave: Yes, sir.

Greg: So, the motion is that the Board recognizes that the August, help with the dates.

Dave: 28<sup>th</sup>, September 11<sup>th</sup>, and September 25<sup>th</sup>, 2018.

Greg: That those minutes have already been approved by default when the Township did not take action to approve them within the time frame that was set and this Board by this motion approves those minutes that were approved by default with the addition of the transcripts that have been provided to be appendage to each of those minutes that have been approved here and were approved by default in the Township not taking any action.

Rob: Who supports?

Brad: I will support that motion, that we accept the minutes that have been accepted by default and also appendage the transcripts that have been made available to co-alien with those minutes that we're originally accepted by default.

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

Joanne: Rob?

Rob: Yeah.

Joanne: Myself, yes, Marge?

Marge: Yes.

Joanne: Dave?

Dave: Yes.

Joanne: Warren?

Warren: Yes.

Joanne: Brad?

Brad: Yes.

Greg: I'm going to head out to start my four-hour drive.

Several Board members begin speaking over each other.

Rob: Okay, citizen comments, Board comments?

Joanne: I would like to make a statement please.

Brad: Greg.

Rob: Greg, do you want to wait.

Greg: Sure.

Joanne: Dear Town Board members, Attorney Meihn, and residents of Peninsula Township, just this week as a State and a Nation we voted and witnessed our Founding Fathers and in the transition of Government from one administration to another. That is in a smooth and orderly fashion and so it should be in Township Government. Tomorrow at five p.m. the Township will lose a dedicated and talented civil servant in the person of, Brenda DeKuiper. Brenda worked tirelessly in a Clerk's office for the past twenty-one months performing the broad and indispensable duties of a County, payroll and human resources and elections she was and will continue to be a valuable human resource at her new employer's place of work and she will be missed. Because of Brenda's departure I'm required to swear in a new Deputy Clerk. I have asked Robin Noval who has agreed to assume the responsibilities of Brenda's position to take the oath of Deputy Clerk at 5:01 p.m. tomorrow. With this important action I am ensuring that an orderly transition of Government in the Clerk's office takes place. Over the next few weeks I plan to take ten days of well-earned vacation time for personal medical reasons. In the interim I will slowly work to finalize obligations related to my office as Clerk and to facilitate the smooth transition of the Clerk's responsibilities to Becky Chown. I will vacate my office at five p.m. on November the 30<sup>th</sup>, 2018. This frees the Town Board to appoint the new Clerk on December the 1<sup>st</sup>, 2018. This day is within the minimal thirty days statutory time frame allowed by State Law based on my posted resignation date of December the 31<sup>st</sup>, 2018. I'm grateful to the residents of the Township and the Town Board for giving me this opportunity to serve them as their Township Clerk. It has been an experience filled with ambiguities in terms of challenges and rewards, disappointments and opportunities, frustrations and successes, friends and newly created enemies. The Clerk's position demands goodwill, discipline, endurance and from time to time a healthy dose of skepticism. I have found that the office will test the points of one's moral compass and in doing so the strength of one's personal merit. It has been one of the most challenging positions that I've ever assumed and for this reason I thank you, the voter for allowing me to serve you in the capacity of Clerk. Best wishes to the new Clerk and Deputy Clerk who'll assume their offices, and to you, the Town Board and staff who will carry forth the important roles that each of you fulfill in the Township. Respectfully, submitted, Joanne Westphal, Clerk.

Rob: Thank you.

Brad: Thank you, Joanne, very much.

Applause.

Brad: Just for clarification, Jo is that November 30<sup>th</sup>, you'll vacate your office but you'll still maintain your position until December 31<sup>st</sup>?

Joanne: That's correct.

Brad: Okay, I just wanted to make sure.

Rob: Okay, motion to adjourn.

Warren: So, moved.

Dave: Support.

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

Board members all state "I's".