TORCH LAKE TOWNSHIP

COMMUNITY SERVICES BUILDING

TUESDAY, May 18, 2021

APPROVED TORCH LAKE TOWNSHIP REGULAR BOARD MEETING WITH CORRECTIONS 5-0

Present: B. Cook, J. Merchant, A. Martel, K. Windiate

Absent: None

Audience: 52

**A. REPEATING AGENDA**

1. Call to order and Pledge of Allegiance at 7:08 pm

2. Motion to Approve minutes/second: B. Cook/J. Merchant with corrections. New Business item 1A, last sentence should read “Fulfilling duties as assigned by Zoning Administrator.” F3 sentence remove word “have” and replace with “will have.” H2, remove “as a citizen that his” and replace with “my.” Passed 5-0.

3. Correspondence and Announcements: 5 emails received and one written letter, provided to public. Topics included fireworks and airpark. Written letter received tonight referencing support to approve livestreaming meetings.

4. Approval of Agenda Content: A. Martel moves to address New Business item #9 to beginning of meeting. A. Martel also recommends putting together a summary of report of plans for the Memorial Weekend in regards to the Torch Lake Air Park. B. Cook reports there would be no action to New Business #9, but rather moved to Board discussion. It is no longer an action item as it needs a **special use permit** and there is no longer any time to approve in time for Memorial Weekend. Add Board comment section after the Approval of Agenda. Board Members may address any issues. (2) Remove any special reports section and the financial overview. Bob Cook motion to approve/S. Schultz second approved with changes.

5. Board discussion: S. Schultz no comment, K. Windiate no comment, A. Martel comments regarding activity planned Memorial Weekend. In terms of Zoning issues, past events, grandfather clause, he composed a memo to the Board and other officials. Earlier in the week A. Martel received from the Fire Chief a memo in regards to the topic. Mr. Martel’s assumption was wrong in that this proposed event had been approved. J. Merchant no comment, B. Cook spent a considerable time contemplating the topics regarding the Air Park, DNR property for sale and Rezoning Applications. Torch Port Air Park – contrary to any other information, in accordance to our Zoning ordinances and Special Use Permits, we have worked towards ensuring the safety of our community. Mr. Cook reviewed timeline of communications regarding the Air Park. On 4.28.21 received information from individual that wanted to contract with township. 4.30.21 received documents with request for permit. Beginning the following Monday, Township officials began to review the request and any other previous events that sought approval. Looking to outside events and in conjunction with our Interim Zoning Administrator, there was a thorough examination and letter sent to Mr. Baise which was read aloud. On 5.12.21 response received and read aloud. 5.13.21 Interim Zoning Administrator Consultant S. Kopriva responded and read aloud by B. Cook. 5.13.21 Mr. Baise responded which was read aloud by B. Cook. B. Cook noted our recent awareness of a Facebook posting that detailed items of event that had not been approved. Subsequently B. Cook spoke with the Sheriff stating we may need backup of any enforcement during Memorial Weekend. Furthermore, the Board will not entertain any Firework requests at this time. Torch Lake Township will continue to work with our Special Consult Steve Langworthy and legalists to ensure that the activities are handled appropriately by the Township. Regarding the second item, DNR property, Mr. Cook states he has seen and heard of many comments. A discussion was previously scheduled to be addressed on 12.20.20 but that meeting was cancelled due to COVID. He had posted all information which can still be found on the website. Torch Lake Township Board meeting postings and general operating processes were reviewed by B. Cook recently attended a meeting with audience consisting of Milton and Torch Lake Township residents to discuss and review options as our Township is unable to purchase. Financial question posed to auditors on site today to discuss feasibility of Township purchasing. Advice received is that it would be cost prohibitive as it would tie up almost all of our resources to purchase this property and leave a negative cash flow for the next eight months. B. Cook reviewed second option to try and get auction delayed. Information received this afternoon. First was a reference to a question of legal ramifications and repercussions regarding delaying. B. Cook read letter from Legislative Director Madelyn Fata, office of Ken Borton received today at 1:00 pm which provided historical information of purchase and any guidelines regarding public access to lakes. New property purchased by Township in 2019 to provide another access to Torch Lake. Purchased by individuals and donated to Township. Currently the DNR is not delaying sale. Torch Lake Township not available to purchase. Final item rezoning applications. A developer has submitted app for rezoning of Torchport Airport. Township is aware of other activities being advertised. To date no applications for permits have been received. All rezoning applications and/or any violations are addressed by the Planning Commission, current interim Zoning Administrator with significant professional certifications and full Board. Currently the airport is considered to be nonconforming and is not allowed for any new usage. Future discussions will happen with Public Hearing and appropriate advertisements on the Township website. Look to that for any information. Mr. Cook spoke to Best Practices of notice and every citizen’s responsibility and opportunity to review Township business.

5. Citizen Comment: **Jarris Rubingh**, County Commissioner representing northern half of Torch Lake Township. Read letter from Antrim County Road Commissioner regarding COVID funding over the next approximately year which has been decreased. Mr. Rubingh reviewed changes and proposed requests will be presenting at County Commissioner’s 6.3.21 meeting. He further spoke to resurfacing project and recommends that contract should be scheduled as soon as possible due to scheduling availability. **Marjorie Teglhot** spoke to beauty of area and a long term resident. Memorial Day is a special day and does not feel what was proposed to happen at the Torch Lake Airpark should happen. **Bill Petersen** spoke to 4.20.21 meeting. Was shocked when Mr. Martel violated a past employee’s HIPAA rights. This behavior reflects directly back to the Board. Further, he felt the comments were disrespectful and we should be concerned. As a Board, they should require the individual should offer an apology to the former Zoning Administrator. **Rita Service** requests her statements be attached to the minutes. Board guidelines state that comments need to be respectful. She directs her comments towards A. Martel regarding his egregious behavior. It has become evident that A. Martel’s behavior is no longer trustworthy. Mr. Martel divulged a former employee’s personal health details. If he can casually divulge this to not only the Board but to the entire community, what else is he sharing to the greater community? Ms. Service will no longer keep silent regarding his intimidation tactics and threatening behavior to not only the Board but also herself. Earlier this year as Vice Chair of the Day Park Committee, he did not respond to her request regarding Committee Business. Ms. Service stated when he did respond, he left a voicemail that started nice enough but he became increasingly agitated and ended with comment that began with “if you have the guts to do that…” In interest of time, she will not play this voicemail. As a result, she presents two complaints to the Board. One complaint reiterates Mr. Martel’s unethical behavior in disclosing confidential personnel health matters and the second for intimidation directed at Ms. Service. She requests a Board censure of Mr. Martel and a written public apology from him. **Marjorie Mertz**, speaking on behalf of 14 other families and would like to see the DNR property left as is. She did acknowledge Mr. Cook’s prior comments and requests clarification regarding conservancy. Mr. Cook reviewed explanation of conservancy. **Andy and Kristin Graves** submitted an email prior but wished to share family history and thoughts. They expressed concerns over what’s happening at airport. When there is a lack of information or lack of understanding of what’s going on, the public’s imagination becomes over active. Would like to see some action as to where the process is going. **David Visser**, lives right next door to DNR property. Expresses thanks to the Board and prior Boards for all their efforts to keep the natural beautification and public access point. **Ron Budros** appreciates Bob Cook’s review of all information regarding the Torch Lake Airpark. Looks forward to the level of transparency that has been demonstrated. Planning Commission and office has done well in providing information. S. Kopriva clearly stated guidelines and ordinances. If Mr. Baise goes through with the event; it is the expectation that the Board will enforce the ordinance. **Jim King**, DNR access site. Understands the township hands are tied, but states it would be a shame to lose this access not just today but for future generations. He is trying to get people to lobby the DNR to postpone the sale for 6 months. Understands B. Cook has done this but feels in best interest of community to keep it a natural area. Township needs as much recreational area as we can get. He has a list of petitioners to present to the DNR. **Bob Spencer** would like to congratulate Board in efforts to increase communication and to challenge of communication. He spoke directly to community. If you want to find out what’s going on, then community needs to take the initiative. Get up and get out and get involved. This is your township. **Deb Steggles** addressed 3rd Street dead end into Torch Lake. Who maintains this? Spoke to debris, metal bars and fallen trees along the shoreline. She has others willing to do a clean-up but wants more information regarding this topic. B. Cook advised to send an email to him to review further. K. Windiate asks if she uses this access? She doesn’t but does know others that do utilize. **Tim Baise** would like to address everyone regarding the airport. It had been for sale over 10 years. When he purchased, he received welcoming emails from A. Martel and B. Cook. Emails spoke to history of property and desire to work together. It has taken a long time to get to where it is today. Bottom line, the property is a disaster and the runways are unstable and unsafe. If we tidy up and make safe, we could have more pilots coming in to this area. Secondary piece; regarding the fly in, there have been many such events happening for decades. Does not know why there is a call for a special use permit. From a pilot’s vantage point, by cutting down some trees, safety is increased being able to see necessary landmarks. Described improvements and limit of changes. Facebook posts mentioned earlier tonight did not come from his Facebook. He has as many responding favorably as we are hearing in opposition tonight. He is available for conversations. **Sue Calu** is for keeping that property from DNR. The township snubs those that don’t live on the water. It’s a sad situation to take a piece of property away from those that don’t have the advantage to live on the water. Torch Lake used to be fun. There is no place for the kids to swim. Maintaining the property for public use imperative for future generations. Day Park is severely overcrowded. Township needs to bend over backwards to ensure that we do everything possible to keep for our kids. Torch Lake Township turning this area into a sad place. Do something for the younger generation. Expects Torch Lake Township to have the backs for the people that want to try and preserve it. Help the people get the DNR to hold off. **Steven Szynal**, coming here since 1995. Has seen the deterioration of the lake. He spoke to DNR’s program’s ending. Doesn’t take long to have something that is nice and pristine to change. There will be always be mishaps but he has never had a problem seeing the airport.

**B. Consent Agenda**

No Park Report

S. Schultz wishes to have Fire Chief spell new employee’s name correctly which should be Allen Davidson. S. Schultz pulls Sheriff report. All others approved by consent. S. Schultz directs those to view the Sheriff report that spoke to Canine appreciation highlighted and will be at the Petoskey Stone festival doing a demonstration at Barnes Park Memorial Weekend.

DEPUTY SUPERVISOR Report by Bill Petersen. Road work completed at township. Did ride along with Bert Thompson and learned a great deal. Will probably be looking to renew the millage and provided details regarding lifespan of roads and the need for complete reconstruction of our portion of W. Torch Lake Dr. A. Martel asks about March meeting regarding the drainage and why Mr. Petersen went to one bidder. A. Martel reports that another contractor came in and asked why he wasn’t allowed to bid. Mr. Martel would like to see more bids in the future. B. Petersen reported when it came time to commence on this project; conditions such as taking weather into account, an under cost estimate and the fact that we needed to complete on an emergent basis is why it was awarded. K. Windiate asks for clarification of parking spots work at the Day Park in regards to RV parking. This is not part of Mr. Petersen’s report. R. Service clarified. S. Schultz spoke to millage that B. Petersen referenced with this being the final year. B. Petersen anticipates a complete report and outlay of plans so that everyone can see and hold Township accountable for projects.

B. Cook Motion to accept pulled reports as presented/K. Windiate seconded. Passed 5-0.

C. Special Reports Agenda

J. Merchant reports that at last week’s Planning Commission most of time was spent reviewing rezoning of lot on M-88. Five (5) residents spoke with most against. Request placed a hold for next month.

K. Windiate reports to update on outstanding FOIA. Nothing new received.

**D. Agenda for Board Action**

Old Business

1. K. Windiate spoke to item #1 which highlights new rule that speaks specifically to vaccinated individuals. B. Cook moves to take from the table the discussion regarding revisions to this COVID-19 CSB Emergency Rules. J. Merchant seconded. Discussion regarding clarification of Governor Whitmer’s rulings in regards to spacing. S. Schultz printed off from State website and read current guidelines and states we are in good standing. Discussion ensued. Passed 5-0.

B. Cook moves to accept revised COVID guidelines as presented. K. Windiate requests clarification of access which should reflect Treasurer and not Deputy Clerk. S. Schultz also pointed out that she has received many calls regarding when their meetings can return to usage of the building. Clarifies that we can now open up doors again, public gate can be opened and offices will be locked including office vestibule. Seconded by S. Schultz. Passed 5-0.

New Business

1. Motion to hire Rebecca Schueller as Advance EMT pending all appropriate background checks starting May 26, 2021 for a rate of $16.40 per hour per the pay schedule. (M/S) B. Cook/J. Merchant. Discussion, A. Martel asks if this a fulltime position and if someone has left. Yes, to both questions. Roll Call Vote: B. Cook yes, K. Windiate yes, J. Merchant yes, S. Schultz yes, A. Martel yes. Motion passes 5-0.

2. Motion to hire Veronica Beitner as Day park Coordinator with an anticipated start date of May 29, 2021 at a rate of $17.00 per hour per the pay schedule. (M/S) B. Cook/K. Windiate. No discussion. Roll Call Vote: B. Cook yes, K. Windiate yes, J. Merchant yes, S. Schultz yes, A. Martel yes. Motion passes 5-0.

3. Update that Stephanie Orschel has removed her application due to fact that she has obtained a full time position elsewhere. Motion to hire Avery Laws and Robert Hawkins as Day Part Attendants starting May 29, 2021 at a rate of $15.00 per hour per the pay schedule. Roll Call Vote: B. Cook yes, K. Windiate yes, J. Merchant yes, S. Schultz yes, A. Martel yes. Motion passes 5-0.

4. Motion to hire Veronica Beitner as Scanner for the Clerk’s office with an anticipated start date of May 19, 2021 for 10-12 hours per week at a pay rate of $15.00 per hour per the pay schedule. (M/S) B. Cook/A. Martel. Discussion: S. Schultz asks if scanners are working separate days due to office congestion. Yes. Roll Call Vote: B. Cook yes, K. Windiate yes, J. Merchant yes, S. Schultz yes, A. Martel yes. Motion passes 5-0.

5. S. Schultz read the following Motion: Resolve that the week of May 16-May 22 is EMS Appreciation week and the theme this year is “This is EMS: Caring for our Community.” The Torch Lake Township Community wants to let our EMS team know they are greatly appreciated for their outstanding service to our community providing the best services for its citizens. We are proud of the men and women who serve as our EMS team. They are a “First Class” organization and our best wishes for their constant safety and good health for the upcoming year. (M/S) S. Schultz/B. Cook. Discussion: A. Martel said to not hesitate to call and utilize our EMS. When in doubt please call them. Roll Call Vote: B. Cook yes, K. Windiate yes, J. Merchant yes, S. Schultz yes, A. Martel yes. Motion passes 5-0.

6. Motion to implement Live streaming for Township Board, PC and ZBA Meetings and hiring Michael Strange to manage the process for each group with an estimated initial start-up cost of $280.00 and cost per meeting of $120-$180 depending on length of meetings. Discussion: B. Cook said he heard from people that especially during the winter months, it would be nice to be able to log on. He reviewed details of equipment and process and asks the Board to consider. S. Schultz asks where is it going to be posted, will it be on our website and for how long will it be viewable. B. Cook reports it will be on YouTube. The directions will be located on Township website with monthly meeting being taken down after the minutes are approved at the following meeting. Michael Strange will manage the account with B. Cook. All meetings will be posted and that can include special meetings. B. Cook simply trying to get communication of information to public. S. Schultz asks if turnaround time can accommodate last minute meetings? Yes. A. Martel states he likes the feedback and appreciates seeing people. Marsha Petersen put in memo that it is hard for older people to come out in inclement weather. Public states this should be possible to see how many are attending/viewing. (M/S) B. Cook/J. Merchant. Roll Call Vote: B. Cook yes, K. Windiate yes, J. Merchant yes, S. Schultz yes, A. Martel yes. Motion passes 5-0.

7. Motion to Approve the Torch Lake Township/Antrim County Services Agreement for two (2) years with Automatic Renewal for one (1) year increments. Discussion: S. Schultz reports that this is an update to service agreement with Antrim County regarding Tax and Assessing services that reflects a 2 cents increase. (M/S) S. Schultz/K. Windiate. K. Windiate requests clarification of annual years. Roll Call Vote: B. Cook yes, K. Windiate yes, J. Merchant yes, S. Schultz yes, A. Martel yes. Motion passes 5-0.

8. Motion to Accept Road Work Contract with Antrim County Road Commission for Beechwood and Torch View Drives for $17,000. Discussion: Bill Petersen defined scope of road work off of Beechwood Rd and Torch View Dr. Roll Call Vote: B. Cook yes, K. Windiate yes, J. Merchant yes, S. Schultz yes, A. Martel yes. Motion passes 5-0.

**E. Agenda for Board Discussion**

1. Fireworks anticipated for Fourth of July. With initial review, the Fire Chief has come out with comfortable conditions for where they can be lit from at the Airport. Anticipating a substantial show. Placement of fire trucks were designated. Parking designated. Need to discuss type of conditions will need to be put in place so as not to show bias. Ordinance must be reviewed thoroughly. A. Martel asks for clarification regarding a precedent allowing fireworks in the past, so that a simple approach to obtaining a permit that would be needed to obtain with the permission of the Fire Chief. B. Cook spoke to this comment emphasizing a process that would need to include input and approval from the Fire Chief. Fire Chief would cancel event; as under his jurisdiction any event planned during a No Burning Status. If firetrucks were to be dispensed, are the charges given to the permit holders? Fire Chief Kevin – yes and detailed his personnel that he figured into the quote. Due to fact that this is so close, we will not charge for trucks but will for personnel. If this goes ahead, the Fire Department is prepared. Bottom line it is Fire Chief jurisdiction.

**F. Agenda Item for Informational Purpose only -** None

**G. Citizen Comment:**

**Jerry Hummel** goes back many years and served on township. In 1960, the Township Board allowed the road end at McLauchlan Rd. to be taken over by two private families. The DNR would not have been able to take this over had this not happened. Recommends that all the access that we have are well maintained so we don’t lose our road in’s. Previous comments made regarding Memorial Weekend, he agrees; this is not the weekend for fireworks. It is a somber event and he is speaking as a Veteran.

**Judy Kulka**, thanks Board for clarification of Memorial Weekend events and really appreciates information. In regards to general camping, she doesn’t believe that this has been done before. Her knowledge was that those that fly in, camp under their plane wings. **Steve S** asks for clarification of Commercial versus Residential fireworks which was discussed.

Lee Scott, regarding the contract for Torch View Dr. states the length is 5,182 ft. which is approximately 1 Mile. If this bid is based on length of the road is approximately 1/10th long and not a mile. If they are basing cost on length to please verify! Second, wants to support what Bob Cook said about the transparency. Commends Board for making the information more available to the people. B. Cook’s comments to the resident’s responsibilities, are important and shares his experience as a former Planning Commission chairman. Reiterates what Bob Spencer shared.

**Kristin Graves** thanks B. Cook response to their email. By no means are they opposed to aviation and Torchport. Their big thing is information. She is also surprised to see so much personal information given out to the general public regarding motions to hire this evening. Would expect some of the information provided to the public to be blacked out for safety concerns. Finally, there are groups that do purchase properties in memory of family members. Spoke to recent purchase in Ellsworth that parents did for their son. **Rita Service** said she was happy to hear A. Martel state he likes to hear criticism and complaints. Earlier this evening Mr. Martel stated he always obtained 3 competitive bids. She disagrees due to personal knowledge on actions taken directly against the questions of Bill Petersen when he was a trustee. Shared her frustration with Mr. Martel’s behavior and attitudes. As a follow up comment, she possesses a complete trail of all emails with A. Martel. **Jarris Rubingh** spoke to S. Schultz’s comments regarding Township thoughts regarding the Antrim County service agreement revision. As a voting commissioner, he did not feel comfortable being asked to vote on something without knowing how his Township’s felt about the topic. He thanks her for her comments. Second comment is how pleased he is to see our Fire Chief and Firemen present.

**H. Board Comment**

K. Windiate speaks to the election lawsuit. The current status is that the judge squashed subpoena to bring in equipment and documents. Torch Lake Township audited with the State auditors and verified our totals twice.

A. Martel apologies for making Rita Service so angry. Doesn’t like to see this but there are explanations for all her comments. In regards to the airport. Zoning came into effect in 1983 and zoned Commercial. Land Use studies completed as required every 5 years. Commercial property was meant to be in the Township and the Village. The hangers are located on Commercial land. The rest of property is residential. Property off of NICHOLS Rd (west edge) is also Commercial. Small area is agricultural. Proposed event is not a fly in as everything is being brought in. To his recollection, the event as described for proposed event has never been approved by him. This event is not a fly in. We do allow for outdoor events under commercial. Must apply for Special Use Permit which he defined.

S. Schultz states she is pleased to see how many people are in attendance. Wanted to touch on Jim King’s comments as well as others, regarding the Township reaching out to the DNR. It is in numbers; everyone needs to reach out to DNR. They respond to public. Regarding Rita Services comments about A. Martel there were a lot of gasps from the public and a breach of confidentiality was violated. While she knows it wasn’t intentional, she feels he was wrong. Finally, wishes to extend her sympathies to Dick Williams’ family. He passed away this past week and worked tirelessly with the job that he did and was proficient in his work. He will be greatly missed.

J. Merchant spoke to DNR site and how the December meeting was his first. He remembers the subject being brought up. He didn’t like the decision to just let it go as his family also utilizes for recreation. He appreciates as he doesn’t live on water and wishes he had voiced his opinions further at the December meeting.

**Mark White** ( additional public comment allowed) spoke to Ken Morton that spoke to DNR today. He said the former Torch Lake Township Board made it virtually impossible for the DNR to develop what they wanted. He feels this current Board has the opportunity to make things right with the DNR and reopen a discussion.

B. Cook thanks all for coming. Please don’t hesitate to call him.

B. Cook motion to adjourn. Seconded by S. Schultz. Passed 5-0.

Adjourned at 9:50 pm.

**I. Future Meeting and Hearings**

1. Planning Commission Tuesday, June 8, 2021 at 7:00 pm

2. Zoning Board of Appeals Meeting Wednesday, June 9, 2021 at 7 PM

3. Regular Board Meeting Tuesday, June 15, 2021 at 7:00 PM

Respectfully Submitted by Veronica Beitner

Recording Secretary