

**HAYES TOWNSHIP BOARD
MINUTES
July 10, 2017**

The regular meeting of the Hayes Township Board was called to order by Supervisor Ron VanZee at 7:02 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, Jennifer Cunningham, Jim and Diane McMahon, Annie Kantola, Gary and Dee Janz, Paul Zardus, Larry White, David Zipp, Michelle Biddick, Susan Pyke, Matt Berg, Jerry Simpson, Bill & Lou Tudor, Rebecca Berg, Sharon & Tony Cannarsa, Frank & Beth Shepherd, Bob Jess, Larry Sullivan and George Lasater.

REVIEWED AGENDA – Added: Camp Sea-Gull (CSG) Fence, Fire Barn Addition, Easter Ave. Beach (EAB), Hall Hot Water Heater, Land & Water Conservation (L&WCF) Grant Resolution, Omar's Pay.

Paul Hoadley made a motion, supported by Matt Cunningham to approve the agenda with additions. Motion Carried.

SUPERVISOR VANZEE - Ron VanZee stated he wanted the opportunity to explain why he voted no on June 12 to put Phase I of the development of Hayes Township Park Camp Sea-Gull out for bid. (See Attached Ron's reasons for voting no) He stated he would also like the other Board of Trustee members to give their reason for voting yes or no. Robbin stated that we have been planning this for 4 years and did not see a reason to delay it. Marlene stated she did not see a reason to start over with new plans. Paul stated that the boat launch was going to happen or not. There were no surprises about who voted yes or no. The bids will tell us if we can do this project or not. It comes down to do you want a boat launch or not. The engineer presented a good plan. The Township has been saving money for 10 years. Matt stated he voted no because the project is not funded correctly and it is not financially responsible. There was a petition with 195 signatures asking for a smaller launch. The park is being billed as a four season park and the bubbler system for the fishing pier will create open water and this is not wise.

PUBLIC COMMENTS – Public Comment was taken on money returned from original grant, boat launch survey, moving the boat launch, Anne Kantola new position at the County, money from general fund spent on park, affordability of the boat launch, township regulations vs lawsuits from residents, money paid to Jim Malewitz's engineering firm, profit from Phase I, grantee profiting from grant, paying Marlene to do work at the park, bid contracts to Marlene's family, fraud and misrepresentation, treasurers fiduciary responsibilities, misrepresentation on grant applications, use of permeable surfaces, future taxes raised for park, overhead on projects, 100% in favor of park, township great place to live, election changed the board, supervisor tearing park down, right to speak even if employed by the township, need for road and boat launch, ways to raise money for the park, boat launch vs park, township surveys, amenities ranked by surveys, park for all to enjoy, masterplan priorities, cafeteria building, committees working on the cafeteria, budgets ignored, unknown cost of park, lose the park without a launch, 12% on top of bids to Malewitz, bathrooms downgraded, takes exception to negative comments, Malewitz is a professional engineer, project has been going for four years, engineer put his heart and soul into the project, licensed engineer, stand up job, get on with the project and get it done,

gravel not a substitute for pavement, reasonable accommodations, do not delay, surprised at the anger at this meeting, there is no malicious intent on this project, lots of hard work done, statements being made are skewed, professional fees are always paid for planning, initial plan for road and grant application were to get the road paved for by grants, we would not have a park without proving we could get a boat launch on site, there is sufficient evidence that we did not have to build a boat launch to get the park, why build a boat launch if it is so contentious, terrible reasoning given, lack of maintenance plan, legal problems may arise, told one thing when something else was true, drop the boat launch, put community back together, too many trees removed, too much concrete and dirt removal, million dollars for huge big boats, small amount of people have big boats, run and play is what park is about, love of Lake Charlevoix, amount spent from general fund, need business plan, Ethel was offered \$100,000. to drop the boat launch, Township could have that money for the park, transparency, should not need FOIA, use the web site, asking for trouble moving forward, more dissention down the road, need more surveys, appreciation for all the work done. Public comment closed at 8:31 p.m.

Paul stated that the petition was given to Ron but never given to the Clerk to copy for the entire Board. If we don't build a road how will we get people to the lake? We had public hearings, hired a planner, we are at Phase 1 that is how we got here.

Marlene stated that when she spoke at the MNRTF meeting for the property acquisition it was true that no bathroom could be built at Eastern Ave. Beach. It was also true that boats on trailers could not be launched at Young State Park at the time. Just because those facts are no longer true does not mean they were said to deceive anyone it is just that circumstances have changed over time.

Robbin stated that she is not the only person with fiduciary responsibility for the Township. It is the responsibility of the whole board. Her statutory duties are the collection and distribution of the property taxes. She also stated we have not given up on the other amenities at the park. We need infrastructure first. The road is the spine of the park. The township is not in over our heads financially, we will not spend money if we don't have it. Every year we put the revenue sharing in the bank and don't spend it.

Clerk Golovich stated that she and Anne Kantola approached the Board of Trustees years before Camp Sea-Gull was ever put up for sale and asked the Board if property was found for a park were they still interested in purchasing waterfront property for a park. We were told that they were and had been for a long time but that the property would need to include a viable boat launch. Anne and Marlene volunteered to research properties for sale and bring the information to the board. The direction clearly given by the previous board is that new park property would need to include a boat launch.

Ron stated he is not anti-park he just wants a smaller boat launch. He stated that Jim Malewitz is a good guy caught up in bigger is better energy. Ron's biggest fear is our obligation.

Ron made a motion, supported by Matt Cunningham that this board place a moratorium on all further spending on the proposed boat launch, fishing pier and roadway/parking areas, including all planning and design, bid specifications, bidding and development until such time that the Grantors of all approved grants for Hayes Township Park and the General Public have opportunity to review the documents I am referring to in this presentation and a new plan for the future of the park is approved by all participants.

Yays: Matt Cunningham, Ron ~~Way~~ VanZee
 Nays: Paul Hoadley, Robbin Kraft, Marlene Golovich
 Motion failed.

PARKS AND RECREATION REPORT – Michelle Biddick reported that the committee would like authorization to spend up to \$660.00 for the August 19 beach bash. The money will be used for fresh corn, badminton set, water jugs, plates, napkins, silverware banners and sandwich boards. Matt made a motion supported by Paul to authorize the Parks and Recreation Advisory Committee to purchase items for the beach bash not to exceed \$660.00.

Yays: Matt Cunningham, Paul Hoadley, Ron VanZee, Robbin Kraft, Marlene Golovich
 Nays:
 Motion carried.

Michelle passed around a volunteer sheet for the annual event. Michelle also stated that Anne Kantola and Tom Darnton are working on grants from the Charlevoix County Community Foundation (CCCF) and the Great Lakes Energy Peoples Fund (GLPF) to pay for the cost of engineering and design drawings of the proposed non-motorized trail head at Camp Sea-Gull. The engineering and designs will be used to apply for larger grants to pay for the future amenities at the trail head. Paul Hoadley made a motion supported by Robbin Kraft to authorized moving forward on the grant applications from the GLPF & CCCF for the cost of engineering and design drawings of the proposed non-motorized trail head at Camp Sea-Gull.

Yays: Matt Cunningham, Paul Hoadley, Ron VanZee, Robbin Kraft, Marlene Golovich
 Nays:
 Motion carried.

FIRE BARN ADDITION- Ron presented a drawing illustrating a proposed addition to the Township's existing fire barn with cost estimated at \$65,000. – 95,000. Ron spoke with Dan Thorp and Meghan Anderson and they stated that it may be possible for grants to pay for 2/3 of the cost. The new addition would house one more fire trucks and the county hazmat emergency vehicle. Other grants may be available to cover all the costs. Is this addition benefit to the township as the township will have maintenance & heating cost and may already be well served the number of trucks in the current fire barn?

EASTERN AVE. BEACH – A group met to discuss improvements to EAB. They want to bring a machine in to groom the beach at a cost of \$2600.00 and would like the Hayes Township to pay \$600.00 towards the cost. The group would also like the swim buoys moved closer together so boats cannot enter the swim area. Currently the Township has rocks at the road end to prevent boats being launched from trailers. The group would like to have 6x6 posts similar to the ones delineating the parking area put in their place. Paul stated he would support the posts but not the cost of the groomer. Clerk Golovich stated that the Township has spent thousands of dollars on EAB defending the Townships right to have the beach. She also stated the posts cannot be higher than the ones in the parking area. Matt will get costs for the posts and installation. Matt made a motion, supported by Ron VanZee to authorize the Township to pay \$600.00 for the beach grooming.

Yays: Matt Cunningham, Ron ~~Way~~ VanZee
 Nays: Paul Hoadley, Robbin Kraft, Marlene Golovich
 Motion failed.

Ron stated that Bergman Marine asked him for permission to launch a boat at EAB. They have launched the boat there in the past. Board consensus is that we have no authority to give Bergman Marine or anyone else permission to launch from a trailer at the Eastern Ave. Beach road end.

TOWNSHIP HALL WATER HEATER – Paul Hoadley made a motion, supported by Matt Cunningham to accept the proposal from R.L.Wojan Enterprises Inc. for replacing the hot water heater with a new 40 gallon propane water heater for \$1075.00.

Yays: Matt Cunningham, Paul Hoadley, Ron VanZee, Robbin Kraft, Marlene Golovich
 Nays:
 Motion carried.

LAND AND WATER CONSERVATION FUND – Upon motion made by Paul Hoadley, seconded by Marlene Golovich, the following Resolution was adopted:

RESOLVED, that the Township of Hayes, Michigan, does hereby accept the terms of the Agreement for LW16-0031 as received from the Michigan Department of Natural Resources (DEPARTMENT), and that Hayes Township does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide one hundred fifty thousand (\$150,000.000) dollars to match the grant authorized by the DEPARTMENT.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times
3. To construct the project and provide such funds, services and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under the Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of the Resolution.

Yays: Paul Hoadley, Robbin Kraft, Marlene Golovich
 Nays: Ron VanZee, Matt Cunningham
 Motion carried.

COMPENSATION/BID POLICY – Ron stated that the board received a letter from the Township attorney (see attached) regarding the letter from attorneys that questioned the bidding of the tree removal at Camp Sea-Gull.

Matt ~~Golovich~~ Cunningham made a motion, supported by Ron VanZee that from this date on no Hayes Township Board of Trustees member or their family receive financial gain or compensation for any reason outside the elected official's statutory duties, as to any contract or

paid position within the Township without proper advertisement and competitive bidding process.

Paul stated that bids are covered in the policy the Township has already adopted. Robbin stated that this is covered in our policy. Marlene stated this is redundant and is already covered in a newly adopted bid policy.

Yays: Matt Cunningham, Ron VanZee

Nays: Paul Hoadley, Marlene Golovich, Robbin Kraft

Motion denied.

CAMP SEA-GULL FENCE – Ron reported that the high bid for the fence at CSG was \$325.00 but the high bidder backed out. Ron stated that there were no other takers and the Township should dispose of it by first come first served.

ZONING ADMINISTRATOR REPORT – Larry Sullivan provided a written report with an oral overview. Paul asked Larry to look at Mondry's property in Birdland. Paul also stated that the Township needs to move forward with Larry's job review. Ron stated he has a job description for an ordinance enforcer.

CLERK PRESENTS

MINUTES – Robbin Kraft made a motion, supported by Paul Hoadley to approve the June 5, 2017 special meeting minutes as written. Motion carried.

Robbin Kraft made a motion, supported by Paul Hoadley to approve the June 12, 2017 budget hearing meeting minutes as written. Motion carried.

Matt Cunningham made a motion, supported by Paul Hoadley to approve the June 12, 2017 regular meeting minutes as corrected. Motion carried.

Paul Hoadley made a motion, supported by Matt Cunningham to approve the June 14, 2017 special meeting minutes as corrected. Motion carried.

INVOICES/WARRANTS – Paul Hoadley made a motion, supported by Matt Cunningham to approve invoices totaling \$75,598.39.

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

Nays:

Motion approved.

CEMETERY REPORT – The cemetery committee would like to see proposals for landscaping the front hill in the old part of Undine Cemetery. They would like the Board to recommend the companies they would like the committee to contact. Site Planning and KP Landscaping were recommended.

PLANNING COMMISSION (PC) REPORT – Matt reported that the PC discussed section 3.14 Waterfront regulations looking for common ground to move forward on ordinance updates. The next meeting on July 18 will include Claire, the planner helping with the updates. Paul stated he would like Matt to report to the PC that he does not like the changes being proposed to the number of boats allowed at each property owner dock. He does not mind if the number of jet skis

allowed is changed but the current ordinance was written to prevent funneling. The provision of 1 boat per dock was a key factor in the Fox lawsuit.

TREASURERS REPORT – Robbin reported that the July tax bills are out and the payments are coming in.

TRUSTEE REPORT – Matt stated he attended the meeting at Eastern Ave. Beach on June 27. Paul stated he attended the MTA meeting.

SUPERVISORS REPORT – Ron reported that the Township has been invited to make a presentation to the County Commissioners of the money pledged to the bike trail. He and Marlene will attend the July 26 commissioners meeting. He also reported that he hired Tom Bergman to cut a dead tree at Undine Cemetery and Jerry Simpson cleaned it up. The work to locate, pump and remove the abandoned septic tanks at CSG has begun. Ron authorized Craig to rent a saw to cut up some of the pipes. A couple of lines had water in them but there was no spillage on the ground. Ron asked that the park tractor operator, enforcement officer and park host rules be put on the August agenda. A letter from the Township insurance company regarding CPR for the park host will also be discussed.

Public comment - No comments were made.

Robbin Kraft made a motion, supported by Paul Hoadley to adjourn at 10:35 p.m. Motion carried.

Respectively submitted

Marlene Golovich
Hayes Township Clerk

Minutes approved as corrected August 14, 2017