

AGENDA

HAYES TOWNSHIP BOARD OF TRUSTEES

7:00p.m. April 11, 2022

Hayes Township Hall

9195 Major Douglas Sloan, Charlevoix, MI 49720

Join Zoom Meeting

<https://us02web.zoom.us/j/86768376262?pwd=UnBXVjNiUXpDM0U5Y3NJOEtUa1BsQT09>

Meeting ID: 867 6837 6262 , Passcode: 099580, +1 929 205 6099 US

1. Call to Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Public Comments
5. Approval of Regular Meeting Minutes of March 15th, 2022
6. Treasurers Report
7. Clerks Report: Approval of Warrants
8. Reports: County Commissioner, Zoning Administrator, Planning Commission, Zoning Board of Appeals, Parks and Recreation, Trustee's, and Supervisor Reports.

NEW BUSINESS

9. MTA Electronic Meetings
10. Spring Clean Up Contract
11. Bayshore Road Engineers Estimate
12. Planning Commission Appointments

ADJOURN MEETING

Welcome to Hayes Township Board of Trustees Meeting. We are glad you could join us as we discuss the future of our Township as well as attend to the day to day obligations.

1. The agenda is typically prepared in advance of the meeting so that the board and the public have an opportunity to prepare for our meeting. There may other issues that arise between when it is prepared and meeting time, we may make amendments or adopt as presented.
2. Public Comment is a time when the public may speak on any subject concerning the township.
3. The first real order of business prior to beginning new business is to approve the minutes of the previous meeting. This allows the board to correct any errors and provide an accurate record of that meeting.
4. Approval of warrants: The Board of Trustees is responsible as a whole to ensure that your tax dollars are spent wisely and that expenditures are accurate and properly accounted for. Each member of the board is equally responsible. The Clerk or Deputy Clerk prepare and sign checks for invoices submitted. The Treasurer reviews all invoices against the checks to again check for accuracy. After the warrants are approved by the board, the Treasurer signs and disburses the checks to each vendor.

The next few items on the agenda are the reports from different aspects of the Township and the County. By hearing those reports ahead of new business, it allows the board to have a better understanding of the township as a whole preparing them for better decisions.

To best facilitate a hybrid meeting (in person as well as ZOOM) for the public, please adhere to the following guidelines:

In person attendance

1. Doors to the hall will open at 6:45 pm
2. Please voluntarily provide a name for the record
3. Please hold all comments until the appropriate designated public comment agenda item
4. To maintain an orderly meeting while providing opportunity for the public to be heard, Planning Commission Chairman will call names in appropriate order
5. We ask that you voluntarily state your name for the record
6. Direct all comments to the planning commission
7. Keep comments brief and to the point (3 minutes per person); deputy clerk will advise when time is up
8. Do not speak while others are speaking
9. Minutes may not be yielded to other speakers.

Via ZOOM attendance

1. Upon signing into the meeting, please voluntarily provide a name for the record
2. All ZOOM participants will be admitted from the waiting room prior to the start of the meeting
3. All ZOOM participants will remain muted until called on during the appropriate designated public comment agenda item
4. Please raise your hand to be called on during public comments
5. Direct all comments to the planning commission
6. Keep comments brief and to the point (3 minutes per person); participant will be muted at 3 minutes
7. Minutes may not be yielded to other speakers.

Hayes Township, Charlevoix County
Board of Trustees
March 15, 2022 7:00 pm
Hayes Township Hall
09195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
ZOOM Meeting ID: 878 1510 5199

The March 15th, 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), Doug Kuebler (Trustee), Kristin Baranski (Clerk), April Hilton (Deputy Clerk/Recording Secretary), Ron VanZee (Supervisor)
Excused: Julie Collard (Treasurer)

Audience Members signed in: Luanne Kozma, Ellis Boal, Bob Adams, Bud Pope, Paul Hoadley, Bob Jess, Betty Henne, Tim Boyko, Rod Slocum, and Doug McCombs.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

REVIEWED & APPROVED AGENDA

Ms. Baranski made a motion, supported by Mr. Kuebler, to approve the agenda as amended.

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

Excused: Julie Collard

Nays: None Motion Carried

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS

Public comment opened and closed at 7:01.

Comments included:

- Ellis Boal made a statement that he does not see the point in standing for the Pledge of Allegiance of the United States. Also requested the Township to reopen office hours to the public without appointments needed.
- A statement reading from the Zoning Ordinance section 8.01 that states the Board Of Trustee's appoint members to the ZBA. Also, an opinion stated that the board should consider removing Roy Griffiths from the Planning Commission and Zoning Board of Appeals.

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- County Commissioner, Robert Jess wanted to thank the township for their involvement in the Pool Authority and their effort to stand up for the residents of Hayes Township.

Closed at 7:09

Board of Trustees Comment:

- Clerk stated the documents copied from the Township By-laws record are not signed and there is no record of being adopted.
- Supervisor clarified the representatives on the Board of Trustees from Planning Commission and ZBA have been selected by the respective board for the last 35 years.

APPROVAL OF FEBRUARY 14TH, 2022 BOT MINUTES

Mr. Kuebler made a motion, supported by Mr. Cunningham to approve the February 14th, 2022 Board of Trustees minutes as presented.

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

Excused: Julie Collard

Nays: None **Motion Carried**

TREASURERS REPORT

Ms. Collard presented a written report reporting all Hayes Township account balances. Treasurer report is available at Hayes Township Hall.

CLERKS REPORT: APPROVAL OF WARRANTS

Clerk, Ms. Baranski, presented the warrants in the amount of \$26,462.45.

Mr. Kuebler made a motion, supported by Ms. Baranski, to approve Township warrants in the amount of \$26,462.45. A roll call was taken.

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

Excused: Julie Collard

Nays: None **Motion Carried**

COUNTY COMMISSIONER REPORT

Mr. Jess presented the county commissioner report.

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64

65 **PARKS AND REC. REPORT**

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

67

68 **PLANNING COMMISSION**

69 Mr. Cunningham presented the Planning Commission Report. The next Planning
70 Commission meeting is April 19th, 2022.

71

72 **ZONING BOARD OF APPEALS**

73 Zoning board of appeals did not meet.

74

75 **ZONING ADMINISTRATOR REPORT**

76 Ron VanZee presented a Zoning Administrator report. Full report is available at the
77 Township Hall.

78

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

80

81 **ZONING BOARD OF APPEALS UPDATE AND CORRESPONDENCE:**

82 Ms. Baranski made a motion, supported by Mr. Kuebler to appoint Janice Whipple as an
83 alternate on the ZBA to a 3-year term expiring 3/15/2025.

84 Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

85 Excused: Julie Collard

86 Nays: None **Motion Carried**

87

88 Supervisor VanZee asked the board if the written charges warranted a public hearing. Board
89 of Trustee's Review the Written charges with no motion to proceed.

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CHARLEVOIX COUNTY MILLAGE GRANT RESOLUTION:

**Application Resolution
Resolution NO.03142022**

WHEREAS, Julie Collard, Treasurer and of Hayes Township has the authority to construct, operate, and maintain the Hayes Township Bayside Park walkway access to Lake Michigan; and **WHEREAS**, Julie Collard is requesting a \$9,500 appropriation from the Charlevoix County Board of Commissioners; and

WHEREAS, Julie Collard desires to enhance, provide, or create the Hayes Township Bayside Park walkway access to Lake Michigan to meet the needs of users in Charlevoix County;

THEREFORE BE IT RESOLVED by Hayes Township that, pursuant and subject to all of the terms and provisions of the Charlevoix County Parks millage, application to be made to the Charlevoix County Board of Commissioners for funding; and

BE IT FURTHER RESOLVED that Julie Collard of Hayes Township is hereby authorized and directed to cause the necessary data to be prepared and application to be signed and filled with the County of Charlevoix; Mr. Kuebler made a motion, supported by Mr. Cunningham, to adopt Resolution NO. 03142022.

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

Excused: Julie Collard

Nays: None **Motion Carried**

LAKE CHARLEVOIX EMS ARPA FUNDS:

Ms. Baranski made a motion, supported by Mr. Kuebler, to approve the invoice from Ironwood Construction Company in the amount of \$9100.30; paid out of the ARPA fund and reimbursement from Lake Charlevoix upon approval of the loan.

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

Excused: Julie Collard

Nays: None **Motion Carried**

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129

130 **MAY 3RD ELECTION WORKERS:**

131 Mr. Kuebler made a motion, supported by Ms. Baranski, to approve the election workers for
132 the May 3rd, 2022, election.

133 Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

134 Excused: Julie Collard

135 Nays: None **Motion Carried**

136

137 **PUBLIC COMMENTS:** Public comments opened at 7:46 pm.

138 Comments included:

- 139 • Disappointment in the board's decision to not hold a Public Hearing on the written
- 140 charges against four ZBA members.
- 141 • Disappointment the correspondences were read at the last public comment;
- 142 Supervisor responded, each board member had the correspondence to read through
- 143 before making decisions on agenda items.
- 144 • Correspondences read into record at meeting attached to minutes

145 Public comments closed at 7:56 p.m.

146

147 **ADJOURNMENT:** Mr. Kuebler made a motion, supported by Mr. Cunningham, to adjourn at
148 7:56 p.m.

149 Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

150 Excused: Julie Collard

151 Nays: None **Motion Carried**

152

153 Respectfully Submitted,

154 April Hilton

155 Hayes Township Deputy Clerk/Recording Secretary

March 2022 Treasurer Report

(As of March 5, 2022)

Charlevoix State Bank

1. General Fund-\$533,360.00
(\$323,360.00 available, \$210,000 Restricted Reserve)
2. Tax Account-\$46,936.64 (restricted Treasury Funds)
3. Township Warrant Checking-\$41,026.24
4. Pantry-\$2,138.94
4. ARPA (restricted funds)-\$91,651.64

Forefront

4. Metro Account Revenue Sharing-\$58,585.76
5. Prime Share Account-\$134.51

Horizon Bank

6. Road Fund (RESTRICTED FUNDS)-\$464,322.47

Type	Name	Memo	Amount
101 Char. State Bank Check 2643			
Check	US BANK	COPIER	-310.79
Check	VISA	CRASHPLAN,ZOOM,SUPPLIES,PARK, FOOD BANK	-670.56
Check	CHARLEVOIX COUNTY EQUALIZATIO	ASSESSMENT LETTERS/TAX ROLL	-1,132.99
Check	GREAT LAKES ENERGY	HALL/FIRE BARN/UNDINE/STREET LIGHTS/PARK	-656.07
Check	CHARTER COMMUNICATIONS	MODEM CHARGES/TELEPHONE	-92.45
Check	B & G ENTERPRISES	PLOWING FEBRUARY	-320.00
Check	CHARLEVOIX COUNTY EQUALIZATIO	ASSESSMENT NOTICES REVISION	-50.00
Check	BOYNE COUNTRY PROPANE	PROPANE HALL/FIRE BARN	-797.60
Check	PARKER HARVEY LAW	GENERAL MATTERS/ZBA/KOZMA	-3,021.00
Check	GATEHOUSE MEDIA	NEWS REVIEW YEARLY	-239.20
Check	QUILL	OFFICE SUPPLIES	-175.22
Check	QUADIENT	QUARTERLY RENTAL	-132.73
Check	QUADIENT	POSTAGE	-46.62
Check	UP NORTH FLAGS AND POLES	TOWNSHIP FLAGS	-142.00
Paycheck	LESLIE CUNNINGHAM	03/01/2022-03/31/2022	-44.04
Paycheck	PAUL ZARDUS	03/01/2022-03/31/2022	-44.04
Paycheck	TOM DARNTON	03/01/2022-03/31/2022	-46.18
Check	IRS	38-2352841	-2,850.84
Check	STATE OF MICHIGAN	38-2352841	-472.01
Paycheck	ALISA ABINEY	03/01/2022-03/31/2022	-2,160.07
Paycheck	JERRY SIMPSON	03/01/2022-03/31/2022	-417.85
Paycheck	APRIL HILTON	03/01/2022-03/31/2022	-896.42
Paycheck	OMAR FELICIANO	03/01/2022-03/31/2022	-257.66
Paycheck	LAURA WHITE	03/01/2022-03/31/2022	-44.05
Paycheck	GREG DENZINGER	03/01/2022-03/31/2022	-245.80
Paycheck	JAMES RUDOLPH	03/01/2022-03/31/2022	-234.00
Paycheck	BECKY STAUFFER	03/01/2022-03/31/2022	-44.05
Paycheck	GREG STAUFFER	03/01/2022-03/31/2022	-44.05
Paycheck	JULIE COLLARD	03/16/2022-04/15/2022	-1,949.23
Paycheck	RON VAN ZEE	03/16/2022-04/15/2022	-3,399.05
Paycheck	KRISTIN BARANSKI	03/16/2022-04/15/2022	-2,213.07
Paycheck	DOUG KUEBLER	03/16/2022-04/15/2022	-300.14

Type	Name	Memo	Amount
Paycheck	MATTHEW B. CUNNINGHAM	03/16/2022-04/15/2022	-286.33
Total 101 Char. State Bank Check 2643			-23,736.11
TOTAL			-23,736.11

HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
APRIL 2022

Issued zoning permits for two storage units approved through special use permit on North Star Drive.

Denied zoning permit application on Boyne City Road. Working with applicant to prepare documents for Zoning Board of Appeals. Received application for variance and working with ZBA Chair and Clerk to schedule hearing.

Continue working with architects on a proposed family complex on Boyne City Road next to Hayes Township Park.

Received application for residential addition on Woods Creek Drive. Waiting for Soil Erosion permit and Shoreland Review.

Working with contractors and architects for two additional future projects on Wood Creek Drive.

Working with Developer on proposed 80 unit Foster Care Facility. Developer has purchased the property at Boyne City road and US 31N.

Working with Developer on proposed camp ground/cabin development.

Working with new property owners proposing rustic campground.

Working with Developer on proposed multi-family development.

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 approved waiting for ownership documents.

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



Township Meeting Options under the Open Meetings Act as of January 1, 2022

Beginning January 1, 2022, a **member of a public body** can participate electronically in a meeting **ONLY** if that member is absent due to military duty.

This is because the **participation of a member of a public body** (township board, planning commission, zoning board of appeals, board of review, election commission, etc.) is governed by the Open Meetings Act, which requires all members of a public body to be physically present at a meeting to be able to count toward a quorum, participate in discussion, "deliberate" or vote, unless they fall under the military duty exception. A previous, temporary exception allowing remote meetings or participation by members of a public body, due to the COVID-19 pandemic, has expired and is no longer lawful.

Meetings of a Public Body Must be Held in Person Now:

- All meetings of a township public body must be held physically, in person.
- If a township public body wants to ALSO provide public electronic access to some or all of its meetings, it may do so.
- A township public body must provide electronic access for a member of that public body to a meeting that is otherwise held in person **if that member is absent due to participation in the military.**

Member of a Public Body at a Meeting of that Public Body:

- The only way a **member of a public body** can participate (speak at all) in a meeting by electronic means is if that member of the public body is absent from the physical meeting **due to their participation in the military**. There are **NO other options** for a member of a public body to participate in (speak at) a meeting by electronic means.
- All public bodies must "establish the following procedures to accommodate the absence of **any member of the public body due to military duty** [*as the statute must be read now, this is the only option*]:
 - Procedures by which the absent member may participate in, and vote on, business before the public body, including, but not limited to, procedures that provide for both of the following:
 - Two-way communication.
 - For each member of the public body attending the meeting remotely, a public announcement at the outset of the meeting by that member, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. [A

member participating remotely due to military duty is NOT required to further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.]

- Procedures by which the public is provided notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting of the public body to provide input on any business that will come before the public body. (MCL 15.263)
- Because MCL 15.263 has required all public bodies to establish procedures to accommodate a member who is absent due to military duty, there would be no reason to deny access to a member who is absent due to military duty. Even though the statute does not specifically say such a member must be accommodated, we believe that is the Legislature's intent.
- Prior to COVID, and now, we do believe that a **member of a public body** who is **present at a physical, in-person meeting** of that public body, may leave the head table and go into the audience to **speak during public comment** (which is a political free speech opportunity), even on board business. Although not typical, because board members should be recognized to speak at appropriate points in the meeting agenda, occasionally a board member may wish to take this approach. But it does not change their ability to interact, because is it still lawfully "deliberating toward" board business with a quorum because they are still physically present in a meeting of their public body held in compliance with the OMA.
- But if a member of a public body is NOT physically present and is NOT absent due to participation in the military, then the provisions of the OMA that govern electronic access to meetings apply and that member **cannot participate in (speak at) the electronic meeting at all**. This is because the OMA prohibits any member of a public body from participating a meeting of their public body via electronic means if they are NOT absent due to military participation.

Anyone Else Attending a Meeting of a Public Body:

The OMA's provisions for and restrictions on electronic participation in a meeting of a public body affect the members of the public body. However, there is no limit in the OMA on providing **electronic public access to persons other than members of the public body**. This means that a public body could choose to provide electronic access to the **public**, and/or to **township staff or consultants or other participants**.

A public body is not required to provide electronic access to the public or others (township attorney, other consultants, staff) BUT a public body may decide to provide electronic access at different levels to the public and others who are not members of the public body. So, a public body could have the township attorney, or manager, or department head, recording secretary, etc., "Zoom in" to participate on the agenda.

The Open Meetings Act also provides that every meeting of public body must include one opportunity for **public comment**. And if a public body is holding a **public hearing**, the hearing must be conducted as an agenda item within a properly scheduled and noticed regular or special meeting of that public body.

The OMA does **not** limit the ability of **the public to participate electronically**, during a public comment period or on the record during a public hearing **IF** the public body chooses to provide electronic meeting access to the public AND the public body has authorized electronic participation for public comment and/or public hearing purposes.

MTA believes that **providing electronic meeting access to the public**, including participating in public comment or on the record in a public hearing, is one way to provide public access, input and transparency.

Note that no law currently requires a township public body to provide electronic meeting access to the public. The public is not legally entitled to be able to access a meeting of a public body via electronic means. If a meeting of a public body is being held physically, without any electronic access, the public body is not required to provide electronic access because a member of the public has asked them to. Even if a township board, for example, is accommodating the absence of a member due to their participation in the military to enable them to “Zoom in” to a board meeting, that does not mean the board is required to allow anyone or everyone else to do so, but it is also not prohibited by the OMA’s restrictions on the members of the public body. Also note that there is no mandated level of quality or utility for “electronic” meeting access.

But, if a public body does choose to provide electronic meeting access for the public, that may encourage the public to attend and participate electronically, reducing some health concerns from having a large gathering. Note that all participants must be able to hear and be heard by a member of the board absent due to military participation and any member of the public participating electronically, in both the in-person and the electronic meeting spaces, so some form of microphone and speaker system must be provided in the in-person meeting space.

The OMA prohibits turning any person away from an in-person meeting, including turning them away to require them to use electronic access (or for not wearing a mask), so even if a township does provide electronic access and/or participation to the public, it cannot turn anyone away from an in-person meeting unless that person is actually disrupting that meeting. But having electronic access and participation as an option might encourage more people to participate remotely.



February 1, 2022

Ms. Julie Collard - Treasurer
Hayes Township
09195 Old US 31 North
Charlevoix, MI 49720

Dear Julie,

We are in the process of finalizing our cleanup dates for the upcoming 2022 season.

The scheduled date for Hayes Township curbside clean-up will be:

June 18, 2022 from 7.00 a.m. until 11.00 a.m

The billing rates for 2022 will be as follows:

MSW – (Trash) will be: \$71.00 per compacted yard.

Fuel Surcharge: A fuel surcharge will be assessed if the price of Diesel exceeds over \$ 3.50 per gallon as determined by the US Department of Energy Website Weekly Midwest (PADD 2) Diesel Prices.

Thank You for the opportunity in providing these services for you, as we are looking forward to the upcoming 2022 season.

If you have any questions, please contact me at the office at 231-943-8088.

Regards,

Mark Bevelhimer
Regional Vice President – Northern Michigan

Josh Tracey
General Manager I

We the undersign officials would like to confirm and accept this proposal as noted above.

X_____ X_____

Date Accepted_____

CHARLEVOIX COUNTY ROAD COMMISSION

ENGINEERS ESTIMATE

DATE March 30, 2022	LOCATION Bay Shore Streets - South of U.S.-31
TOWNSHIP HAYES	LENGTH 0.42-Miles (2,219-FT)
PREPARED BY James G. Vanek, Staff Engineer	TYPE OF WORK Bituminous Paving and Gravel Shoulders

WORK ITEM	ESTIMATED QUANTITY	UNIT	UNIT PRICE	AMOUNT
Tree Removal, 6-Inch to 19-Inch DIA.	18	EACH	\$ 450.00	\$ 8,100.00
Trenching	22.19	STA	\$ 100.00	\$ 2,219.00
22A Aggregate	1,275	TON	\$ 20.00	\$ 25,500.00
HMA Crush & Shape	6,904	SYD	\$ 1.65	\$ 11,391.60
4E1, Mod. Bituminous Pavement	450	TON	\$ 85.00	\$ 38,250.00
5E1, Mod. Bituminous Pavement	485	TON	\$ 90.00	\$ 43,650.00
Driveway Restoration				
1. Asphalt	7	EACH	\$ 250.00	\$ 1,750.00
2. Concrete	25	SYD	\$ 75.00	\$ 1,875.00
23A Shoulders	235	TON	\$ 28.00	\$ 6,580.00
Restoration	4,931	SYD	\$ 3.50	\$ 17,258.50
Mobilization/Traffic Control	1	LSUM	\$ 15,000.00	\$ 15,000.00

SUBTOTAL \$ 163,474.10

CONTINGENCIES \$ 5,000.00

ESTIMATED PROJECT COST \$ 168,474.10

Date: April 11, 2022

To: Ron Van Zee, Supervisor and Zoning Administrator, Kristin Baranski, Clerk, and Board of Trustees, Hayes Township, and to Roy Griffiths, Chair, and Members of the Hayes Township Planning Commission

From: Bill Henne, Hayes Township resident

Subject: Zoning Administrator and Planning Commission Chair

Kristin, please distribute this letter to all individuals indicated above and include it in the minutes of tonight's regular meeting. Please read it in the comments portion of the meeting.

As a citizen of Hayes Township, I am outraged that you have caused our township to be sued on March 29, 2022, in Circuit Court for the third time in less than a year. The suit is based on documentation obtained from the township with the Freedom of Information Act. It alleges illegal activity with regard to the position of Roy Griffiths on the Planning Commission (PC) and on the Zoning Board of Appeals (ZBA) and with the involvement of Ron Van Zee in these activities.

For the past several months, some citizens have pointed out to you serious problems in the conduct of Ron and Roy in the function of the PC and ZBA. These two individuals have shown a lack of respect for the Hayes Township Zoning Ordinance by violating its rules in both spirit and intent, and by attempting to destroy it by replacing it with a new ordinance that would offer far less protection for our lakes and streams and the aesthetic quality of our township.

It is my opinion as a former chair of both the PC and ZBA that both Ron and Roy have abused their power in their official positions to the point of misfeasance, malfeasance and nonfeasance.

I demand that Ron resign as Zoning Administrator tonight and post the position. I also demand that Roy immediately resign from the PC. I want this issue placed on the agenda tonight for discussion and action. Hayes Township residents deserve to have ethical people in office.



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Fwd: Tonight's meeting

1 message

kristin baranski <deputyclerkhayes@gmail.com>
To: Kristin Clerk Email <clerk@hayestownshipmi.gov>

Mon, Apr 11, 2022 at 4:59 PM

Sent from my iPhone

Begin forwarded message:

From: Ed Bajos <edbajos@gmail.com>
Date: April 11, 2022 at 1:00:48 PM EDT
To: kristin baranski <deputyclerkhayes@gmail.com>
Subject: Tonight's meeting

Hi Kristin,

I am not able to make the meeting tonight, but I would like to have my support for Roy Griffiths entered into the minutes.

I have been on the Planning Commission for many years and many chairpersons, Mr. Griffiths is the most organized when it comes to running the meetings. He truly cares about the township and getting the Zoning Ordinance updated so it is fair for all.

Thank you,
Ed Bajos



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Zoning and Planning Commissioners

1 message

Jean Young <pjmgyoung@gmail.com>

Mon, Apr 11, 2022 at 1:56 AM

To: clerk@hayestownshipmi.gov

I have owned property and lived in Hayes Township since 2006.

I disagree with appointing Roy Griffiths as a commissioner to Hayes Township Planning and Zoning. Our Township is struggling with various issues. Mr Griffiths is a controversial choice for the position at a time when we need consensus building and trust.

Respectfully,
Jean Young
6099 Chatlevoix Rd
Hayes Township

Roy Griffiths

I have been a member of the Hayes Township Planning Commission since February 2021. I have not been party to any votes, approvals or decisions regarding the proposed Law development within Hayes Township, but I have been updated personally by both Roy Griffiths and Ron Van Zee on the background to the controversial development.

The latest attack against Roy Griffiths and lawsuit against the Township for failure to remove him because of alleged violations of state statutes is unfortunate.

In my dealings with Roy Griffiths, he has been clear, forthright and patient in explaining ordinance language to a newbie like me for whom much of the ordinance seems to be written in a foreign language.

Roy has been untiring in his ambition to develop for Hayes Township a clearer, fairer and more forward-looking zoning ordinance to replace that which is in place today. It may well be that he underestimated the enormity of the challenge of the ordinance rewrite - despite the assistance of other planning commissioners more experienced than me, the progress in developing the new texts has been painfully slow. We are now tacking sections of the new ordinance one by one, before reassembling it, eliminating inconsistencies and contradictions, into one coherent whole. Critics, such as those party to the new lawsuit, have seized upon this approach (as well as the slow progress) as evidence of obfuscation, conspiracy and all manner of malfeasance, none of which I have ever witnessed or known.

The alleged violations of the state statutes by Roy and/or the Township appear to me to be oversights or occurred through procedural shortcomings. I do not believe that they represent any pattern of legal transgression by either, but only Roy himself, and Ron Van Zee would know whether Roy's appointment as a Deputy Township Supervisor was known to be a violation or violations of State statutes at the time it was made. Nonetheless, the Township should review its appointment processes or procedures to ensure that a similar error is not made in the future.

If there is one specific improvement I would recommend it is that communications from Hayes Township, from the Planning Commission and from Roy Griffiths (as the Planning Commission Chairman in particular) are more timely and more clear. The Township has missed multiple opportunities to articulate its position (at those times not constrained by legal considerations). If one abdicates from a discussion, you can no longer define the argument nor can you complain about how you are being represented in that discussion.

There have been occasions when Roy's chairing of Planning Commission meetings has been (in my opinion) unnecessarily gruff and short-tempered but these have coincided with the personal attacks being leveled at him by the plaintiffs and plaintiffs' associates at those meetings. I have observed a more level-headed approach at more recent meetings.

Lastly, a recent change in the agenda structure of Planning Commission meetings allows for PC members to comment (should they wish to do so) after Public Comments have concluded. In the past I have been troubled by continual PC meetings where we were the target of multiple criticisms and denunciations from the floor but did nothing to respond. Now we are allowed to do so (within the constraints presented by legal issues), making this change an important improvement.

Rex Greenslade

April 1, 2022

April 11, 2022

As a resident, former Planning Commission Chairperson and Planning Commission member in Hayes Township: I fully support Roy Griffiths to be on the Planning Commission.

I watched Roy attend meetings dutifully when he was not a member of the Planning Commission. It is rare that someone attends meetings just because.

Roy is a valuable member of a diverse cross section of residents in the township on the Planning Commission. He deserves to serve the Township again if he so desires.

Sincerely,

Robert J. Jess

AGENDA

HAYES TOWNSHIP BOARD OF TRUSTEES

7:00p.m. April 11, 2022

Hayes Township Hall

9195 Major Douglas Sloan, Charlevoix, MI 49720

Join Zoom Meeting

<https://us02web.zoom.us/j/86768376262?pwd=UnBXVjNiUXpDM0U5Y3NJOEtUa1BsQT09>

Meeting ID: 867 6837 6262 , Passcode: 099580, +1 929 205 6099 US

1. Call to Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Public Comments
5. Approval of Regular Meeting Minutes of March 15th, 2022
6. Treasurers Report
7. Clerks Report: Approval of Warrants
8. Reports: County Commissioner, Zoning Administrator, Planning Commission,
Zoning Board of Appeals, Parks and Recreation, Trustee's, and Supervisor Reports.

NEW BUSINESS

9. MTA Electronic Meetings
10. Spring Clean Up Contract
11. Bayshore Road Engineers Estimate
12. Planning Commission Appointments

ADJOURN MEETING

Welcome to Hayes Township Board of Trustees Meeting. We are glad you could join us as we discuss the future of our Township as well as attend to the day to day obligations.

1. The agenda is typically prepared in advance of the meeting so that the board and the public have an opportunity to prepare for our meeting. There may other issues that arise between when it is prepared and meeting time, we may make amendments or adopt as presented.
2. Public Comment is a time when the public may speak on any subject concerning the township.
3. The first real order of business prior to beginning new business is to approve the minutes of the previous meeting. This allows the board to correct any errors and provide an accurate record of that meeting.
4. Approval of warrants: The Board of Trustees is responsible as a whole to ensure that your tax dollars are spent wisely and that expenditures are accurate and properly accounted for. Each member of the board is equally responsible. The Clerk or Deputy Clerk prepare and sign checks for invoices submitted. The Treasurer reviews all invoices against the checks to again check for accuracy. After the warrants are approved by the board, the Treasurer signs and disburses the checks to each vendor.

The next few items on the agenda are the reports from different aspects of the Township and the County. By hearing those reports ahead of new business, it allows the board to have a better understanding of the township as a whole preparing them for better decisions.

To best facilitate a hybrid meeting (in person as well as ZOOM) for the public, please adhere to the following guidelines:

In person attendance

1. Doors to the hall will open at 6:45 pm
2. Please voluntarily provide a name for the record
3. Please hold all comments until the appropriate designated public comment agenda item
4. To maintain an orderly meeting while providing opportunity for the public to be heard, Planning Commission Chairman will call names in appropriate order
5. We ask that you voluntarily state your name for the record
6. Direct all comments to the planning commission
7. Keep comments brief and to the point (3 minutes per person); deputy clerk will advise when time is up
8. Do not speak while others are speaking
9. Minutes may not be yielded to other speakers.

Via ZOOM attendance

1. Upon signing into the meeting, please voluntarily provide a name for the record
2. All ZOOM participants will be admitted from the waiting room prior to the start of the meeting
3. All ZOOM participants will remain muted until called on during the appropriate designated public comment agenda item
4. Please raise your hand to be called on during public comments
5. Direct all comments to the planning commission
6. Keep comments brief and to the point (3 minutes per person); participant will be muted at 3 minutes
7. Minutes may not be yielded to other speakers.

Hayes Township, Charlevoix County
Board of Trustees
March 15, 2022 7:00 pm
Hayes Township Hall
09195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
ZOOM Meeting ID: 878 1510 5199

The March 15th, 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), Doug Kuebler (Trustee), Kristin
Baranski (Clerk), April Hilton (Deputy Clerk/Recording Secretary), Ron VanZee (Supervisor)
Excused: Julie Collard (Treasurer)
Audience Members signed in: Luanne Kozma, Ellis Boal, Bob Adams, Bud Pope, Paul
Hoadley, Bob Jess, Betty Henne, Tim Boyko, Rod Slocum, and Doug McCombs.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

REVIEWED & APPROVED AGENDA

Ms. Baranski made a motion, supported by Mr. Kuebler, to approve the agenda as amended.
Yays: Matt Cunningham, Doug Kuebler, Kristin Baranski, Ron VanZee
Excused: Julie Collard
Nays: None Motion Carried

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS

Public comment opened and closed at 7:01.

Comments included:

- Ellis Boal made a statement that he does not see the point in standing for the Pledge of Allegiance of the United States. Also requested the Township to reopen office hours to the public without appointments needed.
- A statement reading from the Zoning Ordinance section 8.01 that states the Board Of Trustee's appoint members to the ZBA. Also, an opinion stated that the board should consider removing Roy Griffitts from the Planning Commission and Zoning Board of Appeals.

Hayes Township, Charlevoix County
Board of Trustees
March 15, 2022 7:00 pm
Hayes Township Hall
09195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
ZOOM Meeting ID: 878 1510 5199

- County Commissioner, Robert Jess wanted to thank the township for their involvement in the Pool Authority and their effort to stand up for the residents of Hayes Township.

Closed at 7:09

Board of Trustees Comment:

- Clerk stated the documents copied from the Township By-laws record are not signed and there is no record of being adopted.
- Supervisor clarified the representatives on the Board of Trustees from Planning Commission and ZBA have been selected by the respective board for the last 35 years.

APPROVAL OF FEBRUARY 14TH, 2022 BOT MINUTES

Mr. Kuebler made a motion, supported by Mr. Cunningham to approve the February 14th, 2022 Board of Trustees minutes as presented.

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

Excused: Julie Collard

Nays: None **Motion Carried**

TREASURERS REPORT

Ms. Collard presented a written report reporting all Hayes Township account balances. Treasurer report is available at Hayes Township Hall.

CLERKS REPORT: APPROVAL OF WARRANTS

Clerk, Ms. Baranski, presented the warrants in the amount of \$26,462.45.

Mr. Kuebler made a motion, supported by Ms. Baranski, to approve Township warrants in the amount of \$26,462.45. A roll call was taken.

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

Excused: Julie Collard

Nays: None **Motion Carried**

COUNTY COMMISSIONER REPORT

Mr. Jess presented the county commissioner report.

Hayes Township, Charlevoix County
Board of Trustees
March 15, 2022 7:00 pm
Hayes Township Hall
09195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
ZOOM Meeting ID: 878 1510 5199

64

65 **PARKS AND REC. REPORT**

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

67

68 **PLANNING COMMISSION**

69 Mr. Cunningham presented the Planning Commission Report. The next Planning
70 Commission meeting is April 19th, 2022.

71

72 **ZONING BOARD OF APPEALS**

73 Zoning board of appeals did not meet.

74

75 **ZONING ADMINISTRATOR REPORT**

76 Ron VanZee presented a Zoning Administrator report. Full report is available at the
77 Township Hall.

78

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

80

81 **ZONING BOARD OF APPEALS UPDATE AND CORRESPONDENCE:**

82 Ms. Baranski made a motion, supported by Mr. Kuebler to appoint Janice Whipple as an
83 alternate on the ZBA to a 3-year term expiring 3/15/2025.

84 Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

85 Excused: Julie Collard

86 Nays: None **Motion Carried**

87

88 Supervisor VanZee asked the board if the written charges warranted a public hearing. Board
89 of Trustee's Review the Written charges with no motion to proceed.

90

91

92

93

94

95

Hayes Township, Charlevoix County
Board of Trustees
March 15, 2022 7:00 pm
Hayes Township Hall
09195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
ZOOM Meeting ID: 878 1510 5199

CHARLEVOIX COUNTY MILLAGE GRANT RESOLUTION:

**Application Resolution
Resolution NO.03142022**

WHEREAS, Julie Collard, Treasurer and of Hayes Township has the authority to construct, operate, and maintain the Hayes Township Bayside Park walkway access to Lake Michigan; and **WHEREAS**, Julie Collard is requesting a \$9,500 appropriation from the Charlevoix County Board of Commissioners; and

WHEREAS, Julie Collard desires to enhance, provide, or create the Hayes Township Bayside Park walkway access to Lake Michigan to meet the needs of users in Charlevoix County;

THEREFORE BE IT RESOLVED by Hayes Township that, pursuant and subject to all of the terms and provisions of the Charlevoix County Parks millage, application to be made to the Charlevoix County Board of Commissioners for funding; and

BE IT FURTHER RESOLVED that Julie Collard of Hayes Township is hereby authorized and directed to cause the necessary data to be prepared and and application to be signed and filled with the County of Charlevoix;

Mr. Kuebler made a motion, supported by Mr. Cunningham, to adopt Resolution NO. 03142022.

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

Excused: Julie Collard

Nays: None **Motion Carried**

LAKE CHARLEVOIX EMS ARPA FUNDS:

Ms. Baranski made a motion, supported by Mr. Kuebler, to approve the invoice from Ironwood Construction Company in the amount of \$9100.30; paid out of the ARPA fund and reimbursement from Lake Charlevoix upon approval of the loan.

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

Excused: Julie Collard

Nays: None **Motion Carried**

Hayes Township, Charlevoix County
Board of Trustees
March 15, 2022 7:00 pm
Hayes Township Hall
09195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
ZOOM Meeting ID: 878 1510 5199

129

130 **MAY 3RD ELECTION WORKERS:**

131 Mr. Kuebler made a motion, supported by Ms. Baranski, to approve the election workers for
132 the May 3rd, 2022, election.

133 Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

134 Excused: Julie Collard

135 Nays: None **Motion Carried**

136

137 **PUBLIC COMMENTS:** Public comments opened at 7:46 pm.

138 Comments included:

- 139 • Disappointment in the board's decision to not hold a Public Hearing on the written
140 charges against four ZBA members.
- 141 • Disappointment the correspondences were read at the last public comment;
142 Supervisor responded, each board member had the correspondence to read through
143 before making decisions on agenda items.
- 144 • Correspondences read into record at meeting attached to minutes

145 Public comments closed at 7:56 p.m.

146

147 **ADJOURNMENT:** Mr. Kuebler made a motion, supported by Mr. Cunningham, to adjourn at
148 7:56 p.m.

149 Yeas: Matt Cunningham, Ron VanZee, Kristin Baranski, Doug Kuebler

150 Excused: Julie Collard

151 Nays: None **Motion Carried**

152

153 Respectfully Submitted,

154 April Hilton

155 Hayes Township Deputy Clerk/Recording Secretary

March 2022 Treasurer Report

(As of March 5, 2022)

Charlevoix State Bank

1. General Fund-\$533,360.00
(\$323,360.00 available, \$210,000 Restricted Reserve)
2. Tax Account-\$46,936.64 (restricted Treasury Funds)
3. Township Warrant Checking-\$41,026.24
4. Pantry-\$2,138.94
4. ARPA (restricted funds)-\$91,651.64

Forefront

4. Metro Account Revenue Sharing-\$58,585.76
5. Prime Share Account-\$134.51

Horizon Bank

6. Road Fund (RESTRICTED FUNDS)-\$464,322.47

Type	Name	Memo	Amount
101 Char. State Bank Check 2643			
Check	US BANK	COPIER	-310.79
Check	VISA	CRASHPLAN,ZOOM,SUPPLIES,PARK, FOOD BANK	-670.56
Check	CHARLEVOIX COUNTY EQUALIZATIO	ASSESSMENT LETTERS/TAX ROLL	-1,132.99
Check	GREAT LAKES ENERGY	HALL/FIRE BARN/UNDINE/STREET LIGHTS/PARK	-656.07
Check	CHARTER COMMUNICATIONS	MODEM CHARGES/TELEPHONE	-92.45
Check	B & G ENTERPRISES	PLOWING FEBRUARY	-320.00
Check	CHARLEVOIX COUNTY EQUALIZATIO	ASSESSMENT NOTICES REVISION	-50.00
Check	BOYNE COUNTRY PROPANE	PROPANE HALL/FIRE BARN	-797.60
Check	PARKER HARVEY LAW	GENERAL MATTERS/ZBA/KOZMA	-3,021.00
Check	GATEHOUSE MEDIA	NEWS REVIEW YEARLY	-239.20
Check	QUILL	OFFICE SUPPLIES	-175.22
Check	QUADIENT	QUARTERLY RENTAL	-132.73
Check	QUADIENT	POSTAGE	-46.62
Check	UP NORTH FLAGS AND POLES	TOWNSHIP FLAGS	-142.00
Paycheck	LESLIE CUNNINGHAM	03/01/2022-03/31/2022	-44.04
Paycheck	PAUL ZARDUS	03/01/2022-03/31/2022	-44.04
Paycheck	TOM DARNTON	03/01/2022-03/31/2022	-46.18
Check	IRS	38-2352841	-2,850.84
Check	STATE OF MICHIGAN	38-2352841	-472.01
Paycheck	ALISA ABINEY	03/01/2022-03/31/2022	-2,160.07
Paycheck	JERRY SIMPSON	03/01/2022-03/31/2022	-417.85
Paycheck	APRIL HILTON	03/01/2022-03/31/2022	-896.42
Paycheck	OMAR FELICIANO	03/01/2022-03/31/2022	-257.66
Paycheck	LAURA WHITE	03/01/2022-03/31/2022	-44.05
Paycheck	GREG DENZINGER	03/01/2022-03/31/2022	-245.80
Paycheck	JAMES RUDOLPH	03/01/2022-03/31/2022	-234.00
Paycheck	BECKY STAUFFER	03/01/2022-03/31/2022	-44.05
Paycheck	GREG STAUFFER	03/01/2022-03/31/2022	-44.05
Paycheck	JULIE COLLARD	03/16/2022-04/15/2022	-1,949.23
Paycheck	RON VAN ZEE	03/16/2022-04/15/2022	-3,399.05
Paycheck	KRISTIN BARANSKI	03/16/2022-04/15/2022	-2,213.07
Paycheck	DOUG KUEBLER	03/16/2022-04/15/2022	-300.14

Type	Name	Memo	Amount
Paycheck	MATTHEW B. CUNNINGHAM	03/16/2022-04/15/2022	-286.33
Total 101 Char. State Bank Check 2643			-23,736.11
TOTAL			-23,736.11

HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
APRIL 2022

Issued zoning permits for two storage units approved through special use permit on North Star Drive.

Denied zoning permit application on Boyne City Road. Working with applicant to prepare documents for Zoning Board of Appeals. Received application for variance and working with ZBA Chair and Clerk to schedule hearing.

Continue working with architects on a proposed family complex on Boyne City Road next to Hayes Township Park.

Received application for residential addition on Woods Creek Drive. Waiting for Soil Erosion permit and Shoreland Review.

Working with contractors and architects for two additional future projects on Wood Creek Drive.

Working with Developer on proposed 80 unit Foster Care Facility. Developer has purchased the property at Boyne City road and US 31N.

Working with Developer on proposed camp ground/cabin development.

Working with new property owners proposing rustic campground.

Working with Developer on proposed multi-family development.

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 approved waiting for ownership documents.

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



Township Meeting Options under the Open Meetings Act as of January 1, 2022

Beginning January 1, 2022, a **member of a public body** can participate electronically in a meeting **ONLY** if that member is absent due to military duty.

This is because the **participation of a member of a public body** (township board, planning commission, zoning board of appeals, board of review, election commission, etc.) is governed by the Open Meetings Act, which requires all members of a public body to be physically present at a meeting to be able to count toward a quorum, participate in discussion, “deliberate” or vote, unless they fall under the military duty exception. A previous, temporary exception allowing remote meetings or participation by members of a public body, due to the COVID-19 pandemic, has expired and is no longer lawful.

Meetings of a Public Body Must be Held in Person Now:

- All meetings of a township public body must be held physically, in person.
- If a township public body wants to ALSO provide public electronic access to some or all of its meetings, it may do so.
- A township public body must provide electronic access for a member of that public body to a meeting that is otherwise held in person **if that member is absent due to participation in the military.**

Member of a Public Body at a Meeting of that Public Body:

- The only way a **member of a public body** can participate (speak at all) in a meeting by electronic means is if that member of the public body is absent from the physical meeting **due to their participation in the military**. There are **NO other options** for a member of a public body to participate in (speak at) a meeting by electronic means.
- **All public bodies** must “establish the following procedures to accommodate the absence of **any member of the public body due to military duty** [*as the statute must be read now, this is the only option*]:
 - Procedures by which the absent member may participate in, and vote on, business before the public body, including, but not limited to, procedures that provide for both of the following:
 - Two-way communication.
 - For each member of the public body attending the meeting remotely, a public announcement at the outset of the meeting by that member, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. [A

member participating remotely due to military duty is NOT required to further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.]

- Procedures by which the public is provided notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting of the public body to provide input on any business that will come before the public body. (MCL 15.263)
- Because MCL 15.263 has required all public bodies to establish procedures to accommodate a member who is absent due to military duty, there would be no reason to deny access to a member who is absent due to military duty. Even though the statute does not specifically say such a member must be accommodated, we believe that is the Legislature's intent.
- Prior to COVID, and now, we do believe that a **member of a public body** who is **present at a physical, in-person meeting** of that public body, may leave the head table and go into the audience to **speak during public comment** (which is a political free speech opportunity), even on board business. Although not typical, because board members should be recognized to speak at appropriate points in the meeting agenda, occasionally a board member may wish to take this approach. But it does not change their ability to interact, because is it still lawfully "deliberating toward" board business with a quorum because they are still physically present in a meeting of their public body held in compliance with the OMA.
- **But** if a member of a public body is **NOT** physically present and is **NOT** absent due to participation in the military, then the provisions of the OMA that govern electronic access to meetings apply and that member **cannot participate in (speak at) the electronic meeting at all**. This is because the OMA prohibits any member of a public body from participating a meeting of their public body via electronic means if they are NOT absent due to military participation.

Anyone Else Attending a Meeting of a Public Body:

The OMA's provisions for and restrictions on electronic participation in a meeting of a public body affect the members of the public body. However, there is no limit in the OMA on providing **electronic public access to persons other than members of the public body**. This means that a public body could choose to provide electronic access to the **public**, and/or to **township staff or consultants or other participants**.

A public body is not required to provide electronic access to the public or others (township attorney, other consultants, staff) BUT a public body may decide to provide electronic access at different levels to the public and others who are not members of the public body. So, a public body could have the township attorney, or manager, or department head, recording secretary, etc., "Zoom in" to participate on the agenda.

The Open Meetings Act also provides that every meeting of public body must include one opportunity for **public comment**. And if a public body is holding a **public hearing**, the hearing must be conducted as an agenda item within a properly scheduled and noticed regular or special meeting of that public body.

The OMA does **not** limit the ability of **the public to participate electronically**, during a public comment period or on the record during a public hearing **IF** the public body chooses to provide electronic meeting access to the public AND the public body has authorized electronic participation for public comment and/or public hearing purposes.

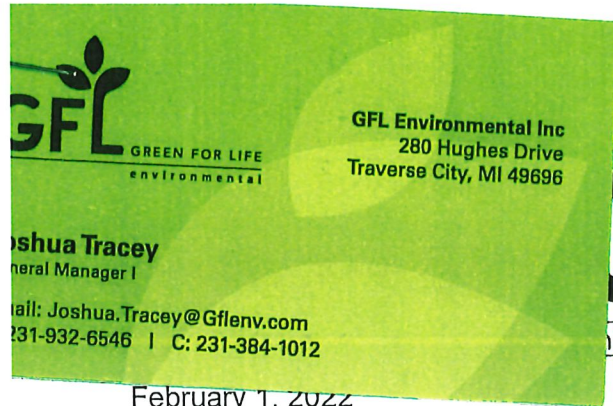
MTA believes that **providing electronic meeting access to the public**, including participating in public comment or on the record in a public hearing, is one way to provide public access, input and transparency.

Note that no law currently requires a township public body to provide electronic meeting access to the public.

The public is not legally entitled to be able to access a meeting of a public body via electronic means. If a meeting of a public body is being held physically, without any electronic access, the public body is not required to provide electronic access because a member of the public has asked them to. Even if a township board, for example, is accommodating the absence of a member due to their participation in the military to enable them to “Zoom in” to a board meeting, that does not mean the board is required to allow anyone or everyone else to do so, but it is also not prohibited by the OMA’s restrictions on the members of the public body. Also note that there is no mandated level of quality or utility for “electronic” meeting access.

But, if a public body does choose to provide electronic meeting access for the public, that may encourage the public to attend and participate electronically, reducing some health concerns from having a large gathering. Note that all participants must be able to hear and be heard by a member of the board absent due to military participation and any member of the public participating electronically, in both the in-person and the electronic meeting spaces, so some form of microphone and speaker system must be provided in the in-person meeting space.

The OMA prohibits turning any person away from an in-person meeting, including turning them away to require them to use electronic access (or for not wearing a mask), so even if a township does provide electronic access and/or participation to the public, it cannot turn anyone away from an in-person meeting unless that person is actually disrupting that meeting. But having electronic access and participation as an option might encourage more people to participate remotely.



February 1, 2022

Ms. Julie Collard - Treasurer
Hayes Township
09195 Old US 31 North
Charlevoix, MI 49720

Dear Julie,

We are in the process of finalizing our cleanup dates for the upcoming 2022 season.

The scheduled date for Hayes Township curbside clean-up will be:

June 18, 2022 from 7.00 a.m. until 11.00 a.m

The billing rates for 2022 will be as follows:

MSW – (Trash) will be: \$71.00 per compacted yard.

Fuel Surcharge: A fuel surcharge will be assessed if the price of Diesel exceeds over \$ 3.50 per gallon as determined by the US Department of Energy Website Weekly Midwest (PADD 2) Diesel Prices.

Thank You for the opportunity in providing these services for you, as we are looking forward to the upcoming 2022 season.

If you have any questions, please contact me at the office at 231-943-8088.

Regards,

Mark Beyelhymer
Regional Vice President – Northern Michigan

Josh Tracey
General Manager I

We the undersign officials would like to confirm and accept this proposal as noted above.

X_____ X_____

Date Accepted_____

CHARLEVOIX COUNTY ROAD COMMISSION

ENGINEERS ESTIMATE

DATE March 30, 2022	LOCATION Bay Shore Streets - South of U.S.-31
TOWNSHIP HAYES	LENGTH 0.42-Miles (2,219-FT)
PREPARED BY James G. Vanek, Staff Engineer	TYPE OF WORK Bituminous Paving and Gravel Shoulders

WORK ITEM	ESTIMATED QUANTITY	UNIT	UNIT PRICE	AMOUNT
Tree Removal, 6-Inch to 19-Inch DIA.	18	EACH	\$ 450.00	\$ 8,100.00
Trenching	22.19	STA	\$ 100.00	\$ 2,219.00
22A Aggregate	1,275	TON	\$ 20.00	\$ 25,500.00
HMA Crush & Shape	6,904	SYD	\$ 1.65	\$ 11,391.60
4E1, Mod. Bituminous Pavement	450	TON	\$ 85.00	\$ 38,250.00
5E1, Mod. Bituminous Pavement	485	TON	\$ 90.00	\$ 43,650.00
Driveway Restoration				
1. Asphalt	7	EACH	\$ 250.00	\$ 1,750.00
2. Concrete	25	SYD	\$ 75.00	\$ 1,875.00
23A Shoulders	235	TON	\$ 28.00	\$ 6,580.00
Restoration	4,931	SYD	\$ 3.50	\$ 17,258.50
Mobilization/Traffic Control	1	LSUM	\$ 15,000.00	\$ 15,000.00
			SUBTOTAL	\$ 163,474.10
			CONTINGENCIES	\$ 5,000.00
			ESTIMATED PROJECT COST	\$ 168,474.10

Date: April 11, 2022

To: Ron Van Zee, Supervisor and Zoning Administrator, Kristin Baranski, Clerk, and Board of Trustees, Hayes Township, and to Roy Griffiths, Chair, and Members of the Hayes Township Planning Commission

From: Bill Henne, Hayes Township resident

Subject: Zoning Administrator and Planning Commission Chair

Kristin, please distribute this letter to all individuals indicated above and include it in the minutes of tonight's regular meeting. Please read it in the comments portion of the meeting.

As a citizen of Hayes Township, I am outraged that you have caused our township to be sued on March 29, 2022, in Circuit Court for the third time in less than a year. The suit is based on documentation obtained from the township with the Freedom of Information Act. It alleges illegal activity with regard to the position of Roy Griffiths on the Planning Commission (PC) and on the Zoning Board of Appeals (ZBA) and with the involvement of Ron Van Zee in these activities.

For the past several months, some citizens have pointed out to you serious problems in the conduct of Ron and Roy in the function of the PC and ZBA. These two individuals have shown a lack of respect for the Hayes Township Zoning Ordinance by violating its rules in both spirit and intent, and by attempting to destroy it by replacing it with a new ordinance that would offer far less protection for our lakes and streams and the aesthetic quality of our township.

It is my opinion as a former chair of both the PC and ZBA that both Ron and Roy have abused their power in their official positions to the point of misfeasance, malfeasance and nonfeasance.

I demand that Ron resign as Zoning Administrator tonight and post the position. I also demand that Roy immediately resign from the PC. I want this issue placed on the agenda tonight for discussion and action. Hayes Township residents deserve to have ethical people in office.

Fwd: Tonight's meeting

1 message

kristin baranski <deputyclerkhayes@gmail.com>
To: Kristin Clerk Email <clerk@hayestownshipmi.gov>

Mon, Apr 11, 2022 at 4:59 PM

Sent from my iPhone

Begin forwarded message:

From: Ed Bajos <edbajos@gmail.com>
Date: April 11, 2022 at 1:00:48 PM EDT
To: kristin baranski <deputyclerkhayes@gmail.com>
Subject: Tonight's meeting

Hi Kristin,

I am not able to make the meeting tonight, but I would like to have my support for Roy Griffiths entered into the minutes.

I have been on the Planning Commission for many years and many chairpersons, Mr. Griffiths is the most organized when it comes to running the meetings. He truly cares about the township and getting the Zoning Ordinance updated so it is fair for all.

Thank you,
Ed Bajos



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Zoning and Planning Commissioners

1 message

Jean Young <pjmgyoung@gmail.com>

Mon, Apr 11, 2022 at 1:56 AM

To: clerk@hayestownshipmi.gov

I have owned property and lived in Hayes Township since 2006.

I disagree with appointing Roy Griffiths as a commissioner to Hayes Township Planning and Zoning. Our Township is struggling with various issues. Mr Griffiths is a controversial choice for the position at a time when we need consensus building and trust.

Respectfully,
Jean Young
6099 Chatlevoix Rd
Hayes Township

Roy Griffiths

I have been a member of the Hayes Township Planning Commission since February 2021. I have not been party to any votes, approvals or decisions regarding the proposed Law development within Hayes Township, but I have been updated personally by both Roy Griffiths and Ron Van Zee on the background to the controversial development.

The latest attack against Roy Griffiths and lawsuit against the Township for failure to remove him because of alleged violations of state statutes is unfortunate.

In my dealings with Roy Griffiths, he has been clear, forthright and patient in explaining ordinance language to a newbie like me for whom much of the ordinance seems to be written in a foreign language.

Roy has been untiring in his ambition to develop for Hayes Township a clearer, fairer and more forward-looking zoning ordinance to replace that which is in place today. It may well be that he underestimated the enormity of the challenge of the ordinance rewrite - despite the assistance of other planning commissioners more experienced than me, the progress in developing the new texts has been painfully slow. We are now tacking sections of the new ordinance one by one, before reassembling it, eliminating inconsistencies and contradictions, into one coherent whole. Critics, such as those party to the new lawsuit, have seized upon this approach (as well as the slow progress) as evidence of obfuscation, conspiracy and all manner of malfeasance, none of which I have ever witnessed or known.

The alleged violations of the state statutes by Roy and/or the Township appear to me to be oversights or occurred through procedural shortcomings. I do not believe that they represent any pattern of legal transgression by either, but only Roy himself, and Ron Van Zee would know whether Roy's appointment as a Deputy Township Supervisor was known to be a violation or violations of State statutes at the time it was made. Nonetheless, the Township should review its appointment processes or procedures to ensure that a similar error is not made in the future.

If there is one specific improvement I would recommend it is that communications from Hayes Township, from the Planning Commission and from Roy Griffiths (as the Planning Commission Chairman in particular) are more timely and more clear. The Township has missed multiple opportunities to articulate its position (at those times not constrained by legal considerations). If one abdicates from a discussion, you can no longer define the argument nor can you complain about how you are being represented in that discussion.

There have been occasions when Roy's chairing of Planning Commission meetings has been (in my opinion) unnecessarily gruff and short-tempered but these have coincided with the personal attacks being leveled at him by the plaintiffs and plaintiffs' associates at those meetings. I have observed a more level-headed approach at more recent meetings.

Lastly, a recent change in the agenda structure of Planning Commission meetings allows for PC members to comment (should they wish to do so) after Public Comments have concluded. In the past I have been troubled by continual PC meetings where we were the target of multiple criticisms and denunciations from the floor but did nothing to respond. Now we are allowed to do so (within the constraints presented by legal issues), making this change an important improvement.

Rex Greenslade
April 1, 2022

April 11, 2022

As a resident, former Planning Commission Chairperson and Planning Commission member in Hayes Township: I fully support Roy Griffiths to be on the Planning Commission.

I watched Roy attend meetings dutifully when he was not a member of the Planning Commission. It is rare that someone attends meetings just because.

Roy is a valuable member of a diverse cross section of residents in the township on the Planning Commission. He deserves to serve the Township again if he so desires.

Sincerely,

Robert J. Jess

4.7.22

Hayer Tups Clerk

In writing this in the support of Ray Griffiths as Tups of Hayer Planning Board Chair and EMS chair. Ray has spent countless hours getting the EMS up and running. There will be a new EMS building in Hayer Tups thanks to Ray and it will be staffed 24.7 what a great asset for our Tups.

As for the Planning Board Chair Ray has done a great job a Chair and I enjoyed serving as a member of the Planning Board with Ray. Not many people are as dedicated as Ray to their Tups jobs. I for one want to thank you for all your hard work and you have my support.

Derry Kuehler