

**AGENDA**  
**HAYES TOWNSHIP BOARD OF TRUSTEES**

**7:00p.m.      January 9, 2023**

**Hayes Township Hall**  
**9195 Major Douglas Sloan Road**  
**Charlevoix, Michigan 49720**

**ZOOM**

**<https://us02web.zoom.us/j/83817768129?pwd=Rnd4NEpPYU9aSmhTdU1VZWxPTU1iZz09>**

**Meeting ID: 838 1776 8129**

**Passcode: 991536**

**+1 312 626 6799 US (Chicago)**

1. Call to Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Public Comments
5. Approval of Regular Meeting Minutes of December 12, 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. 2023 March Board of Review Dates
10. Asset Test Resolution
11. Charlevoix County Parks Millage Resolution
12. 2022 Year in Review
13. Public Comment
14. Board of Trustee Comment

**ADJOURN MEETING**

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, Deputy Clerk will call names in appropriate order
5. We ask that you voluntarily state your name for the record
6. Direct all comments to the BOT
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
10. Be respectful- abusive language will not be tolerated.

**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 BOT
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.
8. Be respectful- abusive language will not be tolerated.

HAYES TOWNSHIP  
BOARD OF TRUSTEES REGULAR MEETING  
DECEMBER 12, 2022, 7:00 PM  
HAYES TOWNSHIP HALL  
09195 MAJOR DOUGLAS SLOAN RD  
CHARLEVOIX, MICHIGAN 49720  
ZOOM 810 0808 9467

The December 12th, 2022, meeting of the Hayes Township Board was called to order by Supervisor Ron VanZee at 7:00 pm.

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

Excused: Matt Cunningham (Trustee)

Audience Members signed in: David Zipp, LuAnne Kozma, Ellis Boal, Roy Griffiths, Jim McMahon, Diane McMahon, Tim Boyko, Kim Fary, Janet Simon, Bob Adams, Mel Czechowski, Winnie Boal, Bill Henne and Dave Kemme.

**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 Ms. Baranski, to approve the agenda as presented.

Yays: Julie Collard, Doug Kuebler, Ron VanZee, and Kristin Baranski.

Nays: None                      Motion Carried

**PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS**

Public comment opened and closed at 7:02.

Comments included:

- Residents express their concern regarding the two gravel pits within the township, specifically the water and air contamination that they may be causing to the community. And would like the Board of Trustee's to consider these concerns when rezoning and reviewing the master plan.
- Resident asked if the Township has heard back from Holtec.
- Resident is concerned the township does not put enough effort into important township matters.

Closed at 7:11

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**APPROVAL OF NOVEMBER 14<sup>TH</sup>, 2022 BOT MINUTES**

Mr. Kuebler made a motion, supported by Ms. Collard to approve the November 14<sup>th</sup>, 2022, Board of Trustees minutes as corrected.

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

Nays: None **Motion Carried**

**TREASURERS REPORT**

Ms. Collard presented a written report reporting all Hayes Township account balances.

**CLERKS REPORT: APPROVAL OF WARRANTS**

Treasurer, Ms. Baranski, presented the warrants in the amount of \$29,355.84.

Mr. Kuebler made a motion, supported by Ms. Baranski, to approve Township warrants in the amount of \$29,355.84. A roll call was taken.

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

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.

Application Resolution

Resolution NO. 12122022

WHEREAS, Julie Collard, Treasurer of Hayes Township, has the authority to apply for the Michigan DNR SPARKS Grant for the construction of Pickle Ball Courts, accessible parking, and ADA accessible court access at

Hayes Township Camp Sea Gull; and

WHEREAS, Julie Collard is requesting an appropriation of approximately

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\$326,000 from the Michigan DNR Sparks Grant; and

WHEREAS, Julie Collard desires to enhance, provide or create a complete  
Pickle Ball Court renovation to meet the needs of users in Hayes Township and

Charlevoix County;

THEREFORE BE IT RESOLVED by Hayes Township that, pursuant and  
subject to all of the terms and provisions of the Michigan DNR SPARKS Grant,  
application be made to the Michigan DNR SPARKS board 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 filed with the State of Michigan.

Ms. Collard made a motion, supported by Mr. Kuebler for approval of resolution 121222  
A roll call was taken.

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

Nays: None Motion Carried

Ms. Collard made a motion, supported by Mr. Kuebler to approve the purchase of a dog  
waste station for the end of Maple Grove Road to not exceed \$300. A roll call was taken.

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

Nays: None Motion Carried

**TRUSTEE:**

Ms. Baranski made a motion, supported by Mr. Kuebler to acknowledge the Board of  
Trustee's support for the Advisory group helping the Planning Commission with the Master  
Plan Review. A roll call was taken.

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

Nays: None Motion Carried

**PLANNING COMMISSION**

Mr. Griffiths presented Planning Commission report. The next Planning Commission meeting  
is December 13<sup>th</sup>, 2022.

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**ZONING BOARD OF APPEALS**

No scheduled meetings.

**ZONING ADMINISTRATOR REPORT**

Ron VanZee presented an oral Zoning Administrator Report.

**SUPERVISOR REPORT:**

Mr. VanZee presented an oral Supervisor Report.

**STATE OF MICHIGAN DEPARTMENT OF POLICE 2022 FORFEITURE REPORT:**

Ms. Collard made a motion, supported by Ms. Collard to grant Ron VanZee the authority to submit the 2022 Forfeiture Report. A roll call was taken.

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

Nays: None                    **Motion Carried**

**SEXTON POSITION APPLICATIONS:**

Ms. Baranski made a motion, supported by Mr. Kuebler to approve the hire of Paul Zardus to the Sexton position at an hourly rate of 25 dollars an hour. A roll call was taken.

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

Nays: None                    **Motion Carried**

**ZONING BOARD OF APPEALS RESIGNATION/APPOINTMENT:**

Ms. Baranski made a motion supported by Mr. Kuebler to accept Bob Jess resignation from the Zoning Board of Appeals. A roll call was taken.

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

Nays: None                    **Motion Carried**

Ms. Baranski made a motion, supported by Ms. Collard to appoint Janice Vender-Whipple to the Zoning Board of Appeals as a full-time member. A roll call was taken.

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

Nays: None                    **Motion Carried**

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**BOARD OF REVIEW APPOINTMENTS:**

Ms. Baranski made a motion, supported by Ms. Collard to reappoint Cliff Biddick as an alternate for the Board of Review to serve a two-year term ending in 2024. A roll call was taken.

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

Nays: None **Motion Carried**

Ms. Baranski made a motion, supported by Ms. Collard to re-appoint Roy Griffiths as an alternate to the Board of Review to serve a two-year term ending in 12-31-2024. A roll call was taken.

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

Nays: None **Motion Carried**

Ms. Baranski made a motion, supported by Mr. Kuebler to appoint Jessica Peary to the Board of Review for a two-year term, expiring 12-31-2024. A roll call was taken.

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

Nays: None **Motion Carried**

Ms. Baranski made a motion, supported by Ms. Collard to re-appoint Jim Rudolph to the Board of Review for a two-year term, expiring in 12-31-2024. A roll call was taken.

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

Nays: None **Motion Carried**

Ms. Baranski made a motion, supported by Ms. Collard to re-appoint Greg Denzinger to the Board of Review for a two-year term, expiring 12-31-2024. A roll call was taken.

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

Nays: None **Motion Carried**

**2023 BOARD OF TRUSTEES PROPOSED MEETING DATES:**

Mr. Kuebler made a motion, supported by Ms. Collard, to approve the 2023 Board of Trustees meeting dates. A roll call was taken.

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

Nays: None **Motion Carried**

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**PUBLIC COMMENTS:** Public comments opened at 7:54 pm.

Comments included:

- Resident is concerned about Roy Griffiths being re-appointed to the Board of Review alternate position.
- Resident suggested the township consider purchasing an old gravel pit for a new Township Park if available.
- Resident informed the Board of Trustee of a bill they believed had been submitted to the state of Michigan regarding the rights of gravel pits being transferred from Michigan townships to the State of Michigan had been rejected from the house.
- Resident presented the board with images and concern of a gravel pit restoration standards.
- Resident inquired about the building located on Maple Grove Road with bright lights shinning towards the road, also curious to know and unmentioned applicates to the Board of Review. Lastly would like to know Roy Griffiths and other Planning Commissioners opinions of Beckett and Raeder and is concerned they do not respect their professional opinion.

Public comments closed at 8:11 p.m.

**BOARD OF TRUSTEE COMMENT:**

Ms. Baranski would like to clarify the Planning Commission did not like the Zoning Ordinance draft that Beckett and Raeder suggested to the Planning Commission, they have no disrespect for Beckett and Raeder as a professional organization.

The Board of Trustee's would like to wish everyone a happy and safe Holiday Season!

**ADJOURNMENT:** Mr. Kuebler made a motion, supported by Ms. Baranski, to adjourn at 8:15 p.m.

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

Nays: None                      **Motion Carried**

Respectfully Submitted,

April Hilton

Hayes Township Deputy Clerk/Recording Secretary



## **January 2023 Treasurer Report**

*(As of January 3, 2022)*

### **Charlevoix State Bank**

1. General Fund-\$385,532.93

*(\$175,532.93 available, \$210,000 Recommended Reserve)*

2. Tax Account-\$574,219.36 *(restricted Treasury Funds)*

3. Township Warrant Checking-\$5,023.73

4. Pantry-\$3,348.64

5. ARPA (restricted funds)-\$202,071.48

6. Fundraising Account-\$2,319.01

7. EMS Construction Account (restricted funds)-\$103,838.54

### **Forefront**

8. Metro Account Revenue Sharing-\$66,413.46

9. Prime Share Account-\$134.60

### **Horizon Bank**

10. Road Fund (RESTRICTED ROAD FUNDS)-\$141,172.71



| Type                            | Name                   | Memo                                        | Amount    |
|---------------------------------|------------------------|---------------------------------------------|-----------|
| 101 Char. State Bank Check 2643 |                        |                                             |           |
| Check                           | US BANK                | COPIER                                      | -354.69   |
| Check                           | VISA                   | CRASHPLAN,ZOOM,SUPPLIES,PARK, FOOD BANK     | -1,861.69 |
| Check                           | B&G ENTERPRISES        | HALL, FIRE BARN, PARK REPAIR                | -240.00   |
| Check                           | GREAT LAKES ENERGY     | HALL/FIRE BARN/UNDINE/STREET LIGHTS/PARK    | -738.57   |
| Check                           | CHARTER COMMUNICATIONS | MODEM CHARGES/TELEPHONE                     | -93.52    |
| Check                           | MITCHELL GRAPHICS      | NEWSLETTER                                  | -450.00   |
| Check                           | BOYNE COUNTRY PROPANE  | HALL/FIRE BARN                              | -915.11   |
| Check                           | QUADIENT               | POSTAGE METER QUARTERLY RENTAL              | -132.62   |
| Check                           | GFL ENVIRONMENTAL      | HALL                                        | -35.00    |
| Check                           | ELECTION SOURCE        | STATE OF MICHIGAN ANNUAL CONTRACT EQUIPMENT | -615.00   |
| Check                           | PARKER HARVEY LAW      | GENERAL MATTERS/KOZMA/GRAVEL PIT            | -1,615.00 |
| Check                           | IRS                    | 38-2352841                                  | -3,563.48 |
| Check                           | STATE OF MICHIGAN      | 38-2352841                                  | -598.89   |
| Paycheck                        | ALISA ABINEY           | 12/01/2022-12/30/2022                       | -2,235.51 |
| Paycheck                        | STEVE BULMANN          | 12/01/2022-12/30/2022                       | -74.89    |
| Paycheck                        | APRIL HILTON           | 12/01/2022-12/30/2022                       | -1,134.39 |
| Paycheck                        | MARILYN MOREHEAD       | 12/01/2022-12/30/2022                       | -78.50    |
| Paycheck                        | DEREK BURNETT          | 12/01/2022-12/30/2022                       | -74.89    |
| Paycheck                        | ROY GRIFFITTS          | 12/01/2022-12/30/2022                       | -101.58   |
| Paycheck                        | JULIE COLLARD          | 11/15/2022-12/16/2022                       | -2,553.48 |
| Paycheck                        | RON VAN ZEE            | 11/15/2022-12/16/2022                       | -4,145.79 |
| Paycheck                        | KRISTIN BARANSKI       | 11/15/2022-12/16/2022                       | -2,831.20 |
| Paycheck                        | MATTHEW B. CUNNINGHAM  | 11/15/2022-12/16/2022                       | -313.85   |
| Paycheck                        | CLIFFORD BIDDICK       | 12/01/2022-12/30/2022                       | -78.50    |
| Paycheck                        | DOUGLAS KUEBLER        | 11/15/2022-12/16/2022                       | -328.99   |
| Paycheck                        | ARTHUR BAJOS           | 12/01/2022-12/30/2022                       | -74.89    |
| Paycheck                        | GREG DENZINGER         | 12/01/2022-12/30/2022                       | -74.89    |
| Paycheck                        | LAURA WHITE            | 12/01/2022-12/30/2022                       | -44.04    |
| Paycheck                        | REX GREENSLADE         | 12/01/2022-12/30/2022                       | -74.89    |
| Paycheck                        | JAMES RUDOLPH          | 12/01/2022-12/30/2022                       | -63.09    |
| Paycheck                        | THOMAS DARNTON         | 12/01/2022-12/30/2022                       | -46.17    |
| Paycheck                        | PAUL ZARDUS            | 12/01/2022-12/30/2022                       | -44.04    |

| Type  | Name            | Memo         | Amount     |
|-------|-----------------|--------------|------------|
| Check | GATEHOUSE MEDIA | PUBLICATIONS | -271.84    |
|       |                 |              | -25,858.99 |
|       |                 |              | -25,858.99 |

Total 101 Char. State Bank Check 2643

TOTAL

|              |              |                           |            |
|--------------|--------------|---------------------------|------------|
| Installment  | EMS BUILDING | Offset with Lease Payment | 10,248.13  |
| Construction | EMS BUILDING | EMS Building Account      | 161,010.30 |

## **HAYES TOWNSHIP**

### **ZONING ADMINISTRATOR REPORT**

**January 2023**

Received and reviewing application for variance for property located at 07644 Indian Trails. Waiting for additional information to make application complete. Applicant has been made aware of information required.

Continue working with applicants seeking Special Use Permit for a public campground. Additional information is required to go forward with application. Applicant working with engineer to provide required.

Resolved a blight and illegal occupancy violation on Townline Road.

Contacted owners of property on Shrigley Road about blight issues.

Conducted preliminary reviews on two proposed greenbelt restoration projects. Both are making alterations to proposed plans based on first review prior to formal application.

Normal number of calls concerning future zoning permit activity, setbacks, height restrictions and mixed use projects.

Several site visits for compliance.



TOWNSHIP OF HAYES  
Resolution No. 01092023 C

At a regular meeting of the Hayes Township Board held at the Hayes Township Hall 09195 Major Douglas Sloan Road, Charlevoix, Michigan 49720 on January 9, 2023.

Present: Supervisor Ron VanZee, Treasurer Julie Collard, Clerk Kristin Baranski, Trustee Matt Cunningham, Trustee Doug Kuebler  
Absent: None

The following resolution was made by XXXX and supported by XXX, to-wit:

**ASSET LEVEL TEST**

WHEREAS PA 390 of 1994 states that the poverty exemption guidelines established by the governing body of the local assessing unit shall also include an asset level test.

WHEREAS an asset test means the amount of cash, fixed assets or other property that could be used, or converted to cash for use in the payment of property taxes. The asset test is calculated based on a maximum amount permitted and all other assets above that is considered as available;

WHEREAS the homestead of persons, who in the judgment of the board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under Public Act 390, 1994 (MCL 211.7u); and

WHEREAS pursuant to PA 390, 1994 Hayes Township, Charlevoix County adopts the following guidelines for the board of review to implement. The asset level test shall include but not be limited to the specific income of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

To be eligible, a person shall do all the following on an annual basis:

1. Be an owner of and occupy as a homestead the property for which an exemption is requested.
2. File a claim with the board of review, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in the current year.
3. Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested.
4. Meet the Federal poverty income standards as defined and determined annually by the United States Office of Management and Budget.
5. Provide a list of asset valuations, including cash on hand, fixed assets, and any other property that could be used, or converted to cash for use in the payment of property taxes.

6. The board of review shall not include the homesteaded property to calculate the asset level.
7. If the combined total of cash on hand, fixed assets, and any other property values exceed the Federal Poverty Guidelines by one (1) times no exemption is allowed

NOW, THEREFORE, BE IT RESOLVED the board of review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the board of review determines there are substantial and compelling reasons why there should be a deviation from the policy and these are communicated in writing to the claimant.

RESOLUTION DECLARED ADOPTED.

TOWNSHIP OF HAYES

By: \_\_\_\_\_  
Kristin Baranski, Clerk

I, the undersigned, the Clerk of the Township of Hayes, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of Charlevoix County at its regular meeting held in January 2023 relative to adoption of the resolution herein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: January 09, 2023

\_\_\_\_\_  
Kristin Baranski, Clerk



**Application Resolution**  
**Resolution NO. 01092023a**

**Whereas, Julie Collard**, Treasurer of Hayes Township, has the authority to make arrangements with a local professional contractor to update, clean up and clear areas of, address safety issues, and alter access path for safety and accessibility at Hayes Township Bay Side Park; and

**Whereas Julie Collard** is requesting a \$10,000.00 appropriation from the Charlevoix County Board of Commissioners; and

**Whereas, Julie Collard**, desires to enhance, provide, and create a safe and enjoyable recreation environment 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 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 filed with the County of Charlevoix;

Vote

Ayes:

Nays:

Abstain:

Absent:

**Motion Approved**

Passed and adopted at a meeting of Hayes Township on the 9<sup>th</sup> day of January 2023.

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Kristin Baranski, Clerk

DATE

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Ron VanZee, Supervisor

DATE

I, Kristin Baranski, Hayes Township Clerk, do hereby certify that the foregoing is a true and original copy of a resolution adopted by the Hayes Township Board of Trustees at a monthly meeting on 01/09/2023.

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**Application Resolution**  
**Resolution NO. 01092023b**

**Whereas, Julie Collard**, Treasurer of Hayes Township, has the authority to purchase and make arrangements with a local professional contractor to install a water station at Hayes Township Park Camp Sea Gull; and

**Whereas Julie Collard** is requesting a \$10,000.00 appropriation from the Charlevoix County Board of Commissioners; and

**Whereas, Julie Collard**, desires to enhance, provide, and create an enjoyable recreation environment 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 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 filed with the County of Charlevoix;

Vote

Ayes:

Nays:

Abstain:

Absent:

**Motion Approved**

Passed and adopted at a meeting of Hayes Township on the 9<sup>th</sup> day of January 2023.

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Kristin Baranski, Clerk

DATE

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Ron VanZee, Supervisor

DATE

I, Kristin Baranski, Hayes Township Clerk, do hereby certify that the foregoing is a true and original copy of a resolution adopted by the Hayes Township Board of Trustees at a monthly meeting on 01/09/2023.

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## **Hayes Township Board of Trustees 2022 Year in Review**

### **January**

- Resolution to apply for Charlevoix County Parks Millage grant for pavilion at Hayes Township Park.
- Started posting pre-packets and post-packet for each Board of Trustees and Planning Commission meeting.
- Rezoned Wood property on Upper Bay Shore Rd from Agricultural to Rural Residential.

### **February**

- Began EMS Construction paperwork
- Accepted and filled vacancy on ZBA with Bruce Deckinga and Rod Slocum.
- Reappointed Road Committee members: Doug Kuebler, David Zipp, and Jeff Willard.

### **March**

- Approved Election workers for the May 2022 election.
- Approved ARPA funds for Lake Charlevoix EMS building.

### **April**

- Received an update from Rex Greenslade (PC) regarding afford housing issue in Northern Michigan.
- Signed a spring cleanup contract with GFL for a township cleanup.
- Authorized the Charlevoix County Road Commission to put Bayshore Streets South of 31 out for bid.
- Planning Commission appointments / reappointments: Derek Burnett, Roy Griffitts, Ed Bajos, terms expiring August 11<sup>th</sup>, 2025.

### **May**

- 2022-23 Budget Workshop
- Received an update from the chair of the EMS authority regarding EMS building.

### **June**

- Annual Budget meeting
- Approved purchase for new picnic tables for Hayes Township Park.
- Approved Reith Riley's bid for the Bay Shore project.
- Signed contract with B&G Enterprises for landscaping at Undine Cemetery.

- Approved funds for legal services to research reclamation requirement regarding Reith Riley property in Bayshore.
- Approved Act 99 installment purchase agreement for Lake Charlevoix EMS building.

## **July**

- Annual Assessor report.
- Annual Charlevoix Public Library report by Ryan Deery.
- Short term rental ordinance rescinded.

## **August**

- Approved resolution for Blue Dot Farms Tasting Room/ permit state application.
- Purchased a Polaris utility vehicle for Hayes Township Park.
- Approved the purchase of six new "Welcome to Hayes Township" signs.
- Approved Resolution for a Safe Haven Baby Box at Lake Charlevoix EMS building.
- New sound system at Hayes Township Hall.

## **September**

- Approved EMS Lease Installment fee.
- Approved Eagle Scout to build four benches and landscape by flagpole at Hayes Township Park.

## **October**

- Approved Fiber and Network Connection updated proposal from the ARPA funds for the Fire building.
- Approved payment for Bay Shore Road project.
- Approved professional installment of flagpole at Hayes Township Park.
- Approved additional funds for the Fire contract specifically for vehicle maintenance.
- Approved election workers for the November 2022 election.
- Approved resolution for FEMA.

## **November**

- Approved road fund for Upper Bayshore Contribution.
- Approved listing of the Sexton Position at an hourly rate.

## **December**

- Approve grant submission for Pickle Ball courts at Hayes Township Park.
- Hired Paul Zardus for the Sexton position.
- ZBA resignation/appointments; Bob Jess resignation, Janice Vender-Whipple appointment.
- Board of Review appointments: Cliff Biddick, Roy Griffiths, Jessica Peary, Jim Rudolph, and Greg Denzinger.



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

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## The Gravel Pits at Michigan Shores and Bay Shore # 6

1 message

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Jim McMahon <jim\_mcmahon\_iii@yahoo.com>  
To: Kristin Baranski <clerk@hayestownshipmi.gov>

Sat, Jan 7, 2023 at 12:41 PM

Hi Kristin,

Please distribute this email to the Board of Trustees, the Planning Commission, the Advisory Group, and the Zoning Administrator before their respective next meetings.

Thank you very much.

Jim McMahon  
phone: 231-347-9829

Below is an email that was sent out today to the entire Michigan Shores Association membership. This email talks about some of the many critical issues surrounding the use of the two gravel pits near Bay Shore and Michigan Shores. Please read this entire email because it describes many of the issues involved with your decision making. As you well know, there are many, many people who are very concerned about the next steps for the safety of our drinking water, the quality of our air, our property values, and how we will live our lives.

Please consider all of the issues described here. Thank you.

Hello Michigan Shores neighbors,

**The headline:** The Hayes Township Master Plan Advisory Group is meeting on Wednesday, January 11, at 6:00 pm to discuss and decide on their recommendation for the future zoning of the two old Rieth-Riley gravel pits adjacent to Michigan Shores and Bay Shore. Our property values, health, and lives will be affected by their decisions.

Is this important to you? Be there at 6:00 pm at the Hayes Township Hall on Wednesday, January 11. Please note the earlier start time of 6:00 pm. If you cannot be there in person, then participate on Zoom at <https://www.hayestownshipmi.gov>

### How good are you at answering the following questions?

1. How is all of the Rieth-Riley property zoned, including the so-called greenbelt parcel that runs the entire length and adjacent to Michigan Shores? **Answer:** All Rieth-Riley property north of US-31 is zoned Industrial.
2. Where is the Rieth-Riley "industrial and mining" property located within Michigan Shores subdivision? **Answer:** There are three locations where Rieth-Riley has road frontage within Michigan Shores:
  - a. On Michigan Shores Drive at the 1st turn near the old, hidden swing set, there is 233 feet of road frontage. This road frontage provides access to the many acres behind lots 97-109.
  - b. At the Nine Mile Point Drive road-end circular turn-around, there is 634 feet of road frontage.

c. At the Nine Mile Point Drive road-end, there is at least 58-60 feet of additional road frontage, enough to open up Nine Mile Point Drive to be a through-road to the large parcels to the east and Bay Shore North subdivision along the lake.

**Are you surprised that Rieth-Riley actually owns nearly 1,000 feet of road-frontage property within Michigan Shores subdivision?**

3. If all of the Rieth-Riley property abutting the entire southern edge of Michigan Shores was turned into Industrial or Residential uses, what would you see? **Answer:** No trees. That's correct, there are **29 acres of forest owned by Rieth-Riley along the entire southern edge of Michigan Shores** subdivision that would disappear. That forested area would be gone!!! How would that look? Except for lots 53-59, all of the lots along the exterior, southern edges of Nine Mile Point Drive and Michigan Shores Drive are only 150 feet deep.

**That's the stark reality: all of the trees would be gone. How would that look? How would our property values, erosion, and health be affected?**

**Again, can you paint a vivid picture in your mind of most of the trees gone in the 29 acres along the entire southern edge of Michigan Shores?**

4. How close can Industrial applications be to Michigan Shores residential properties?

**Answer:** Front and rear property setbacks are 50 feet. Side yard setbacks are just 25 feet.

5. How close can gravel mining and rock crushing activities be to the adjacent properties in Michigan Shores? **Answer:** For non-residential properties, 50 feet, and for residential properties, 100 feet. That's not much separation.

6. Does Rieth-Riley own the entire ridge and bluff on the southern edge of Michigan Shores?

**Answer:** Yes. All of the ridge and bluff are owned by Rieth-Riley and zoned Industrial.

7. How does the ground water flow between the Rieth-Riley operations and Lake Michigan?

**Answer:** The ground water flows through our Michigan Shores properties on its way to Lake Michigan. We drink that same water from our wells.

8. Is your personal well susceptible to possible contamination from activities over the ridge coming from Rieth-Riley? **Answer:** Yes. Water flows underground from the upland toward the lake from Bay Shore and beyond. We are tied to the health of Bay Shore! **Let's repeat that: Water flows underground from the upland toward the lake from Bay Shore and beyond. We are tied to the health of Bay Shore and Rieth-Riley property!**

9. Have you ever tested your water for chemical contaminants? Will you test your water for contaminants when Industrial or large Residential uses are implemented just over the ridge or within Michigan Shores on Rieth-Riley property? If you or your grandchildren cannot drink your ground water, what is your recourse? How will that go? Can contamination issues ever be mitigated? Once there is an underground water pathway for contamination, can it ever be corrected? **Answer:** Who knows?

10. How long has the gravel mining and rock crushing operations over the ridge been in operation? **Answer:** Certainly, more that 55 years, perhaps longer. Today, there is a big, wide, deep hole in the gravel pit, along with other land that has been severely disturbed over many years in the gravel pit area adjacent to Michigan Shores.

11. Do you know what silica is and is it harmful? **Answer:** Gravel pits contain sand and the most common constituent is silica, usually in the form of quartz. Silica dust is created by mining,

grinding, or drilling quartz. Airborne silica is a severe health hazard. Silica is a human carcinogen and can cause silicosis. Silicosis symptoms take years and decades to appear in people.

12. How far can airborne silica dust travel? **Answer:** For miles, depending on its size and wind velocity.

13. Is diesel exhaust particulate from heavy equipment used in Industrial and mining operations a concern? **Answer:** Diesel exhaust contains heavy metals and unburned, carcinogenic hydrocarbons.

**How did you do on these questions? Do you have any concerns from considering these questions?**

The Rieth-Riley gravel-pit just over the ridge from Michigan Shores, just a few feet from us, is a **huge unknown**. The same is true for the old, gravel mining operation adjacent to the community of Bay Shore.

Here are just a few of the many questions and unknowns that need answering:

1. If the huge, gravel pit hole is filled for any future developmental purpose, what type of material will be used and is there a possibility that the fill will be contaminated?
2. What are the past contaminations in the entire gravel pit operation, both documented and undocumented?
3. What and where are the underground rock formations and layers?
4. Are there fractured limestone rock layers (of bedrock), both natural and un-natural occurring during past mining activities?
5. Are there fractures in the aquifers from above and below, resulting in clean water issues?
6. What is the aquifer knowledge of water flowing through Michigan Shores, as to whether the aquifer is confined or unconfined?
7. What are the soil compositions?
8. Where are the detailed locations of residential areas, wells, and septic systems?
9. What are the impacts of new septic systems and wells on existing homes in the nearby vicinities?
10. What other unknowns are there? How dangerous are these unknowns?

**At issue:** This entire subject of what can be done with the old, gravel pits at Michigan Shores and Bay Shore is very complicated and health concerning. This is more complex than what meets the eye at first glance. Just because property has been zoned Industrial in the past, because of unknown factors, there is no reason to continue with that zoning classification because it may be expedient to do so.

There are people's health and property values at stake here. For the Future Land Use Map, we propose to zone both gravel pits near Michigan Shores and Bay Shore as **Conservation Reserve (CR)**. There are too many variables that can never be known for sure after nearly 60 years of



heavy-duty mining and destruction of the natural environment. Some other communities have resorted to reclaiming the property and turning it into recreational use.

What is at stake here is the safety of our drinking water, the quality of our air, our property values, and how we will live our lives. **Ultimately, Hayes Township will be responsible for the zoning decisions it makes. We will have to live with those decisions.** Please show up for the 6:00 pm meeting on Wednesday, January 11, at the township hall. The future of how these two old gravel pits are re-used is at stake. Zoom participation at the meeting is available on the Hayes Township website.

Thank you.

Jim McMahon  
[jim\\_mcmahon\\_iii@yahoo.com](mailto:jim_mcmahon_iii@yahoo.com)

Mel Czechowski  
[mhczechow@aol.com](mailto:mhczechow@aol.com)



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|-------------------------------------------|-----------------|------------------|---------------------|
| <b>, HAYES TOWNSHIP BOARD OF TRUSTEES</b> |                 |                  |                     |
| <b>Meeting Date:</b>                      | January 9, 2023 | <b>Location:</b> | Hayes Township Hall |

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| <b>Meeting Date:</b> | January 9, 2023 |
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**Location:**

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| Hayes Township Hall |
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