

HAYES TOWNSHIP
BOARD OF TRUSTEES REGULAR MEETING
July 8TH, 2024 7:00 PM
HAYES TOWNSHIP HALL
09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720
ZOOM 849 2451 3210

The July 8th, 2024, 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), April Hilton (Deputy Clerk/Recording Secretary), Ron VanZee (Supervisor) and Kristin Baranski (Clerk)

Audience Members signed in: Kathy Simon, Stan Boris, Connie Foster, David Zipp, LuAnne Kozma, Ellis Boal, Sue Pyke, Tim Boyko, Ryan Deery, Jerry Simpson, Todd Reeves, David Kemme, Melvin Czechowski, Bob Jess, Laura Ford, Betty Henne, Sherry Baker-McCary, Bruce Anderson, Connie Molenta, Paul Zardus and Dave Molenta.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

REVIEWED & APPROVED AGENDA

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

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

Nays: None Motion Carried

PUBLIC COMMENTS:

Public comment opened and closed at 7:02.

- Stated they are tired of receiving propaganda letters in their mail box. Stated they are concerned why people are opposed to an EMS building in Hayes Township. Asked why the community picnic is held at Hayes Township Park. Would also like to know why people keep being up audit questions when the Board has been transparent about everything.
- Stated they would like clarification when Ron VanZee requested Reith Riley to install a fence at the Green Pit.

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- Stated the letter sent with the Tax bills had the wrong election date. Stated some of the paperwork hanging in the front window gets cut off. Stated they made accusations during the morning meeting at the township.
 - Stated they apologize for this mornings meeting mis-information and he excused the board of appointing someone wrongfully and he apologizes he was incorrect. Would like to know how many yards were picked up in the spring clean up.
- Closed at 7:13.

APPROVAL OF JUNE 10TH 2024 BUDGET HEARING MINUTES:

Ms. Baranski made a motion, supported by Mr. Kuebler to approve the June 10th, 2024, Board of Trustees Budget Hearing minutes as amended.

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

Nays: None **Motion Carried**

APPROVAL OF JUNE 10TH 2024 BOT REGULAR MEETING MINUTES:

Ms. Baranski made a motion, supported by Mr. Cunningham to approve the June 10th, 2024, Board of Trustees regular meeting minutes as amended.

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

Nays: None **Motion Carried**

APPROVAL OF JUNE 28TH 2024 BUDGET HEARING MEETING MINUTES:

Ms. Baranski made a motion, supported by Ms. Collard to approve the June 18th, 2024, Board of Trustees Budget Hearing minutes as amended.

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

Recused: Matt Cunningham

Nays: None **Motion Carried**

TREASURERS REPORT

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

CLERKS REPORT: APPROVAL OF WARRANTS

Clerk, Ms. Baranski, presented the warrants in the amount of \$93,556.12.

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Mr. Kuebler made a motion, supported by Ms. Baranski, to approve Township warrants out of the General Fund in the amount of \$93,556.12 A roll call was taken.

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

Nays: None **Motion Carried**

Mr. Kuebler made a motion, supported by Ms. Baranski to approve the installment payment for the EMS building loan in the amount of \$10,248.13, the total installment payment will be offset 100% by the LCEMSA monthly lease payment. A roll call was taken.

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

Nays: None **Motion Carried**

COUNTY COMMISSIONER REPORT

Bob Jess presented the County Commissioners Report.

PARKS AND REC. REPORT

Ms. Collard presented the Parks and Rec. report.

The next regular Parks and Rec meeting is August 1st, 2024.

Resolution #07082024

WHEREAS, Julie Collard, Treasurer of Hayes Township, has the authority to submit a mini- grant request to the Charlevoix County Community Foundation; and

WHEREAS, Julie Collard is requesting a \$1,500.00 appropriation from the Charlevoix County Community Foundation ; and

WHEREAS, Julie Collard desires to enhance and provide ADA accessibility to Lake Charlevoix at Hayes Township Park Eastern Avenue Beach 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 Community Foundation, application be made to the Charlevoix County Community Foundation Granting 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 Charlevoix County Community Foundation;

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Ms. Baranski made a motion, supported by Mr. Kuebler to adopt resolution #07082024 as presented.

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

Nays: None **Motion Carried**

Chair of Parks and Rec, Paul Zardus researched and received a discounted price for a mobility mat for Eastern Avenue Beach. The purchase price was accounted for and approved in the 2025 fiscal year budget. Upon request the Township has access to a water accessible wheelchair for delivery.

Ms. Baranski made a motion, supported by Mr. Cunningham to approve the purchase of a mobility mat for Eastern Avenue Beach in the amount of \$8072.30.

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

Nays: None **Motion Carried**

PLANNING COMMISSION

Mr. Cunningham presented the Planning Commission Report. The next regular Planning Commission meeting is July 16th, 2024, at 7:00 pm.

ZONING BOARD OF APPEALS

ZBA did not meet.

ZONING ADMINISTRATOR REPORT

Ron VanZee presented a Zoning Administrator report.

Report available at the Hayes Township Hall.

TRUSTEES:

SUPERVISOR REPORT:

Ron VanZee presented a supervisor report.

Ms. Baranski made a motion, supported by Mr. Kuebler to approve an AED unit at Hayes Township Park.

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

Nays: None **Motion Carried**

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UPDATE FEE SCHEDULE:

Ms. Baranski made a motion, supported by Ms. Collard, to approve the updates to the fee schedule as presented.

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

Nays: None **Motion Carried**

HAYES TOWNSHIP CHARLEVOIX LIBRARY REPRESENTATIVE APPOINTMENT:

Ms. Collard made a motion, supported by Mr. Kuebler to appoint Lin Larsen as the Hayes Township Representative for the Charlevoix Library Board.

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

Nays: None **Motion Carried**

AUDIT ENGAGEMENT LETTER:

Ms. Baranski made a motion, supported by Mr. Cunningham to accept the Audit Engagement Letter from Gabridge & CO to complete the June 30th 2024 Audit and F-65/qualifying statement all services for a total cost of \$10,500.00.

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

Nays: None **Motion Carried**

PUBLIC COMMENTS: Public comments opened at 7:52 pm.

Comments included:

- Stated they believe there is a couple errors in the letter from Reith Riley.
- Stated she reached out to the Bureau of Election regarding the wrong date in the tax bills.
- Stated Ellis Boal has a good singing voice.
- Stated she sent the clerk an email regarding the incorrect date for the August election in the tax letters.
- Asked for clarification of who is in charge of conducting the audit between the clerk and treasurer.
- Stated the Parks and Rec committee cleaned up Bay Side park. And have received a donation for a bench swing.

Public comments closed at 8:00p.m.

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BOARD OF TRUSTEE COMMENT:

Ms. Baranski clarified she is working with the Bureau of Election to fix the date in the tax letters. Also, clarified the Clerk and Treasurer work with the auditor through the audit process.

Ms. Collard clarified they wanted to have the community picnic at Hayes Township Park to help with park fundraising and awareness.

- Mr. Cunningham stated the letter from Reith Riley letter is a great response the concerns about the fence have been resolved.

ADJOURNMENT: Mr. Kuebler made a motion, supported by Mr. Cunningham, to adjourn at 8:05p.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

RIETH-RILEY CONSTRUCTION Co., Inc.

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

July 2, 2024

Ron VanZee, Supervisor
Hayes Township Board of Trustees
09195 Major Douglas Sloan Road
Charlevoix, MI 49720

Sent via email only to:
supervisorhayestownshipmi@gmail.com

RE: Green Pit Fencing

Dear Supervisor VanZee and Members of the Board:

As you will recall, Rieth-Riley Construction Co., Inc. ("Rieth-Riley") installed farm wire fencing around the borders of its Green Pit Gravel Pit in Hayes Township in May of 2024. The installation of this farm wire fencing was done at the request of this Board. That request was communicated by Supervisor Ron VanZee.

It is important to note that during recent litigation, a group of township residents (herein "Intervenors") argued via their counsel, Mr. Ellis Boal, that Rieth-Riley was in violation of a consent judgment which governs the Green Pit mining operations based upon Rieth-Riley's utilization of mining and construction industry safety measures (i.e. earthen berms and hi-vis fencing) in the immediate proximity of mining operations, instead of farm wire fencing. These claims were dismissed *with prejudice*, meaning the Intervenors and their attorney so completely failed in proving them that they may never raise them again.

To be clear, it was this Board's request (and the efforts of Mr. VanZee) that spurred Rieth-Riley's construction of this additional, optional fencing measure. The permanently dismissed claims of the Intervenors and their attorney, Mr. Boal, did not factor into Rieth-Riley's decision. Nor did the testimony of their witnesses.

I hope this clarifies things for the Board and the residents of Hayes Township.

Sincerely,

RIETH-RILEY CONSTRUCTION CO., INC.



Keegan M. Brennan
Assistant General Counsel

