

AGENDA
HAYES TOWNSHIP BOARD OF TRUSTEES
7:00p.m. November 14, 2022
Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720

Join Zoom Meeting

<https://us02web.zoom.us/j/81008089467?pwd=L0NLZVQ1aTVoZW1lMGFQdWVORUowZz09>

Meeting ID: 810 0808 9467

Passcode: 407952

+1 312 626 6799 US (Chicago)

1. Call to Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Public Comment
5. Approval of Regular Meeting Minutes of October 10, 2022 and Special Meeting Minutes of October 24, 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. Public Comment
10. Correspondence
11. Board of Trustee Comment

ADJOURN MEETING

HAYES TOWNSHIP
BOARD OF TRUSTEES REGULAR MEETING
OCTOBER 10, 2022, 7:00 PM
HAYES TOWNSHIP HALL
09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720
ZOOM 811 2558 3222

The October 10th, 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), and April Hilton (Deputy Clerk/Recording Secretary). Excused: Ron VanZee (Supervisor)

Excused: Kristin Baranski (Clerk)

Audience Members signed in: Bruce Deckinga, LuAnne Kozma, Ellis Boal, Todd Millar, Kim Fary, Ed Bajos, Deb Narten, Susan Pike, Winnie Boal, Tim Boyko, Lauren Pearson, Sharon Hoffman, Gretchen Baisa, Leslie Cunningham, Fred Parsons, Jim McMahon, Diane McMahon, Doug Urdan, Gordon Compton, Janet Simon, Danelle Hutcheson, Mele Hutcheson, Lindsay Breg, Charlie Witthueft, Betty Henne, Greg Denzinger, Paul Zardus, David Zipp.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

REVIEWED & APPROVED AGENDA

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

Yays: Matt Cunningham, Julie Collard, Doug Kuebler, Ron VanZee.

Nays: None Motion Carried

FIBER PRESENTATION:

Gordon Compton presented a brief explanation of the two proposals for the township's fiber connections between the Hayes Township Hall and Fire Hall buildings.

Ms. Collard made a motion, supported by Mr. Kuebler to approve Fiber and Network Connection updated proposal of \$12,021.00 out of the ARPA funds, for Hayes Township and fire building fiber and network cabling.

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS

Public comment opened and closed at 7:14.

Comments included:

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Ms. Collard made a motion, supported by Mr. Kuebler, to approve payment of the Bayshore Road project from the road fund in the amount of \$162,008.01. A roll call was taken.

Yeas: Matt Cunningham, Julie Collard, Doug Kuebler, Ron VanZee.

Nays: None **Motion Carried**

Ms. Collard made a motion, supported by Mr. Cunningham, to approve the construction funding for the EMS building upon inspection in the amount of \$103,838.54. A roll call was taken.

Yeas: Matt Cunningham, Julie Collard, Doug Kuebler, Ron VanZee.

Nays: None **Motion Carried**

COUNTY COMMISSIONER REPORT

NA

PARKS AND REC. REPORT

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

Ms. Collard made a motion, supported by Mr. Kuebler, to approve up to \$2500 for a professional to install a flagpole at Hayes Township Park. A roll call was taken.

Yeas: Matt Cunningham, Julie Collard, Doug Kuebler, Ron VanZee.

Nays: None **Motion Carried**

TRUSTEE:

Mr. Cunningham reported the buoy's have been removed, couple had been damaged he recommend to research other options for the summer of 2023.

Ms. Collard reported Doug and herself our Hayes Township representatives on the recreation authority and at the last meeting they were able to get the Charlevoix area pool mileage levied for the up coming tax season.

PLANNING COMMISSION

Planning Commission did not meet. The next Planning Commission meeting is October 18th, 2022.

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PUBLIC COMMENTS: Public comments opened at 8:30 pm.

Comments included:

- Resident stated they do not appreciate the disrespectful comments made toward the board by other residents and would also like a policy made for cell phone to be turned off during meetings.
- Resident would like the board to look over the Master Plan for mistakes for the residents' reassurance. Also asked questions regarding the Planning Commission minutes from 2019.
- Resident state they appreciate the townships involvement in the community specifically with the Community Coffee once a month, the improvement in the parks and at the Township Hall.
- Resident would like to see the Little Traverse Bay Bands flag added to the township.
- Resident stated they do not find Ron VanZee fit to be the Zoning Administrator and would like to see the Township find someone to replace him. Also suggested the township to not use Beckett and Reader again.
- Resident stated they would like to see the Township stay a forever beautiful place for families to enjoy in the future, and for this they would like to see residents more involve in the township.
- Resident stated the township post all meeting and hearings for residents aware of the township's agenda, however people don't show to meeting very often.
- Resident stated residents don't show up to meetings because they trust the township officials to not change anything in the Township.
- Resident hopes the Township and Residents can work together to fix any issues that are found in the Master Plan.
- Resident states the Master Plan needs be amended before anything else. Also would like to see the Zoning Ordinance Discussion Draft to go out to the public before going to Beckett and Reader.

Public comments closed at 8:50 p.m.

Hayes Township, Charlevoix County
Board of Trustees Special Meeting
October 24, 2022 10:30 am
Hayes Township Hall
09195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
ZOOM Meeting ID: 84958285354

The October 24, 2022 Special Meeting of the Hayes Township Board was called to order by Supervisor Ron VanZee at 10:34 am.

Board members present were: Doug Kuebler (Trustee), Kristin Baranski (Clerk), Ron VanZee (Supervisor), Julie Collard (Treasurer)

Excused Absent: Matt Cunningham (Trustee)

Audience Members signed in: Ellis Boal, Janet Simon, Tim Boyko, Winnie Boal, LuAnne Boal

CALL TO ORDER

Mr. VanZee called the meeting to order at 10:34 am.

PLEDGE OF ALLEGIANCE

FEMA RESOLUTION 102422 of 2022

HAYES TOWNSHIP

**ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT
PROVISIONS OF THE STATE CONSTRUCTION CODE**

Ordinance No. 102422 of 2022

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF HAYES TOWNSHIP, CHARLEVOIX COUNTY, MICHIGAN AND TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED.

THE TOWNSHIP OF HAYES, CHARLEVOIX COUNTY, MICHIGAN ORDAINS: **Section 1. Agency Designated.**

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Charlevoix County Building Official is hereby designated as the enforcing agency to discharge the responsibility of Hayes Township, Charlevoix County, Michigan under Act 230, of the Public Acts of 1972, as amended. Charlevoix County has assumed responsibility for the administration and enforcement of said Act throughout the corporate limits of Hayes Township.

Section 2. Code Appendix Enforcement.

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the Charlevoix County Building Official throughout the corporate limits of Hayes Township, Charlevoix County, Michigan.

Section 3. Designation of Regulated Flood Prone Hazard Areas.

November 2022 Treasurer Report

(As of November 3, 2022)

Charlevoix State Bank

1. General Fund-\$464,999.79

(\$255,999.79 available, \$210,000 Recommended Reserve)

2. Tax Account-\$72,585.60 (restricted Treasury Funds)

3. Township Warrant Checking-\$24,378.40

4. Pantry-\$2,347.79

5. ARPA (restricted funds)-\$202,020.56

6. Fundraising Account-\$2,294.43

7. EMS Construction Account (restricted funds)-\$ 786,602.34

Forefront

8. Metro Account Revenue Sharing-\$66,385.72

9. Prime Share Account-\$134.58

Horizon Bank

10. Road Fund (RESTRICTED ROAD FUNDS)-\$141,137.94

RIETH-RILEY CONSTRUCTION Co., Inc.

100% Quality • 100% Employee Owned • Over 100 Years

LETTER OF TRANSMITTAL

Date: 10/22/2022

Job No.: _____

Regarding: _____

To: Hayes Township

Township Supervisor - Ron Vanzee

9195 Major Douglas Sloan Road

Charlevoix, MI 49720

WE ARE SENDING YOU

☒ Attached

☐ Under separate cover via: _____

Copies	Date	No.	Description
		1	Reclamation Bond for Rieth-Riley's Green Pit

THESE ARE TRANSMITTED as checked below:

- | | | |
|--|---|--|
| <input type="checkbox"/> For Approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit ____ copies for approval |
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit ____ copies for distribution |
| <input checked="" type="checkbox"/> As requested | <input type="checkbox"/> Return for corrections | <input type="checkbox"/> Return ____ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> FOR BIDS DUE _____ | <input type="checkbox"/> PRINTS RETURN AFTER LOAN TO US | |

REMARKS: _____

Supervision Report

COPY TO: File

Thank You,

SIGNED:

Lisa Volkening



Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Linda Discenza** of **CLEVELAND**, Ohio, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

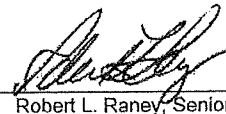
IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st day of April, 2021**.



State of Connecticut

City of Hartford ss.

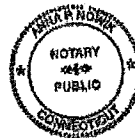
By: _____


Robert L. Raney, Senior Vice President

On this the **21st day of April, 2021**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th day of June, 2026**




Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

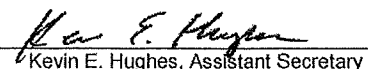
FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **13th** day of **October, 2022**




Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.

Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.

Correspondence

October 10, 2022

Board of Trustees:

This August, the Hayes Township Zoning Board of Appeals made some momentous decisions:

It ruled in a 4 to 1 vote that the Waterfront Regulations of our ordinance, Section 3.14 subsections 1 through 4 and 8, **do indeed prohibit any excavation of the Shoreland Protection Strip for boat basins and channels**. This vindicates our contention for the past year that our Township's Zoning Ordinance is strong and well-worded when it comes to shoreland protection.

But the Planning Commission rewrote the ordinance last year, to gut all of those protections. Specifically it was Roy Griffitts who was illegally on PC all of last year while rewriting the waterfront regulations and Ron Van Zee, who delegated zoning to the commissioners, who wrote that language, along with Bob Drost who is the Laws' developer, and two other Commissioners.

We won't stand for this.

If this Township throws away nearly 50 years of success with shoreland protection with this new Zoning Ordinance rewrite, we the People will rescind it.

The ZBA made another decision, an erroneous one, about the Ordinary High Water Mark. That decision cannot stand. I will be filing a suit shortly to reverse that decision, because it's of utmost importance to every lake in the state.

And last week, ZBA member Doug Kuebler took part in a ZBA hearing in which he should have recused himself, because he already had made a previous decision "on the same matter" when he approved the Laws' plans including a boathouse while he was on the PC. This is malfeasance and he should be removed from the ZBA. This is written charges, and I ask for a public hearing on the matter.

Mr. Kuebler then voted with two other ZBA members to not hear the written interpretation requests, as mandated by state law, on the erroneous theory that a ZBA will usurp the position and authority of the zoning administrator.

However: that's exactly what a ZBA is supposed to do.

This was malfeasance on the part of the 3 who voted to throw out an interpretation request and worse, it was "willful neglect of duty."

LuAnne Kozma
9330 Woods Road

Type	Name	Memo	Amount
101 Char. State Bank Check 2643			
Check	US BANK	COPIER	-733.98
Check	VISA	CRASHPLAN,ZOOM,SUPPLIES,PARK, FOOD BANK	-3,400.23
Check	B&G ENTERPRISES	HALL, FIRE BARN, PARK REPAIR	-1,724.00
Check	GREAT LAKES ENERGY	HALL/FIRE BARN/UNDINE/STREET LIGHTS/PARK	-668.03
Check	CHARTER COMMUNICATIONS	MODEM CHARGES/TELEPHONE	-187.04
Check	THE TROPHY CASE	VETERANS ADDITIONAL NAMES	-975.00
Check	SUNRISE ELECTRONICS	CAMERA SERVICE PARK	-155.75
Check	QUILL	SUPPLIES	-106.25
Check	NORTHWEST FIRE	NEW EQUIPMENT HALL	-598.00
Check	GFL ENVIRONMENTAL	PARK/HALL	-180.56
Check	SITE PLAN DEVELOPMENT	UNDINE	-80.18
Check	PARKER HARVEY LAW	GENERAL MATTERS/KOZMA/GRAVEL PIT	-2,956.75
Check	UP NORTH FLAGS AND POLES	PARK FLAG POLE	-1,206.47
Check	QUADIENT FINANCE	POSTAGE METER LEASE QUARTERLY	-255.81
Check	QUADIENT	POSTAGE	-500.00
Check	ELECTION SOURCE	ELECTION MACHINE CODING	-476.00
Check	NWPC MARKETING	STREET SIGNS	-1,460.91
Check	GATEHOUSE MEDIA	PUBLIC NOTICES	-256.88
Check	IRS		-3,444.52
Check	STATE OF MICHIGAN		-580.13
Paycheck	ALISA ABINEY	10/01/2022-10/31/2022	-2,220.52
Paycheck	STEVE BULMANN	10/01/2022-10/31/2022	-85.00
Paycheck	APRIL HILTON	10/01/2022-10/31/2022	-1,247.95
Paycheck	MARILYN MOREHEAD	10/01/2022-10/31/2022	-85.00
Paycheck	DEREK BURNETT	10/01/2022-10/31/2022	-74.89
Paycheck	REX GREENSLADE	10/01/2022-10/31/2022	-170.00
Paycheck	ROY GRIFFITS	10/01/2022-10/31/2022	-110.00
Paycheck	ROGNEY SLOCUM	10/01/2022-10/31/2022	-85.00
Paycheck	JULIE COLLARD	11/15/2022-11/16/2022	-2,533.48
Paycheck	RON VAN ZEE	11/15/2022-11/16/2022	-4,051.68
Paycheck	KRISTIN BARANSKI	11/15/2022-11/16/2022	-2,790.95
Paycheck	MATTHEW B. CUNNINGHAM	11/15/2022-11/16/2022	-388.74

HAYES TOWNSHIP BOARD OF TRUSTEES

Meeting Date: November 14, 2022

Location:

Hayes Township Hall

[illegible]