TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

DRAFT MINUTES TOWNSHIP BOARD MEETING

NOVEMBER 19, 2013

COMMUNITY SERVICE BUILDING

TORCH LAKE TOWNSHIP

Present: Martel, Schultz, Goossen, Amos and Windiate

Absent: None

Others: Millar

Audience: 21

1. Meeting convened at 7:00 PM followed by the pledge to the flag.
2. **Minutes: Motion** by Amos to approve Minutes of October 15, 2013, with corrections, was seconded and passed 4-0, with Martel abstaining from the vote. In item 10, change the word “negotiations” to “fact finding”. **Motion** by Goossen to approve Minutes of October 15, 2013 Closed Session, as prepared, was seconded and passed 4-0 with Martel abstaining from the vote. **Motion** by Schultz to approve Minutes of October 29, 2013 Special Meeting with one addition was seconded and passed 4-0, with Goossen abstaining from the vote. In item 4, add “2. Schultz mentioned she would be attending her first fact finding at Elk Rapids on November 1st. Martel stated good, good, please do”. **Motion** by Goossen to approve Minutes of October 29, 2013 Closed Session, as prepared, was seconded and passed 4-0, with Amos abstaining from the vote. **Motion** by Goossen to approve Minutes of November 6th Special Meeting, as prepared, was seconded and passed 5-0.
3. **Correspondence, etc.** There were none.
4. **Agenda Content:** **Motion** by Goossen to approve, as discussed, was seconded and passed 5-0. Remove item H. Road Ends and add new Item H. Fire Chief.
5. **Citizen Commentary:** Bob Spencer mention a need for grammatical correction in Minutes of October 15th Regular Meeting.
6. **Consent Agenda:** The **Motion** by Schultz to remove A. Expenditures for discussion was seconded and approved 5-0. Schultz had questions about checks 29875, 29889, 29890 and 29906. After discussion, the **Motion** by Martel to approve A. Expenditures, minus check # 29906, while we look into a possible way to cover or not cover it was seconded and approved 5-0. The **Motion** by Windiate to approve the remaining Consent Agenda was seconded and passed 5-0.
7. **Planning Commission Report:** Although he was absent from the meeting, Goossen reported the PC continues work on the Ag District within the Zoning Ordinance, with nothing approved at this point.
8. **Discussion/Action:**
9. **Township Attorney Todd Millar** was present to discuss the Freedom of Information Act (FOIA) and related Township policies. Torch Lake Township currently has no document retention policy in place. We need to have and follow policies that regulate township communication among boards and employees, what we do, what we keep, what we throw away, when we throw it away, etc. Once policies are in place, the Township should follow up with employee training. Therefore, he recommends the Township pass a resolution that re-affirms the Board’s expectation that all employees will comply with all laws and regulations, including document retention, FOIA, Open Meetings Act, etc. The township must then also adopt the necessary policies & procedures to support this. He suggests we authorize the Supervisor to begin the process, draft the required policies and within 4-6 months have something to look at, adopt and implement.
10. **Appeal from Bob Spencer re FOIA request of June 28, 2013.** Representing Mr. Spencer, Karen Ferguson addressed the Board, explaining the nature of Mr. Spencer’s appeal. His concerns include the lack of a timely response to FOIA requests; the reason cited for the exemption of documents from the Closed Session Oct 29th was not applicable in this case, although the Board was allowed to view written attorney info in the Closed Session; during sub-committee meetings not properly noticed, it appears decisions are being made with AGM that are not taking place in an open meeting. Mr. Spencer is requesting the Township set up a record retention policy, establish FOIA procedures and provide training and education to its employees. He is asking for verification that some email documents do not exist, as stated by some employees. Also, that approved Minutes be made available. They appreciate Mr. Millar’s recommendations and ask to review any draft procedures to allow their input.

 Martel informed the Board they have 10 days to respond to this appeal. Millar clarified what the Board is being asked to do. Regarding the FOIA appeal, determine if the response by the clerk was appropriate. The second request is for the township to look at policies and procedures to make sure this doesn’t happen in the future. Mr. Spencer is entitled to the approved Minutes as well as any emails between PC members, including the Recording Secretary. Verify with these people that emails no longer exist. If they have them, they must produce them. In terms of this appeal the Board has three options. Deny the appeal; agree to produce the requested materials or something in the middle. Some documents yes, some no. After discussion the **Motion** by Schultz to grant Mr. Spencer’s request, to delegate the Supervisor to handle the letter stating the steps we will follow to comply by obtaining all required documents from the Planning Commission, Recording Secretary and Clerk, was seconded and passed 5-0. Millar recommends the Board have the Resolution prepared for adoption by the next meeting.

1. **Investigation by Michigan State Police:** Martel informed the Board of an investigation regarding our possible violation of the Open Meetings act. Martel commented he had been invited to attend a meeting with Elk Rapids Supervisor Bill White, and others, to hear a presentation from a private company with regard to going to a private EMS system. At least one other meeting occurred, attended by Schultz and Amos. It was clarified by Schultz that these were fact finding meetings only and there are no proposals of any kind. Amos reiterated this was about discussing any interest in going to mutual aid or going to another company for ALS service.
2. **ALS Board Direction**: Discussion of how we should proceed toward ALS. Goossen believes we should continue to look at and understand the various options out there. Martel feels we should look at the EMS budget to decide if we have the money available. Amos believes we should work toward ALS, but does not know whether we can afford it. That’s why we should listen to Elk Rapids, as they are already ALS. It was costly for them going from basic to advanced service. Schultz wants to continue with fact finding, but asked Martel to rescind the letter he wrote to Elk Rapids Township. Martel states he will call Bill White to see if other meetings have been set up. The **Motion** by Goossen to appoint Martel and Schultz to contact those scheduling the meetings, that they attend the next meeting, or series or meetings, ask if our public can be part of it, go to the meeting, capture the information and bring it back to the Board was seconded and passed 5-0.
3. **FEMA Simulation Participation**: Cody Randall reported to the Board about attending a table top training session with a winter storm disaster scenario. The talk included potential problems and how they would be handled. This was a virtual meeting with over 170 people from all over the country participating. Overall, it was a great learning experience.
4. **Reappointments**: The **Motion** by Amos to reappoint Jim King to the Planning Commission and Pat Keelan to the Zoning Board of Appeals for 3 year each, retroactive to October 2013 was seconded and passed 5-0.
5. **Fire Truck Demo**: Bigelow demonstrated the new brush fire truck to the Board and audience, explaining all its features, etc. Thank-you Ryan.
6. **Fire Chief**: The lack of a Fire Chief was discussed. We are long over-due to appoint one. Martel will look into interest and qualifications of our department.
7. **Citizen Commentary**: 1. Bob Spencer addressed the Board,suggesting we hold the ALS meetings here. Ensure they willbe open to the public. The law requires bids be open in public, if these ALS proposals are bids. Cautions the Board on attending meetings, even when only two members, if they are involved in policy discussions and decisions, those meetings must be open. Nothing bad will happen in an open meeting. 2. Maryanne Jorgensen asked about the status of the Veteran’s Memorial Committee. Anything new since last month? She commented that if the Lidster property is sold, the proceeds would go to the memorial.
8. **Board Commentary**: 1. Martel will be meeting with AGM and Pine Hill at the tent pad to discuss options. He recommends we cancel the Special Meeting November 21st as he is still gathering information. 2. Amos asked whether the steps for enforcement have been laid out, exactly what we will do, how, etc.
9. **Adjournment**: With no further business, the meeting was adjourned at 10:10 PM.

These Minutes are respectfully submitted and are subject to approval at the next regularly scheduled meeting.

Kathy S. Windiate

Township Clerk