

HAYES TOWNSHIP  
BOARD OF TRUSTEES REGULAR MEETING  
FEBRUARY 14, 2022 7:00 PM  
HAYES TOWNSHIP HALL  
09195 MAJOR DOUGLAS SLOAN RD  
CHARLEVOIX, MICHIGAN 49720  
ZOOM 849 2451 3210

The February 14th, 2022, meeting of the Hayes Township Board was called to order by Supervisor Ron VanZee at 7:00 pm.

Board members present were Matt Cunningham (Trustee), Julie Collard (Treasurer), Doug Kuebler (Trustee), Kristin Baranski (Clerk), April Hilton (Deputy Clerk/Recording Secretary), and Ron VanZee (Supervisor)

Audience Members signed in: Luanne Kozma, Ellis Boal, Bruce Deckinga, Tim Boyko, Rod Slocum, Roy Griffitts, Winnie Boal, Bud Pope, and Nicki Faller.

**CALL TO ORDER**

Supervisor Ron VanZee called the meeting to order at 7:00 pm.

**PLEDGE OF ALLEGIANCE**

**REVIEWED & APPROVED AGENDA**

Mr. Kuebler made a motion, supported by Mr. Cunningham, to approve the agenda as presented.

Yays: Matt Cunningham, Julie Collard, Doug Kuebler, Kristin Baranski, Ron VanZee

Nays: None                      Motion Carried

**PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS**

Public comment opened and closed at 7:01.

Public comments included:

- Summary of letter attached.
- Summary of letter attached.
- Bruce Deckinga explained the training he did to prepare himself for the ZBA meeting he was an alternate for.

Closed at 7:11

**APPROVAL OF JANUARY 10<sup>TH</sup>, 2022 BOT MINUTES**

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Ms. Baranski made a motion, supported by Ms. Collard to approve the January 10<sup>th</sup>, 2022, Board of Trustees minutes as presented.

Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Kristin Baranski, Doug Kuebler

Nays: None **Motion Carried**

**APPROVAL OF JANUARY 27<sup>TH</sup> 2022 BOT SPECIAL MEETING MINUTES:**

Mr. Kuebler made a motion, supported by Ms. Baranski to approve the January 27<sup>th</sup>, 2022, Board of Trustees special meeting minutes as presented.

Yeas: Julie Collard, Ron VanZee, Kristin Baranski, Doug Kuebler

Excused: Matt Cunningham

Nays: None **Motion Carried**

**TREASURERS REPORT**

Ms. Collard presented a written report reporting all Hayes Township account balances. Treasurer report is attached to minutes.

**CLERKS REPORT: APPROVAL OF WARRANTS**

Clerk, Ms. Baranski, presented the warrants in the amount of \$34,897.04.

Ms. Collard made a motion, supported by Mr. Kuebler, to approve Township warrants in the amount of \$34,897.04. A roll call was taken.

Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Kristin Baranski, Doug Kuebler

Nays: None **Motion Carried**

**COUNTY COMMISSIONER REPORT**

Mr. Jess was not present.

**PARKS AND REC. REPORT**

Ms. Collard presented the Parks and Rec. Report, full report is available at the Township Hall.

Next Parks and Rec. meeting will be held on March 12<sup>th</sup>, 2022.

**PLANNING COMMISSION**

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Mr. Cunningham presented the Planning Commission Report. The next Planning Commission meeting is February 15<sup>th</sup>, 2022.

**ZONING BOARD OF APPEALS**

Mr. Kuebler presented the Zoning Board of Appeals report. There are no scheduled meetings.

**ZONING ADMINISTRATOR REPORT**

Ron VanZee presented a Zoning Administrator report.  
Report available at the Hayes Township Hall.

**SUPERVISOR REPORT:** Ron VanZee presented a supervisor report.

**REVIEW OF EMS CONSTRUCTION CONTRACT:**

Ms. Collard made a motion, supported by Ms. Baranski to authorized Ron VanZee to sign all paperwork for the EMS Construction. A roll call was taken.

Yeas: Julie Collard, Ron VanZee, Kristin Baranski, Doug Kuebler

Abstained: Matt Cunningham

Nays: None                      **Motion Carried**

**SOUND SYSTEM AMPLIFYING RESOLUTION:**

**RESOLUTION 02142022**

**PROHIBITING THE USE OF SOUND AMPLIFICATION EQUIPMENT BY MEMBERS OF  
THE PUBLIC AT ALL TOWNSHIP MEETINGS**

WHEREAS, Hayes Township through its various boards and committees routinely holds meetings open to the public; and

WHEREAS, Hayes Township provides sound amplification equipment so that members of the public attending the meeting can hear the public discourse; and

WHEREAS, certain members of the public have begun using their own sound amplification equipment during various township meetings; and

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WHEREAS, this sound equipment has interfered with the orderly conduct of business at these meetings because it overpowers other speakers and has been used sometimes inappropriately to intimidate or interrupt township officials in the conduct of township business; and

WHEREAS, the Open Meetings Act requires that the township allow members of the public to record and videotape the meeting; and

WHEREAS, the Open Meetings Act does not require the township to allow members of the public to utilize sound amplification equipment; and

WHEREAS, it is necessary to prohibit the use of personal sound amplification equipment during township meetings so as to avoid interference with the orderly conduct of those meetings;

NOW, THEREFORE, BE IT RESOLVED that the township board finds that the use of personal sound amplification equipment, other than hearing aids worn in a person's ear, by members of the public at all township board meetings is disruptive to the orderly conduct of business and should, therefore, be banned unless prior written approval is received from the supervisor, chairman or moderator of the board in question prior to the meeting.

Ms. Collard made a motion, supported by Ms. Baranski, to approve resolution 02142022.

Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Kristin Baranski, Doug Kuebler

Nays: None **Motion Carried**

**ROY GRIFFITTS DEPUTY SUPERVISOR RESIGNATION:**

Ron VanZee accepted Roy Griffiths Resignation from the Deputy Supervisor position on February 1<sup>st</sup>, 2022.

**FRANK SHEPARD ZONING BOARD OF APPEALS RESIGNATION:**

Ms. Baranski made a motion, supported by Mr. Kuebler, to accept Frank Shepard's resignation from the Zoning Board of Appeals effective immediately.

Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Kristin Baranski, Doug Kuebler

Nays: None **Motion Carried**

**ZONING BOARD OF APPEALS APPOINTMENTS:**

Ms. Collard made a motion, supported by Mr. Cunningham, to appoint Bruce Deckinga to the Zoning Board of Appeals to fulfill the remaining time of Frank Shepard's term, expiring on 1/10/2025.

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Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Kristin Baranski, Doug Kuebler  
Nays: None **Motion Carried**

Ms. Collard made a motion, supported by Mr. Kuebler, to appoint Rod Slocum as the first alternate for the Zoning Board of Appeals, for a three-year term.

Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Kristin Baranski, Doug Kuebler  
Nays: None **Motion Carried**

**ROAD COMMITTEE APPOINTMENTS:**

Ms. Baranski made a motion, supported by Ms. Collard to reappoint Doug Kuebler to the Road Committee, for a 2-year term expiring 2/14/2024.

Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Kristin Baranski.

Abstained: Doug Kuebler

Nays: None **Motion Carried**

Ms. Baranski made a motion, supported by Mr. Kuebler to reappoint David Zipp to the Road Committee, for a 2-year term expiring 2/14/2022.

Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Kristin Baranski, Doug Kuebler

Nays: None **Motion Carried**

Ms. Baranski made a motion, supported by Mr. Cunningham to reappoint Jeff Willard to the Road Committee, for a 2-year term expiring 2/14/2022.

Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Kristin Baranski, Doug Kuebler

Nays: None **Motion Carried**

**ASSISTANT ZONING ADMINISTRATOR PROPOSAL FOR FUTURE DISCUSSION:**

The Board of Trustee's will be researching different options for assistants with zoning.

**PUBLIC COMMENTS:** Public comments opened at 7:57 pm.

Comments included

- Recognition for Roy Griffiths time and effort on the EMS Authority.
- Request of clarification if Bruce Deckinga has completed all his training for the ZBA.
- The need for the sound amplification resolution.

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- Comments made by ZBA members after meeting
- Thanks for putting the meeting packet on the website before the meeting

Public comments closed at 8:06 p.m.

**ADJOURNMENT:** Mr. Kuebler made a motion, supported by Mr. Cunningham, to adjourn at 8:06 p.m.

Yeas: Matt Cunningham, Julie Collard, Ron VanZee, Kristin Baranski, Doug Kuebler

Nays: None                    **Motion Carried**

Respectfully Submitted,

April Hilton

Hayes Township Deputy Clerk/Recording Secretary

To: Hayes Township Board of Trustees  
From: LuAnne Kozma

Date: February 14, 2022

Attach these written comments to the minutes of this Board of Trustees meeting.

Mr. Van Zee: You need to resign as Zoning Administrator immediately. You have proven you don't know how to do the job legally or ethically and you've put the Township at legal risk every time you've done anything regarding the Scott and Debra Law property at 10034 Anglers Cove and their other properties.

First, you've known since 2019 directly from Scott Law himself that he is planning a large resort for his corporation's employees. As Supervisor you demanded that Larry Sullivan step down and put yourself in the job to facilitate this project. The first morning on the job as Zoning Administrator you approved the Laws' 3 guest cabins. Another Trustee at the time, Bob Jess, worked for Mr. Law to build those cabins.

In 2020, you approved the Laws' commercial building and a commercial use in a residential zone, and never wrote a ZA report about it, so no one knew.

In fall of 2021, you refused to acknowledge the expiration of the Township's zoning permit and Planning Commission approval until I brought the township to court just to force the Township to adhere to the State law and hold a ZBA hearing! Only then did you back down and reverse yourself on the expiration of permits and permissions.

You refused to give my ZBA application to the ZBA. This was irresponsible and illegal. It cost the Township money for this irresponsible mistake. Only after the Township was sued did you capitulate and do your job.

You hired Roy Griffiths as your deputy supervisor, AND kept him on the ZBA knowing full well that the Zoning Ordinance and the Michigan Zoning Enabling Act forbid this. The whole board knew this as well.

These are all violations of law that any law-abiding Township would immediately address. Instead, this board of Trustees has your back. Why? Why are they backing your repeated violations of the law and of the Zoning Ordinance?

You need to resign as Supervisor of the Township. Your own hire as ZA and your hiring of Roy Griffiths have been egregious acts, and they are valid reasons for recall.

Everything you continue to do just adds to your rap sheet.

To the Board: Regarding Roy Griffiths, the Board must remove him from every position in the Township. This Board delegated its power to him to promulgate the laws for this township, and his shocking remarks—that we caught on a hot mic, that rich people don't have to abide by the law—are not only disgraceful, but it is counter to lawmaking, and he has no business being on the Planning Commission or the other boards, when he is outwardly partial to rich property owners.

If you can't right this ship and remove the people who are prejudicial to the Laws' project from positions of power, then you all should resign immediately. You are only subjecting the Township to more litigation. All of you are in favor of this ONE property owner building a corporate resort in the middle of the residential neighborhood. It's unlawful.

**Ellis Boal – Non-Agenda Public Comment to Hayes Trustees – February 14, 2022  
Charges and Request for Public Hearing on Removal of ZBA Members**

Section 601(9) of the MZEA allows the Trustees to remove a ZBA member “for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.”

I rise to present written charges and a request a public hearing regarding ZBA members Tom Darnton, Doug Kuebler, Bruce Deckinga, and (unless he has already resigned) Roy Griffiths, all of which arise from their conduct in handling the pending interpretations and appeals concerning the Law channel-basin-boathouse controversy.

Taking them in reverse order:

**Griffitts:**

1. Despite having been trained about ZO § 8.01(3) and MCL 125.3601(6), and having read the ZO “many many times,” he participated in a ZBA hearing on January 26, though he was an employee of the Township, causing enormous waste of preparation time of the Requesters and the ZBA itself.
2. During deliberations at the January 26 hearing, at 2:50:35 of the Appellants' recording (placed in the ZBA record by the ZBA Secretary), he displayed incompetence, in proposing that the ZBA simply make a declaration about the ZO, without any fact-finding as required by sub-paragraph 2 of “Motions dealing with an ordinance interpretation” of ZBA Rule 4.8:

“Does it mean what it means? I would move if that were an acceptable way to end this.”

The next two quotes occurred after the January 26 hearing formally closed but Requesters' two mics on the table in front were visible and operating. Due to background chatter some faint words of the speakers are unclear. But the important points – the subject of each conversation and identities of the speakers – are clear.

Trustees will be able to identify the speakers based on many years' familiarity with them. We also expect that Griffiths, Van Zee, and Deckinga will admit their identities and the subjects of their conversations.

Because this is a sensitive point, LuAnne Kozma and Ellis Boal listened closely to these excerpts several times in transcribing them, turning the volume of one mic and then the other up and down, to be sure. Kozma is a professional folklorist with a



masters degree and 25 years experience, teaching interviewing and transcribing skills. She authored "FolkPatterns Leaders Guide," a bulletin by MSU Extension, with a chapter devoted to "Indexing and Transcribing Tapes":  
<https://www.canr.msu.edu/uploads/236/66883/4H1506FolkpatternsGuideActivityPages.pdf>.

3. After the hearing, beginning at 3:02:19 of the recording, Griffiths participated in an improper *ex parte* discussion in violation of ZBA Rule 2.5 with ZA Ron Van Zee (and also Citizen Paul Hoadley) about a prior Township attorney's interpretation of the term "Ordinary High Water Mark" in ZO § 2.02.
4. After the hearing, beginning at 3:03:33, Griffiths participated in an improper *ex parte* discussion initiated by ZBA member Bruce Deckinga in violation of ZBA Rule 2.5, about the boathouse:

Deckinga: "Where in this is there an event? —"

Griffitts: "So —"

Deckinga: "This is a deck"

Griffitts: "So this is the sec— This is the second floor. So this area here, unfortunately, they used the term 'event area.' They could have called this a 'lounge.' They could've— It's a private building. You can call it anything you want. I could call my basket? [unintelligible]" —

Deckinga: "Second floor, above the boats."

Griffitts: "Above the boats. You know, and their claim is, one of the problems with this is, is they're speculating, all of their arguments are speculating. 'Well, they built this big building therefore it's going to be commercial.' They built this big building because they're freaking multi-millionaires and they can afford to build a big building."

Deckinga: "They can put five boats there."

Griffitts: "They can do whatever they damn well want. It's private

property.”

**Deckinga:**

5. After the hearing, beginning at 3:03:33 he initiated the above improper *ex parte* discussion in violation of ZBA Rule 2.5 with then- ZBA member Roy Griffiths about the boathouse.
6. Despite repeated requests Requesters have been provided no evidence he has had four hours of training by qualified instructors in the last year, as required by ZBA Rule 2.7.

**Kuebler:**

7. Despite having been trained about ZO § 8.01(3), he voted as a Trustee to approve the appointment of Roy Griffiths as a Township employee and then violated the Ordinance by participating with him in the hearing of January 26, even agreeing with Griffiths' attempted motion at the start of deliberations at 2:48:40 of the recording.

**Darnton:**

8. On October 29, 2021, he wrote to Requesters, making decisions which only a majority of the ZBA could make under ZBA Rules 4.7 and 4.9. Though the issue was later mooted by Township admissions that the protested decisions had expired, he held unilaterally that appeals of decisions of the Planning Commission and ZA were untimely.
9. He refused to schedule a timely ZBA hearing by November 11 and a decision by December 26, in violation of ZBA Rule 3.3, the result being that no decisions on the Interpretations have been made even today, and it is unclear when they will ever be made.

**All ZBA members on January 26:**

10. The ZBA voted to alter the Order of Business mandated by ZBA Rule 4.8, particularly items 4 and 5, in effect recognizing the ZA as a party to an interpretation request. The ZA was welcome to speak, but only as a member of the public under item 8. Under item 10 colloquy of ZBA members and members of the public (including the ZA) is not permitted.

Ron VanZee, Supervisor  
Hayes Township  
January 25, 2022

Dear Ron:

I have thoroughly enjoyed my time on the Zoning Board of Appeals but as I enter my 81<sup>st</sup> year I have decided to resign and let a younger more energetic member of the community be appointed in my place.

My resignation becomes effected on March 1, 2022 or whenever you have recommended to the BOT and they elected a new member, whichever comes first.

In addition, I want to make sure I am available to assist in the 2024 local elections and the possible resurrection of The Hayes Township Sentinel. I feel my contribution to the township through my reporting and commentary far outweighs my contribution on the Zoning Board.

There is local talk about a "slate" running against the present BOT and I don't feel comfortable "working " for the township as a ZBA member when my voice is far more important in a possible important local election.

Thank you for giving me the opportunity to serve you and the township. I am a big fan of yours and that will continue.

Respectively,  
Frank Shepherd

CC: Tom Darton, Roy Griffiths, Bob Jess, Doug Kuebler, Kristin Baranski, Julie Collard, Matt Cunningham

To: Ron VanZee, Supervisor Hayes Township

From: Roy Griffitts

Re: Deputy supervisor position

Date: February 1, 2022

Ron,

The Board of Trustees appointed me Deputy Supervisor with the specific role of representing the Township in the formation of and participation in the Lake Charlevoix EMS Authority. I am happy to report that the Authority is up and running and we are making great strides in bringing improved service to our residents. At this time, it does not appear necessary for me to continue as Deputy Supervisor. I would not want to deprive you and the Board of the opportunity to appoint another person with different experiences to the position if it is so warranted.

In order to do this please accept my resignation as Deputy Supervisor effective February 1, 2022. I am content to continue to serve as the Township's representative to the Authority and to serve on the Planning Commission and as an alternate on the Board of Review.

Thank you for the opportunity to serve.

Roy Griffitts



Roy -

It is with regret that I accept your  
resignation effective February 1, 2022.



2-1-22

**HAYES TOWNSHIP**  
**ZONING ADMINISTRATOR REPORT**  
**FEBRUARY 2022**

Issued the following zoning permits:

1. 07657 Nine Mile Point, convert existing deck into 3 season room.
2. 10990 Burnett Road, 30' x 40' accessory building.
3. Revised existing zoning permit 07815 Charlevoix View Drive.
4. Denied zoning permit application on Park View Drive.

Received and reviewing application for parcel division on US 31 N, Park Avenue Development.  
Waiting for additional information.

Working with Developer on proposed 80 unit Foster Care Facility.

Working with Developer on proposed camp ground/cabin development.

Working with Developer on proposed multi-family development.

Received and approved parcel division on Upper Bayshore Road.

Working with property owner on Pincherry Road for possible parcel division.

Received application for zoning permit for retail/residential use on US 31 N. Parcel  
reconfiguration required and applied for.

Working with Charlevoix and Emmet County Road Commissions on possible road safety station.