**TORCH LAKE TOWNSHIP**

**ANTRIM COUNTY MICHIGAN**

APPROVED MINUTES OF REGULAR BOARD OF TRUSTEES MEETING 5-0 AS PREPARED

OCTOBER 19, 2021

COMMUNITY SERVICES BUILDING

2355 N US 31, KEWADIN, MI  49648

Present:  Cook, Shultz, Windiate, Merchant, Martel

Absent:   None

Audience: 17

1. **REPEATING AGENDA**
2. **Call to orde**r at 7:03pm followed by the Pledge of Allegiance and review of meeting procedure and conduct.
3. **Approval of Minutes:**

Regular board meeting Sept 21, 2021

Shultz 1 change:  Page 2, New business #3 middle of paragraph remove “months”

Cook/Merchant 5/0 passed

Policy Special meeting of October 8, 2021

Cook/Schultz 5/0 passed

1. **Correspondence and announcements**

Windiate reported we are still receiving emails and voicemails in regards to Dollar General

1. **Approval of Agenda Content**

Cook/Merchant 5/0 passed

1. **Citizen Comment**

Mike Bertram EMS Director asked to discuss EMS report during Consent Agenda

Deb Graber -1227 Beechnut Lane - Kewadin- Graber spoke to follow up on FOIAs submitted.  Graber reviewed nature of FOIA for Merchant and questioned why request was denied/no response.  Graber stated FOIA for Zoning Administrator showed no permits for building have been requested by Torchport Airpark or Tim Baise; only demo permits for Bldgs on US 31.

Brian Hayes - 10682 Cedar Ridge - Central Lake - Hayes informed the board he is the new Zone director for 3 Lakes Association, and if there’s anything he can do for the township to let him know.

Randy Bishop - 11089 Wood Special Drive - Kewadin.  Bishop spoke to follow up on FOIA submitted and not yet received. Bishop requests a timeline - date of completion.  Bishop requests all emails from all accounts from Martel be included as part of his FOIA request even though emails may be of personal nature, emails were generated through township account.  Township tax payers are entitled to all records and all emails, when reimbursement of cell phone bills from the township exists. Emails to and from the township atty should be included with possible content redaction of items not in the best interest of the public - but emails themselves should be included.

1. **CONSENT AGENDA**

Cook called for reports to be pulled from the consent agenda and there were none - except for the ambulance/EMS report request by Mike Bertram.  By Consent all other reports were accepted.

Mike Bertram presented comments with the ambulance report.  Bertram states a few items were not included in report because he didn’t get stats in time for printing.  There have been 138 runs this year currently.  Last year there were 142 total. 14 calls last month.  He met with AccuMed, so far, we have collected 33K and projected 60K from April 1 to April 1.  Based on latest billing check will be $53, 209.00.

Ted Schroeder will be leaving for EMS leadership conference, specific to EMS leadership for 4 days.

RE: Power lift.  Only one of two ambulances have this - primary ambulance has it.  Primary ambulance is in the shop and they have been using the backup ambulance which has NO powerlift.  Bertram is asking the board to purchase an additional power lift for the backup ambulance.  This $25k expenditure is much less than an injury on the job.  When both ambulances have power lifts they will be rotated in use.

Cook/Schultz 5/0 passed to accept EMS Report

**C. SPECIAL REPORTS AGENDA**

1. **Planning Commission - Jason Merchant**

Torchport withdrew application at meeting last week

Discussions of Moratorium will continue

1. **FOIA Update - Kathy Windiate**

As of 9-24-21 we have received 6 new FOIA requests.  All have been fulfilled except Bishop’s.  Windiate clarified procedure and time requirements for acknowledging and fulfillment.  She assured Bishop the size of the FOIA is slowing IT Right down, but as soon as the township receives the information and reviews for redacted items it will be completed.  Martel stated he has no responded to the FOIA from Spencer because of his email being held up by IT Right for Bishop’s FOIA.  Cook asked Martel to research on his own the other township email address (amartel@torchlaketownship.org) and reply to the Spencer June FOIA regarding Budros

1. **Financial Overview - Bob Cook**

½ way through fiscal year, detailed financial report is available on website.  Direct questions to Cook or Clerk’s office.  Treasurer's report shows a balance in the general fund of $965,000.  In fire fund: $399,000 and in ambulance fund: $390,000.  YTD Expenses running below budget for all 3 funds.

**D.  AGENDA FOR BOARD ACTION**

 **OLD BUSINESS -** No old business

 **NEW BUSINESS**

1. **Motion to approve the contract proposal by Drogt Excavating for the creation of the parking spaces at the Nature Preserve and the approval of one bid for this contract of $6,840.00 as presented by the Deputy Supervisor.  TBNP will pay $5,000 and Torch Lake Township Capital Fund will provide the balance of $1,840.**

Cook/Merchant

Discussion followed with Deputy Supervisor (Petersen)

Roll call vote:  Merchant YES, Martel YES, Schultz YES, Cook YES, Windiate YES     5/0 passed

1. **Motion to approve the contract for proposal by Drogt Excavating for cemetery drainage work and the approval of one bid for this contract of $10,983.00 as presented by the Deputy Supervisor.**

Cook/Schultz

Discussion Followed - Petersen gave history of cemetery drainage and work that has been done to date.

Roll call vote:  Merchant YES, Martel YES, Schultz YES, Cook YES, Windiate YES      5/0 passed

1. **Motion to approve the contract proposal by Drogt Excavating for Day Park Capital Improvement Road work and the approval of one bid for this contract of $11,644 as presented by the Deputy Supervisor.**

Cook/Merchant

Discussion Followed - Motion Withdrawn - Item agenda out of order

**Motion restated**

**Motion to approve the contract proposal by Drogt Excavating for Day Park Capital Improvement Road work and the approval of one bid for this contract of $11,644 as presented by the Deputy Supervisor.**

Cook/Merchant

Discussion followed -Petersen presented bid and comments and answered questions of the board.

Roll call vote:  Merchant YES, Martel YES, Schultz YES, Cook YES, Windiate YES      5/0 passed

1. **Motion to approve the contract proposal by Drogt Excavating for cemetery road work and the approval of one bid for this contract of $24,162 as presented by the Deputy Supervisor.**

Cook/Merchant

Discussion Followed -Petersen presented bid and comments and answered questions of the board.

Roll call vote:  Merchant YES, Martel YES, Schultz YES, Cook YES, Windiate YES      5/0 passed

1. **Motion to approve the contract proposal by Global Asphalt for CSB pavement work and the approval of one bid for this contract of $40,150 as presented by the Deputy Supervisor.**

Cook/Merchant

Discussion Followed -Petersen presented bid and comments and answered questions of the board

Windiate commented her appreciation for Deputy Supervisor Bill Petersen to be taking care of all these things that have been out there undone for so long and to get them done and not push them aside as they have been for years.  Your research and work is appreciated by her and the whole board.

Roll call vote:  Merchant YES, Martel YES, Schultz YES, Cook YES, Windiate YES      5/0 passed

1. **Motion to approve Resolution 2021-28 to establish the road millage at 1 MIL per year for 5 years beginning in 2022 through 2026 inclusive.**

Cook/Schultz

Discussion Followed- Cook presented proposal and road report.  Petersen spoke regarding history and the need to improve roads correctly.

Cook thanked Petersen for all his work

Roll call vote:  Merchant YES, Martel YES, Schultz YES, Cook YES, Windiate YES      5/0 passed

1. **Motion to approve the purchase of Stryker Power Load Equipment for Township Ambulance 88B2 unit (former 8861) for the sum of $24,279.30 with additional cost of approximately $1600 for the installation.  Approximate total cost of $25,879.30**

Cook/Schultz

Discussion Followed

Roll call vote:  Merchant YES, Martel YES, Schultz YES, Cook YES, Windiate YES      5/0 passed

1. **Motion to resolve that the week of October 3-9 as Fire Prevention Week and the theme this year is “Learn the sounds of fire safety”.  Torch Lake Township Board and the entire community wants to let our fire department team know they are greatly appreciated for their outstanding service they provide to our citizens.  We are proud of the men and women who serve as the fire team.  They are a “First Class” organization and our best wishes for their constant safety and ongoing training for the upcoming year.  Torch Lake Township Fire Department consists of:  Kevin Lane, Fire Chief; Ted Schroeder, Assistant Chief; Allen Davidson, Captain; Ron Pawloski and Greg Sumerix Lieutenants; Ryan Bigelow, Wendy Davidson, Jeff Dawson, Robert (Bob) Hawkins, James Hunter, Casey Lorincz, Donnovan Stone and Mike Velding - Fire Fighters.**

Schultz/Cook

Discussion Followed:

5/0 passed

1. **Motion to hire Adam Hott as per diem EMT - BASIC with all appropriate background checks completed, starting October 20, 2021 for a rate of $13.45 per hour plus $2.50 per diem premium for a total of $15.95**

Cook/Schultz

Discussion Followed - Martel stated he is disappointed he can’t read application and at minimum it should be redone. Bertram commented he will ask him to redo it on the computer.

Roll call vote:  Merchant YES, Martel YES, Schultz YES, Cook YES, Windiate YES      5/0 passed

1. **Motion to hire Melissa Johnson as EMT-Paramedic with all appropriate background checks completed, starting October 20, 2021 for a rate of $21.42 per hour (includes $2.50 per diem premium)**

Cook/Windiate

Discussion Followed - Martel states applicant did not list reasons for vacating previous positions

Roll call vote:  Merchant YES, Martel YES, Schultz YES, Cook YES, Windiate YES      5/0 passed

Cook made comments to thank prior Planning Commission members whose terms have expired.  Cole Shoemaker, Bill Stridiron and Jerry Kulka.  Also Cook explained that all perspective Planning Commission Members have all been in attendance of or have viewed on YouTube the recent meetings and will be able to fully participate with the other members with regards to the outstanding issues of the Planning Commission.  Cook announced the new appointments:

1. **Motion to approve the appointment of Andrew Graves to the Torch Lake Township Planning Commission for a term of three (3) years, effective November 1, 2021.**

Cook/Schultz

Discussion followed:  Cook stated Graves will be replacing Kulka and read a history/resume of Graves

Roll call vote:  Merchant YES, Martel YES, Schultz YES, Cook YES, Windiate YES      5/0 passed

1. **Motion to approve the appointment of Bill Dvorak to the Torch Lake Township Planning Commission for a term of three (3) years, effective November 1, 2021.**

Cook/Merchant

Discussion followed:  Cook stated Dvorak will be replacing Stridiron and read a history/resume of Dvorak

Roll call vote:  Merchant YES, Martel YES, Schultz YES, Cook YES, Windiate YES      5/0 passed

1. **Motion to approve the appointment of Denise Walker to the Torch Lake Township Planning Commission for a term of three (3) years, effective November 1, 2021.**

Cook/Windiate

Discussion followed:  Cook stated Walker will be replacing Shoemaker and read a history/resume of Walker

Roll call vote:  Merchant YES, Martel YES, Schultz YES, Cook YES, Windiate YES   5/0 passed

**E.  AGENDA FOR BOARD DISCUSSION**

No items this month

**F.  AGENDA ITEM FOR INFORMATIONAL PURPOSE ONLY**

1. Updating Day Park Operations / Safety work for 2022 - Cook

 Day Park committee is evaluating safety issues and concerns.

**G.  CITIZEN COMMENT**

Tom Stillings - Spoke regarding FOIA and Redacting - he asked what will be redacted and what kind of standards will be used to determine what will be redacted.

Jarris Rubingh - As your county commissioner on the Antrim County Road commission - he wished that every township had someone as dedicated to the roads as TLT’s Deputy Supervisor Petersen.  Township roads would be in a lot better shape.  Rubingh reported that at the road commission meeting this month the road commission raised the allocation by 15% for this year, TLT’s went from 24k last year to 28k this year.  The allocation base is determined by miles of road and population in the township.  Rubingh reported that the gas price increase would not affect the county revenue.  Michigan transportation formula is capped at a certain “cents per gallon” not sales tax.  Sales tax goes to the education fund and not the road fund.  So, the Antrim County Road fund for this year at the same amount as last year.  More gallons of fuel sold = increase; more fuel-efficient cars, trucks and semis; so, they don’t foresee a huge increase of gallons sold for next year.   State set aside 6 million, Antrim county’s portion is about 1 million divided up in the formula of miles of roads and population.

Bob Spencer - 709 NW Torch Lake Drive Kewadin

RE:  Board approval of minutes of 15-minute meeting with the board - there were items did not get into minutes.  Minutes simply stated “Spencer’s FOIA was discussed.”

Concern:  He didn’t see NW Torch Lake Drive or Barnes Rd on the Schedule of roads to be done.

RE: FOIA #556 He said this FOIA has NOT been fulfilled.  He received 140 pages of responses from 9-15-21 FOIA request.  Each board member received email from Spencer and from Clerk.  Spencer distributed copies.  Spencer claims he has only received response from about ½ the officials that he should’ve.  All officials took oaths and are all included on the affidavits signed, yet ½ didn’t respond, thus FOIA is NOT fulfilled and he is frustrated.  He’s been before this group several times and has never “beat up” on them too bad but when will the board respond and complete its statutory duty to comply.  He expects full compliance from those who have not responded.  He will not be taking the issue to court - although he would like the board to get it right, as they are the board’s own policies.  It will build confidence by doing what you do and doing it well - he states he’s made this speech many times.

Marina Friend - 2065 Royal View

Friend comments that it is very refreshing that the township is completing and doing the work discussed earlier - and she would like to commend the board for that.  She stated she wanted to make a positive comment, as the township doesn’t hear many positive comments.  Friend comments she recommends the Clerk gives a specific date if she extends the due date of a FOIA - so the requestor might know when to expect it will be done.  Friend also states the mark of a true leader is to gage their effectiveness.  She asks that Martel takes the opportunity with completing the FOIA request to self-reflect, see how and if you’re being effective in your position and consider resigning.

Randy Bishop - Since tax payers reimburse board members for their phones, board members should be required to provide the township phone records each month if they want to be reimbursed. - He feels this should be a requirement.  Regarding his FOIA - there are potential recall actions that require timely compliance - he asks for a timeline when he can expect his FOIA to be completed.

**H.  BOARD COMMENT**

 Schultz-   All people hired/appointed need to pick up new hire packets and complete them along with taking the oath of office for new ZBA and PC members - Please See Virginia Hawkins for new employee packets.

 Martel - At a workshop he presented earlier this summer Langworthy presented things to consider when rezoning.  Rezoning is for a long time; 2 rezonings since; M88 and Torchport.  Once a rezone is done it’s final.  Applicants can promise one thing and do another, as can subsequent landowners.  Special Use is something the PC can give instead.  He stated there was a lot of confusion of the PC when they considered M88 and that 3 members came to this board and stated they were not in agreement with what they’d done.  He wonders where the criteria came from, and stated the ordinance has NO criteria and that’s why PC members came back to say they didn’t want that.  If this criterion is used for one rezone it should be used for all rezones - He asked what should criteria be and that’s why the petition was circulated - not to take away the PC’s decision.  179 names collected on petition.  Many asked about the airport.  Martel said the decision was not legal with no criteria in the ordinance. He feels the township should relook at village zoning as he’s unsure if mixed use fits anymore. He stated the boards passed it but he thought the public could take another look.

 Merchant - Merchant states he was in attendance and on the board of the Planning Commission meeting that passed the M-88 rezone and there was NO confusion what so ever.  He stated the members talked through the issue, considering all the criteria items for a long time and weighed the pros and the cons.  He stated they discussed the criteria established by the professional planning firm that the township hired (Sara/Beckett and Raeder) which included many of the same criteria offered by Steve Langworthy.  Regarding the Petitions, Merchant stated he knows of several of the people who signed had no idea what they were signing and were themselves confused by the petition.  Merchant reiterates there was NO confusion when PC passed, when Antrim County passed and when the Township board passed.  Merchant states he looks forward to working with the new Planning Commission Members.

 Windiate - Regarding assigning a completion date for FOIAs she does give the date of extension and a new fulfillment date which is a guestimate - she had no idea IT Right would have 20K emails.  She extends apology to spencer - she was out of the office for the past two weeks and she will look into a new cell phone reimbursement policy.

Bob Cook Comments:

Cook to Spencer - looking into improving FOIA process - goal is to get fixed.  Cook to Bishop - Cellphone reimbursement will be on the next agenda.  Cook read the following prepared statement:

FIRST, I HAVE RECEIVED INPUT FROM PEOPLE WHO ARE CONCERNED WITH THE PETITION THAT WAS CIRCULATED REGARDING THE M88 REZONING ACTION PASSED BY THE PLANNING COMMISSION AND THE TOWNSHIP BOARD. IN MANY CASES THERE SEEMED TO BE A MISREPRESENTATION OF THE PETITION’S INTENT, AT LEAST IN THE MINDS OF SOME OF THE SIGNERS.

 I HAVE SENT THE PETITION TO OUR TOWNSHIP ATTORNEY TO VERIFY WHETHER OR NOT THE PETITIONS MEET ALL THE REQUIREMENTS AS STATED IN THE LAW. ACCORDING TO STATUTE MCLA 168.485 QUESTIONS SUBMITTED TO ELECTORS; FORM,

THE LANGUAGE OF THE PETITION DOES NOT MEET THE REQUIREMENTS SINCE IT DOES NOT SAY A YES VOTE OR NO VOTE EITHER APPROVES OR DISAPPROVES THE APPROVAL OR REJECTION OF THE BOARDS ACTION.

I WILL WORK WITH OUR CLERK AND THE ANTRIM COUNTY CLERK AS TO OUR ABILITY TO EITHER REJECT OR ACCEPT THE WORDING AS PRESENTED ON THE PETITION.

ALSO, A NUMBER OF OUR CITIZENS BELIEVE THAT ACTIONS SHOULD BE TAKEN AGAINST THE CANVASSERS FOR THE MISREPRESENTATIONS. TO THOSE INDIVIDUALS WHO ASKED HOW THAT IS ACCOMPLISHED, TODD EXPLAINED ALL VIOLATIONS OF THE ELECTION STATUTES ARE EITHER MISDEMEANORS OR FELONIES AND THE LAW STATES THAT PROSECUTORS ARE OBLIGATED TO PROSECUTE VIOLATIONS.  THEREFORE, THOSE PEOPLE THAT WISH TO INITIATE SUCH ACTIONS NEED TO CONTACT THE ANTRIM COUNTY PROSECUTOR’S OFFICE.

FINALLY, THOSE WHO FEEL THAT THEY SIGNED A PETITION THAT WAS MISREPRESENTED TO THEM CAN CONTACT THE CLERKS OFFICE BY SENDING IN A SIGNED LETTER, IDENTIFYING THEMSELF, THEIR ADDRESS AND WHAT WAS PRESENTED TO THEM AND THAT BECAUSE OF THAT FACT THEY WOULD LIKE THEIR NAME REMOVED FROM THE PETITION.

SECOND POINT. FOIA INFORMATION.  ALAN:  I AND THE CLERK WILL NEED FROM YOU BY THE END OF THIS WEEK, OCTOBER 22ND 2021, WRITTEN VERIFICATION FROM YOUR PHONE PROVIDER AS TO WHEN THEY WILL PROVIDE THE PHONE LOG REQUIRED UNDER FOIA #561 FROM RANDY BISHOP. YOU INDICATED A 30 DAY PERIOD AND THAT IS UP THIS FRIDAY.

 I.T. RIGHT WILL BE SENDING YOUR EMAIL FILES SHORTLY AND I WILL WORK WITH OUR FOIA COORDINATOR IN ORDER TO PULL OUT ALL COMMUNICATIONS FROM THE TOWNSHIPS LEGAL COUNSELOR OTHER LEGAL COUNSEL UTILIZED BY THE TOWNSHIP.

IN DISCUSSIONS WITH OUR TOWNSHIP ATTORNEY, SINCE YOU UTILIZED THE TOWNSHIPS COMPUTER EXTENSIVELY FOR YOUR PERSONAL EMAIL AND INTERNET TRAFFIC, ALL ITEMS ARE SUBJECT TO THE FOIA.

YOU WILL BE ALLOWED THEN TO REVIEW THE REMAINING EMAILS, WITH CATHY AND I IN ATTENDANCE, TO REVIEW ITEMS THAT MAY BE OF A PURELY PERSONAL NATURE, I.E MEDICAL INFORMATION, AND HAVE NOTHING TO DO WITH THE TOWNSHIP. KATHY AND I WILL DETERMINE IF THEY SHOULD BE REMOVED, WITH OVERSIGHT BY OUR ATTORNEY. WE WILL THEN EXPLAIN TO RANDY ANY SPECIFIC PERSONAL INFORMATION APPROVED BY OUR ATTORNEY AS EXCEPTIONS UNDER THE FOIA LAW AND RELEASE THE OTHER EMAILS TO HIM.

AGAIN, SINCE YOU UTILIZED THE TOWNSHIPS COMPUTER FOR YOUR PERSONAL EMAIL AND INTERNET TRAFFIC, ALL ITEMS ARE SUBJECT TO THE FOIA EXCEPT THOSE OF A PERSONAL NATURE THAT KATHY, MYSELF AND OUR ATTORNEY AGREE WITH.

MY THIRD POINT, EARLY NOVEMBER WILL BE A VERY BUSY MONTH FOR THE PLANNING COMMISSION.  THEY WILL NEED TO REVIEW THE MATERIAL REGARDING THE MORATORIUM AND THE BOARD WILL NEED TO ENACT THE 30-DAY EXTENSION FOR THE MORATORIUM. SARA WILL BE SENDING ALL OF THE MATERIALS TO THE NEW BOARD MEMBERS FOR THEM TO REVIEW DURING THESE LATTER DAYS OF OCTOBER.

1. **ADJOURNMENT 9:12pm**

Cook/Schultz

5/0 passed

**J.  FUTURE MEETINGS AND HEARINGS**

1. Planning Commission: Tuesday, November 9, 2021 at 7pm
2. Zoning Board of Appeals:  Wednesday, November 10, 2021 at 7pm
3. Regular Board Meeting:  Tuesday, November 16, 2021 at 7pm
4. Policy Rewrite Meeting: Monday, October 25, 2021 at 10am
5. Steering Committee Zoning Ordinances Rewrite: Wednesday, October 27, 2021 at 6:15pm

Minutes Respectfully Submitted by Jackie Petersen