

AGENDA
HAYES TOWNSHIP
BOARD of TRUSTEES
September 10, 2018

- * Call To Order
- * Pledge of Allegiance
- * Review and Approval of Agenda
- * **Public Comments**

NEW BUSINESS

- * Cemetery Ordinance Amendment
 - * Cemetery Fees
 - * Private Road Names
 - * Planning Commission Education Policy
 - * AMAR Report
 - * Recreation Master Plan
-
- * Clerk Presents
 - * Minutes
 - *Regular Meeting Minutes August 13, 2018
-
- * Invoices/Warrants for Approval
 - * Correspondence
-
- * Zoning Administrator Report
 - * County Commissioner Report
 - * Cemetery Committee Report
 - * Report from the Parks & Recreation Committee
 - * Report from Planning Commission
 - * Treasurer Report
 - * Trustee Report
 - * Supervisor Report

OLD BUSINESS

- * Fund Raising
 - * Policies
 - * Park Property Development
 - * Township Hall Property Split
 - * Memorial Garden Undine Cemetery
 - * Rezone New Township Property
-
- * **Public Comments**
- We respectfully ask that you follow these rules when speaking**
- 1. We ask that you voluntarily state your name for the Board**
 - 2. Direct all comments to the Supervisor**
 - 3. Keep comments brief and to the point (3 minutes per person)**
 - 4. Do not speak while others are speaking**

**HAYES TOWNSHIP BOARD
MINUTES
September 10, 2018**

The regular meeting of the Hayes Township Board was called to order by Supervisor Ron VanZee at 7:00 p.m. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix

Supervisor VanZee asked to be joined in the pledge of allegiance.

Board members present were Marlene Golovich, Paul Hoadley, Matt Cunningham, and Ron VanZee. Robbin Kraft was absent. Audience members signed in were Bill & Betty Henne, Connie Foster, Jim & Diane McMahon, Shirlene Tripp, Sharon Bagby, Cheri Bogan, Grant Ohlson, Tom Mueller, Jerry Simpson, Gerald Mills, Julie Collard, Annie Burnett, Aaron Nordman, Omar & Patti Feliciano, Dee & Gary Janz, Gwen Anderson, Christie Schwenke, Sandy Dauch, Frank Shepherd, Doug McCombs, Bob Jess, Warren Nugent, Bob Jess Sr, David Zipp and George Lasater.

REVIEWED AGENDA – Matt Cunningham made a motion, supported by Paul Hoadley to adopt the agenda as amended adding change orders # 3 &4, Treasurers resignation, Planning Commission survey, Phragmites contract and Cemetery Committee.

Public comment unrelated to agenda items was taken on park closing, policy regarding board voting, policy regarding abstentions, law and policy about recusals, value of public comments, cemetery mowing, attorney opinion regarding abstentions.

CHANGE ORDER #3 – Ron & Paul worked together to investigate the change order. They met with MDC Contracting and Aaron Nordman from Performance Engineers at the park. Ron stated no one was prepared to decide at the special meeting held on Sept. 5.

Aaron Nordman made a presentation to the board to explain the change order stating he was using the same drawing as presented at the special meeting. He stated the engineers were aware of some of the conditions prior to construction and were made aware of other conditions after construction began. He stated shale makes an uneven surface for paving so sand was being used to even out the surface. After speaking with a consultant, it was determined that additional sand should be used to help with drainage. The unit cost for the sand was determined by the current contract and because they are using sand from the site there will be a deduction of cost for the sand. The plan called for a 4' drain tile on the toe area with drain stone. The change order will include 6" drain tile in the toe area with drain stone. A new item is being added to the change order for geo-textile for stabilization of soft area. This adds an additional cost of \$500.00 but if all the geo-textile is not used the township will see a reduction in cost.

Public comment was taken on amount of sand, filtering water, best management practices, winter road closing, difference in change order, consultant, berms for water control, project guarantee, design of rain gardens, tile separation, no artesian wells, changes in project,

Paul Hoadley made a motion, supported by Marlene Golovich to approve the supervisor to sign change order #3 totaling \$25,843.60.

Yeas: Paul Hoadley, Ron VanZee, Marlene Golovich

Nays:

Recused: Matt Cunningham

Absent: Robbin Kraft

Motion carried

CHANGE ORDER #4 – Change order #4 is for Lyons Marine to install seven tie rods to reinforce the single wall at the boat ramp totaling \$8,334.90.

Public comment was taken on cost of second wall, the need for reinforcement, bubblers, contingency fund.

Paul Hoadley made a motion, supported by Marlene Golovich to approve the supervisor to sign change order #4 totaling \$8,334.90.

Yeas: Paul Hoadley, Ron VanZee, Marlene Golovich

Nays:

Recused: Matt Cunningham

Absent: Robbin Kraft

Motion carried

CEMETERY ORDINANCE – Marlene Golovich made a motion, supported by Matt Cunningham to adopt the cemetery ordinance number 091018 as presented. Clerk to submit to the Township attorney for review and to create a summary for publication.

Yeas: Matt Cunningham, Paul Hoadley, Ron VanZee, Marlene Golovich

Nays:

Absent: Robbin Kraft

Motion carried

CEMETERY FEES – Marlene Golovich made a motion, supported by Paul Hoadley to amend the fee schedule as follows.

Single Burial Plot in Old Section	100.00
Single Burial Plot in New Section	300.00
Grave Open/Close	500.00
Cremains Burial Open/Close	75.00
Grave Marker Foundation Installation	125.00
Grave Marker Foundations	Billed at Township Cost

Yeas: Matt Cunningham, Paul Hoadley, Ron VanZee, Marlene Golovich

Nays:

Absent: Robbin Kraft

Motion carried

PRIVATE ROAD NAMES - Motion by Paul Hoadley, supported by Matt Cunningham, to adopt the following Resolution.

WHEREAS Mike Costa is asking that the Township Board pass a resolution naming the access easement/drive and interior roads that sits in this project site so the Equalization Department can coordinate the County Numbering System within this project, and

THEREFORE IT SHALL BE RESOLVED the Hayes Township Board shall name this ingress/egress access “North Star Drive” (Pvt) for the parcels involved as shown on the attached map provided by Mike Costa and to name the three interior roads providing access to each storage building “North Star Drive North” (Pvt), “North Star Drive Central” (Pvt) and “North Star Drive South” (Pvt) also indicated on the attached map.

Yeas: Matt Cunningham, Paul Hoadley, Ron VanZee, Marlene Golovich

Nays:

Absent: Robbin Kraft

Motion carried

PLANNING COMMISSION EDUCATION POLICY – Board discussed the need for continuing education for both the Planning Commission and Zoning Board of Appeals. There are lots of opportunities via Michigan Township Association, group trainings and Citizen Planners. The Board needs to set a policy of training expectations. Bay Township requires members to be certified in Citizen Planner. Clerk instructed to put topic on old business.

AMAR REPORT – The township received their Audit of Minimum Assessing Requirements (AMAR) report. The assessor and supervisor prepared a letter of response (see attached),

RECREATION PLAN ADVISORY COMMITTEE – A committee to assist in updating the current recreation plan is being formed with 1 member from the Board of Trustees, 2 members of the Planning Commission and 2 members of the Park & Recreation Advisory Committee. Ron VanZee will represent the Board, Omar Feliciano and Cliff Biddick will represent the Planning Commission and Jerry Simpson and one other member will represent the P&R Advisory Committee. Clerk will email the P&R Committee looking for a volunteer to serve.

PHRAGMITES REMOVAL – Paul Hoadley made a motion, supported by Matt Cunningham to accept the proposal from Site Planning for \$350.00 for the removal of the invasive Phragmites on the Lake Michigan shoreline.

Yays: Matt Cunningham, Paul Hoadley, Ron VanZee, Marlene Golovich

Nays:

Absent: Robbin Kraft

Motion carried.

PLANNING COMMISSION – The Planning Commission has received a proposal (see attached) from Beckett & Raeder to assist in the update of the Township Master Plan, conduct a survey and do a non-conforming analysis in 9 Mile Point and Susan Shores. The Planning Commission is seeking the funds and authorization to move forward with this proposal.

Matt Cunningham made a motion, supported by Marlene Golovich to approve a total of \$4,659.00 for the proposal; \$860.00 for Planning Notices, \$2,924.00 for Community Survey and \$875.00 for Non-Conforming Analysis (\$325 parcel measurement & recording and \$550 for a matrix of the information) (this includes 3 meetings). The Township will be responsible for the printing and mailing cost of the survey postcard.

Yays: Matt Cunningham, Paul Hoadley, Ron VanZee, Marlene Golovich

Nays:

Absent: Robbin Kraft

Motion carried.

CEMETERY COMMITTEE – Paul Hoadley made a motion, supported by Matt Cunningham to seek two individuals to add to the existing cemetery advisory committee making the total committee five members. Motion carried.

TREASURERS RESIGNATION – Supervisor VanZee read a letter of resignation from Robbin Kraft (see attached) and a letter of recommendation for the appointment of Patti Feliciano to the Treasurers position (see attached).

Marlene Golovich made a motion, supported by Paul Hoadley to accept with regrets the resignation of Hayes Township Treasurer Robbin Kraft effective September 20, 2018. Motion carried.

Supervisor VanZee suggested writing a letter of thanks to Robbin for all her years of hard work and dedication.

Marlene Golovich made a motion, supported by Paul Hoadley to appoint Patti Feliciano to complete Robbins term effective November 21, 2018

Yays: Paul Hoadley, Marlene Golovich

Nays: Matt Cunningham, Ron VanZee

Motion fails.

Public comments were taken on Julie Collards background experience, conflict of interest between husband and wife, Patti's ability to do the job, accounting experience, Patti's length of training.

Supervisor VanZee recommended putting this on the agenda for a special meeting to be held prior to September 20, 2018.

CLERK PRESENTS

MINUTES – Matt Cunningham made a motion, supported by Paul Hoadley to approve the August 13, 2018 regular meeting minutes as corrected. Motion carried.

INVOICES/WARRANTS –Matt Cunningham made a motion, supported by Paul Hoadley to approve invoices totaling \$55,588.29.

Yays: Paul Hoadley, Ron VanZee, Marlene Golovich,

Nays:

Recused: Matt Cunningham

Absent: Robbin Kraft

Motion carried

An invoice from Performance Engineers was received. Supervisor VanZee asked to have the payment of the invoice put on the agenda for a special meeting to be scheduled prior to September 20,2018

CORRESPONDENCE – Any correspondence received by the Clerk was provided to the Board Members for their review and comment.

COUNTY COMMISSIONER REPORT – No report.

ZONING ADMINISTRATOR REPORTS – Larry Sullivan presented a written report with an oral overview.

CEMETERY REPORT – No report.

PARKS & RECREATION ADVISORY COMMITTEE – No September meeting

PLANNING COMMISSION (PC) REPORT – Meeting was August 21. Falls public hearing was canceled until September 18. The PC discussed funding a survey to be conducted by Beckett & Raeder. Waterfront standards have been developed for the committee. Cliff & Omar have volunteered to be on the Recreation Plan update committee.

TREASURERS REPORT – Robbin Kraft presented a written report.

TRUSTEE REPORT – The MTA Chapter meeting will be held in Hayes Township, Monday September 24 at 7:00 p.m. Tipp of the Mitt will be present to speak about the statewide septic system code. Paul stated the Township needs to install a secure drop box for tax payments at he Township Hall. Paul also reported that Great Lakes Energy is moving forward with high speed internet in our area and it critical that everyone go online and show their support for the project.

SUPERVISOR REPORT – Ron stated he attended a webinar on the 16th regarding agriculture planning.

Public comment was taken on fireworks safety, boat launch turn radius, light on pier, gift for Robbin, Patti doing excellent job, don't make snap decisions, following procedures, Julies determination to do a good job as Treasurer, AMAR report, and Maple Grove Road end.

Zoning Administrator Sullivan reminded everyone about the Watershed Forum being held October 24 at the library from 4:30 – 8:00.

Paul Hoadley made a motion, supported by Matt Cunningham to adjourn at 9:47 p.m.
Motion carried.

Respectively submitted

Marlene Golovich
Hayes Township Clerk

Minutes approved as written October 8, 2018

**HAYES TOWNSHIP BOARD
SPECIAL MEETING MINUTES
September 5, 2018**

The special meeting of the Hayes Township Board was called to order by Supervisor Ron VanZee at 7:00 p.m. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix

Board members present were Marlene Golovich, Paul Hoadley, Matt Cunningham and Ron VanZee. Robbin Kraft was absent. Audience members signed in were Shirlene Tripp, Connie Foster, Jeff Willard, Roy Griffiths, Vickie Daman, Gwen Anderson, Sharon Hoffman, Kent Hoffman, Dandy Dauch, Dee & Gary Janz, Julie Collard, Doug Kuebler, Dave Zipp, John Kugh, Jerry Simpson, Susan Pyke, Laura White, Larry White, Betty & Bill Henne, Cheri & Warren Bogan, Bob Parmelee, Cliff Biddick Frank Shepherd, Bob Jess and Bob Jess Sr.

PUBLIC COMMENT was taken on change order, special meetings, springs at park, contingency funds, spending cap, property tax money, construction loan, cabin renovation, documents on line, length of pier, retaining walls, rubber membrane removal.

CHANGE ORDERS – Ron asked Board members if they understood the change orders. Board members expressed need for more time to review but would listen to explanation from Supervisor VanZee and Engineer Malewitz.

Jim gave an overview of the change orders #3 & #4 (see attached email). Jim explained that they were aware of the springs on site and planned 4” piping for them. On the advise of Geotech consultant the change order will increase the pipe to 6” and add a foot of sand for additional drainage. The water will be directed to the rain gardens. The existing shale is not permeable and poses the risk of retaining water that would freeze and break up the pavement.

Matt asked if the grade could just be raised instead of digging an additional foot down to accommodate the foot of drainage sand. Jim said no, the grade is very sensitive and includes accommodations for ADA compliant. Ron asked if after the additional foot of shale was dug out will we find any additional problems. He stated he did not want to come back for this again. Jim stated the sand and additional drain tiles on the change order will fix the water retention problem. Matt asked how much water move through the area and if the sand will freeze. Jim stated that was the reason the drain tiles are being used.

Jim gave an overview of change order #5 (see attached Geotech report). The concern is the steep slopes and erosion. Jim stated that grass is already growing on the steep slope and even after the heavy rains we have been having the slopes show minimal erosion. He also stated the GeoCell system being recommended would be easier to install now than later because of the slope height.

Ron stated he talked to Mike at MDC Contracting and tried to pin him down if this system was really necessary. Mike stated they had only used this system once but it did correct the problem they were having. Ron asked if it was necessary or if we left it off would we have more problems. Mike could not answer that. Mike also told Ron that once the engineers signs off on the job there are no guarantees. MDC will not be responsible. Jim stated ~~the~~ **there** is a 1 year

guarantee. He also stated that even with the recent rains the slopes are holding and the high velocity mulch and low growth sumac have not been added yet. He recommends that the mulch and sumac be put on and hold on to the proposed \$18,000 cost for the GeoCell for future problems if there are any. Jim stated he is comfortable with the current design.

Jim recommended that the Board address change orders #3&4 and not do change order #5.

Matt asked if there was a guarantee after 1 year. Jim said no the contract stipulates a 1 year guarantee.

Change order #4 is a recommendation from Ben Cunningham to add tie rods from the single sheet wall to the double wall to add additional stability to the single wall. Ron stated this was necessary because the second wall was removed from the contract. Jim stated Bens recommendation was a good idea. Paul asked if the connecting rods were under the cement and how many would there be. Jim said yes it would be under the cement and there were 7.

The first change order was not part of the contingency fund but an addition to the project based on the Townships fund balance. The change order was to put sewer, water and electrical conduit in while the road was being constructed. The contingency fund left if change order #3&4 are approved is approximately \$36,000. The total amount for the two change orders is \$33,678. Change order #5 would delay the project by 4 days waiting for materials.

Paul Hoadley made a motion, supported by Marlene Golovich to accept construction change order #3 for \$25,343.60 as presented.

Board discussion. Paul stated #3 is critical and must be done. Marlene stated she also thought it needed to be done to make this a good project. Matt stated it made sense to do this but where do we stop spending money. He asked if there was a cap. Paul stated we do not know yet what that is. Paul stated we have not exceeded our contingency fund yet. Ron stated he and Jim have worked closely on this and agrees this is necessary. He also stated that none of it was unforeseen and should have been in the original contract. Ron stated this was not good engineering in his opinion. He stated he would have to vote no and stop spending taxpayer's money. Marlene asked Ron if we should leave the project as is. Ron stated no but the proper testing was not done. Marlene asked if Ron was voting no even when he knew the work needed to be done.

Jim Malewitz stated that the slopes prevented taking good soil borings but boring were taken as well as having MDC dig in certain areas prior to the contract. He also stated that drain tiles were in the original plans as they knew there would be water. Jim stated he felt he had a good understanding of the Townships reluctance to spend a ton of money on borings. Ron asked him if he approached the Township saying he could not guarantee the plans without additional borings. Jim explained that this is not a new item at a bigger cost. It is an addition of unit costs so the price would be the same now or earlier. Ron stated if this cost had been on the original contract we may not have had a contract.

Roll Call

Yays: Marlene Golovich, Paul Hoadley

Nays: Ron VanZee

Recused: Matt Cunningham (Under contract with MDC)

Absent: Robbin Kraft

Supervisor VanZee declared the motion turned down. **

Clerk Golovich asked him if this was correct as Matt recused himself and the vote was 2-1 yes.

Ron stated it would take 3 votes to pass on a 5-member board.

**See attached attorney opinion.

Change order #4

Clerk Golovich asked where do we go now? Ron Stated the Engineer needs to come back with a different change order.

Jim asked if Ron thought Performance Engineers was responsible to pay for the change order.

Ron replied he wanted to see a change order that reflects the engineers responsibility.

Marlene Golovich made a motion, supported by Paul Hoadley to table Change Order #4 until the regular meeting on Monday, September 10, 2018. Motion carried.

Change order #5

Paul Hoadley made a motion, supported by Ron VanZee to not consider change order #5 at this time. Motion carried.

PUBLIC COMMENT was taken on number of test bores, bath room doors, cost of change orders, cost cutting, geo-cells, budget process, rushing Phase I, doing Phase I correctly, shale conditions, beauty of finished park, grants for launch, unite and drop the personal agendas, accountability, engineers job performance, amount of money be spent on Phase I, rain gardens, fuzzy math, contingency fund overage, all big projects have change orders, Whiting Park progress, tax dollars saved for project, accounting and spreadsheets, lack of professionalism, performance bonds guarantee work, volunteer help with spread sheet, rain gardens capacity to handle springs, law suits for stopping project.

Matt Cunningham made a motion, supported by Paul Hoadley to adjourn at 8:52 p.m. Motion carried.

Respectively submitted

Marlene Golovich
Hayes Township Clerk

Minutes approved as corrected October 8, 2018

**HAYES TOWNSHIP BOARD
SPECIAL MEETING MINUTES
September 18, 2018**

The special meeting of the Hayes Township Board was called to order by Supervisor Ron VanZee at 3:00 p.m. at the Hayes Township Hall, 09195 Old US 31 N., Charlevoix

Board members present were Marlene Golovich, Paul Hoadley, Matt Cunningham, Ron VanZee and Robbin Kraft. Audience members signed in were Shirlene Tripp, Connie Foster, Jeff Willard, Omar & Patti Feliciano, Clare Zitka, Thomas Mueller, Jim & Diane McMahan, Annie Burnett, Dee & Gary Janz, Julie Collard, Frank Shepherd, Bob Jess, Carol Murdick, Warren Nugent.

REVIEWED AGENDA – Paul Hoadley made a motion, supported by Matt Cunningham to approve the agenda as presented. Motion carried. Ron stated that he requested this meeting to consider paying the contractors for the Phase I project and to take care of some carry over items from the regular meeting.

PUBLIC COMMENT was taken on fireworks ordinance, enforcement of fireworks ordinance, time of special meeting, special meetings for paying bills.

CONSTRUCTION INVOICES – Trustee Matt Cunningham recused himself from discussion and moved from the table. Board discussed the invoice from Performance Engineers stating concerns regarding the money left in the engineer’s contract in relationship to money still owed to the contractor. Jim stated he prorated the contract amount owed to the engineers to the days left in the contract. He stated he will be on the job through construction. Jim was asked if there would be any additions to his fees. He stated only if new items are added to the project. Paul Hoadley made a motion, supported by Robbin Kraft to approve payment of invoices totaling \$330,806.78.

Yays: Paul Hoadley, Ron VanZee, Robbin Kraft, Marlene Golovich

Nays:

Recused: Matt Cunningham

TREASURER POSITION – Current Treasurer Robbin Kraft has resigned the Treasurer position effective September 20, 2018. Matt Cunningham stated that he recommends appointing Julie Collard to the Treasurers position as she is the only candidate on the ballot for the November election. Matt stated that appointing her now she would be a month ahead. He stated it doesn’t make sense for the Township not to appoint her. Paul stated that Robbin could not vote on her replacement. Robbin asked if she could be part of the discussion and Ron stated she could not. Paul stated that Julie has a learning curve and if Patti Feliciano (current deputy ~~clerk~~ **Treasurer**) finished out the term she already knows the job. Paul stated that if issues come up regarding her husbands position in the Township she could recuse herself from voting and any discussion. Matt asked if Patti could just assist Julie. Marlene asked if Julie should be paid the Treasurers salary with no job experience and Patti get paid the lower hourly rate when she does

know the job. Ron stated that there is an incompatible job clause referred to in the “Little Red Book” published by the Michigan Township Association and is against the intent of the Township policy. Marlene asked if Julie has attended any Treasurers training **sense since** she has declared her intent to run for the position. Ron stated she can not attend MTA trainings. Marlene stated she could but would have to pay a higher fee.

Paul Hoadley made a motion, supported by Marlene Golovich to appoint Patti Feliciano to complete Robbin Kraft’s term as Treasurer.

Yays: Paul Hoadley, Marlene Golovich

Nays: Matt Cunningham, Ron VanZee

Motion failed.

Ron stated that he spoke with the County Clerk and Treasurer and both offices will assist in training the new Treasurer. He also stated the County Clerk said it made sense to appoint Julie as she will be Treasurer in November. Marlene asked Ron what his plan was to get Julie up to speed. He stated the County would assist and that BS&A has great support for their taxing software.

Matt Cunningham made a motion, supported by Ron VanZee to appoint Julie Colard to complete Robbin Kraft’s term as Treasurer.

Yays: Matt Cunningham, Ron VanZee

Nays: Paul Hoadley, Marlene Golovich

Motion failed.

Ron asked that the Treasurer’s position be put on the October agenda. Marlene asked Ron if he wanted to advertise the position. Ron stated sure. Marlene then asked if we advertise would Ron vote to hire the most qualified person. Ron stated he could not answer that. Paul stated it was fruitless to advertise this position. There was not enough time.

When Robbin was asked what the consequences of not having a Treasurer were she stated there would be no one to collect taxes, no one to answer questions from residents, mortgage companies, banks or realtors about taxes, no banking can be done, no one to balance bank statements, no disbursement of tax funds, no receipts for tax payments.

PUBLIC COMMENT was taken on importance of having a Treasurer appointed, Robbin not being able to vote on appointment, appointing an alternate for Matt to vote, Patti’s training at MTA.

Paul Hoadley made a motion, supported by Matt Cunningham to adjourn at 4:19 p.m. Motion carried.

Respectively submitted

Marlene Golovich
Hayes Township Clerk

Minutes approved as corrected October 8, 2018