

HAYES TOWNSHIP
BOARD OF TRUSTEES REGULAR MEETING
DECEMBER 9TH, 2024 7:00 PM
HAYES TOWNSHIP HALL
09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720
ZOOM 849 2451 3210

The December 9th, 2024, meeting of the Hayes Township Board was called to order by Supervisor William Conklin at 7:00 pm.

Board members present were Matt Cunningham (Trustee), Julie Collard (Treasurer), Doug Kuebler (Trustee), William Conklin (Supervisor) and Kristin Baranski (Clerk)

Audience Members signed in: David Zipp, Deb Narten, Diane McMahon, Jim McMahon, CT Martin, Connie Foster, Betty Henne, Diane Conklin, Paul Zardus, Kathy Simon, Jerry Simpson, Roy Griffiths, Steve Crandall, Susan Pyke, LuAnne Kozma, Ellis Boal, Bob Fowler, Tim Boyko, Mark Snyder, Kevin Jaskowski, Winnie Boal, Kyra Allen, Ray Cunningham, Janet McGarey, Regina Crandell, Cyndi Todd, David Kemme, Carey Cuddeback, and Rick Todd.

CALL TO ORDER

Supervisor William Conklin called the meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

REVIEWED & APPROVED AGENDA

Remove item # 10

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

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

Nays: William Conklin **Motion Carried**

PUBLIC COMMENTS:

Public comment opened and closed at 7:04.

- Stated they were at the previous November special meeting and witnessed Mr. Conklin and others speak of unity and the fact that no one man should run the board. They found this to be very hypocritical, considering that Mr. Conklin is suing the Township for something that four of the other township board members voted on, simply because you do not agree. If Mr. Conklin truly agrees with what he stated then he should consider rescinding his lawsuit and save our township thousands of dollars in legal expenses. They also suggest the board find a way to put the money towards a productive community building project. They feel Mr. Conklin actions are selfish and destructive to the progress in our community and hopes he takes sometime to reflect on this. As Supervisor he is supposed to act in favor of the residents of the township,

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and it seems to them the residents have made their decisions clear about the board by reelecting four members of the previous board. Was expecting a little more diplomacy from Mr. Conklin, understand there will be disagreement between him and the rest of the board and hope they are handle with honesty and respect, two things they do not feel Mr. Conklins lawsuit represents. They are not requesting Mr. Conklin to submit to the other board members as he is entitled to his own opinion. However, they hope if they vote in majority on a subject, Mr. Conklin has the maturity to accept the decision.

- Extremely disappointed in the fact the board has not thought about rescinding their vote. Stated the people have spoken, and it would have been nice if Bill could have picked some people of his choice. Stated they talk about wanting the township to change, it has been so contentious over the last several years. They were hoping that everyone would come together but they are very disappointed.
- Is curious about the City of Charlevoix bill. Stated Bill is the new Supervisor.
- Questioned why only some of the names were listed on the updated hours sheet.
- Concerned about the amount of money being spent at the township. Feels there is no need for an assistant zoning administrator. Feel the money spent on the cemetery is high. Feel the lawsuit is a waste of money as well. Would like to see the board work with the new supervisor.
- Read the definition of Moral Compass. Feel the board needs to put beside their personal feelings and work together.
- Would like to remind everyone there is five elected officials in front of us and they all deserve respect. Would like to see the new supervisor reach out to the planning commissioners and meet them. Feel there is some confusion with the city of Charlevoix bill. And stated the decision the board made in November was legal.
- Stated they feel the decisions made in November was illegal.
- Questioned what Bill Conklin means by Camp Seagull having limited access due to near by neighbors. Also, stated the Parks and Rec Committee has many of the suggestions for the park in their plans.
- Wanted to thank the previous board for all their work at Camp Seagull. They use it to launch their boats and family boats. They are disappointed with the lawsuit against the previous board and fell it should be a last alternative because they are expensive.

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All five members have been elected and different opinions are OK but try to work together to go forward in a positive way.

- Stated they believe old business should be on the agenda. Would like clarification if old business was added for tonight's meeting or not.

Closed at 7:26 pm.

APPROVAL OF NOVEMBER 11TH 2024 MEETING MINUTES:

Mr. Cunningham made a motion, supported by Ms. Baranski to approve the November 11th, 2024, Board of Trustees Meeting minutes as presented.

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

Abstain: William Conklin

Nays: None **Motion Carried**

APPROVAL OF NOVEMBER 25TH 2024 SPECIAL MEETING MINUTES:

Mr. Kuebler made a motion, supported by Ms. Collard to approve the November 25th, 2024, Board of Trustees Meeting minutes as amended.

Yeas: Julie Collard, William Conklin, Matt Cunningham, 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

Clerk, Ms. Baranski, presented the warrants in the amount of \$53,425.93.

Ms. Baranski made a motion, supported by Ms. Collard, to approve Township warrants out of the General Fund in the amount of \$53,425.93 A roll call was taken.

Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler, and Kristin Baranski.

Nays: None **Motion Carried**

Ms. Baranski made a motion, supported by Ms. Collard, 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, William Conklin, Doug Kuebler, and Kristin Baranski.

Nays: None **Motion Carried**

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COUNTY COMMISSIONER REPORT

Bob Jess was not present.

PARKS AND REC. REPORT

Ms. Collard presented to Parks and Rec. Report. The next Parks and Rec. meeting is January 6th, 2024.

PLANNING COMMISSION

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

ZONING BOARD OF APPEALS

ZBA did not meet.

ZONING ADMINISTRATOR REPORT

April Hilton presented a Zoning Administrator report.
Report available at the Hayes Township Hall.

TRUSTEES:

Mr. Kuebler wants to remind everyone Snow plows will reverse at intersections and to watch for them and be careful.

SUPERVISOR REPORT:

William Conklin presented a supervisor report.

SET 2025 MEETING DATES:

Mr. Kuebler made a motion, supported by Ms. Baranski, to approve the 2025 Meeting Dates as presented.

Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler, and Kristin Baranski.

Nays: None

Motion Carried

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SUPERVISION OF ZA:

Mr. Conklin Stated his research leads him to believe the supervision of the Zoning Administrator is in the hands of Matt Cunningham as the Liaison.

Mr. Conklin found he has no right or obligation to supervise anyone.

Mr. Conklin spoke with MTA regarding a township having a Liaison and a contract with the Zoning Administrator. MTA suggested he find out if the Zoning Administrator is a W-2 employee or not, to determine if a contract is needed. MTA also clarified for him the Township Board as a whole is responsible for all employees.

Mr. Conklin request Township Attorney (Todd Millar) to outline his duties as Supervisor of the Township.

Mr. Millar Stated The Township Board is the entity that is responsible for the day to day activity and the running of the Township. There are three elected officials that have specific titles, those being the Clerk, Supervisor and Treasurer, they each have assigned statutory duties they are obligated to do. These three positions may hire a deputy to assist them, however the appointed official is responsible for the activities. Everything else falls on the board in the entirety. Therefore if a specific activity is not allocated to the Supervisor, Clerk or Treasurer, than the activity falls on the entire board. A board can delicate supervision of an employee to a specific board member, with a responsibility to report back to the board. It is up to the township who they are going to employ and who will supervise each employee.

Board Discussion included:

- Hayes Township By-Laws Rules and Procedures verse MTA red book.
- Current Liaison's experience on Planning Commission makes him most qualified for Liaison of Zoning Administrator.
- Procedures of supervision of Zoning Administrator.

Ms. Baranski made a motion, supported by Ms. Collard, to approve Mr. Cunningham to continue as the Liaison of the Zoning Administrator.

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

Excused: Matt Cunningham

Nays: William Conklin

Motion Carried

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VOICE NEWSLETTER:

Board discussion included:

- The Supervisor has always had a letter in the Hayes Township Voice.
- Who contributes to creating the Hayes Township Voice content.
- Voice has to be submitted for publication on a certain date.
- December Hayes Township News Letter content (Winter Safety, Planning Commission Survey).
- November was a difficult month for the deadline of publication with the election, holiday and term of office changes, Letter From Supervisor will continue in the next issue of the Hayes Township Voice.

POSTING COMMITTEE POSITIONS ON WEBSITE:

Ms. Baranski made a motion, supported by Mr. Cunningham to approve the posting of any open positions at Hayes Township will be posted 2 weeks on the Hayes Township website.

Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler, and Kristin Baranski.

Nays: None

Motion Carried

PODIUM OR TABLE FOR CITIZENS TO SPEAK:

The board came to a census to place a chair and table with a microphone for the audience to speak at.

PUBLIC COMMENTS: Public comments opened at 8:27pm.

Comments included:

- Stated the Parks and Rec survey seems to be a concern for people because it was only online. Believe Parks and Rec have been working hard, however would like the survey to be re-addressed. Impressed with the survey sent out for the Master Plan.
- Stated they are confused why the motion for Matt to be the Liaison of the Zoning Administrator, if MTA was not familiar with there being liaison. Hope the Clerk and Treasurer are not be the only members of the board editing the Newsletter. Believe Ron VanZee is not qualified to be the Zoning Administrator.
- Concerned about the term "liaison". Suggested the Zoning Administrator reports could be better.
- Stated the question asked earlier regarding the supervisors statement that the Hayes Township Park access has been limited by Neighboring Landowners. Bill Conklin answered

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he was brought to the attention of this concern during his campaign. Stated it is common for companies and businesses always include a safety statement and encourage them in the Newsletter. They feel Bill Conklin has a personal bias opinion for Ron VanZee and do not appreciate the slander stated at tonight's meeting towards Matt Cunningham. Feel statements made by Bill Conklin regarding the rest of the boards compliance of the Open Meetings Act are disrespectful. Especially because Bill Conklin filled a lawsuit against the Board of Trustees instead of scheduling meetings to discuss concerns with the board and work with the board members that were also elected. Believes this lawsuit is another division of the Township and unnecessary drama. Would like to see Bill Conklin withdraw his lawsuit and not waste any more township tax payer money.

- Stated they have attend numerous meetings since they started living in Hayes Township and they believe the person in charge of the zoning administrator has always been the supervisor. Stated the believe the only reason Ron VanZee could not be in control of the Zoning Administrator is because he was the Zoning Administrator. Stated they feel the best person to supervise the Zoning Administrator is the Supervisor as they recall it was prior to Ron VanZee becoming Zoning Administrator. Believes when injustice happens and there is no alternative to make a change that a lawsuit is sometimes the best solution because they believe what happened with Ron VanZee and also with the Todd Millar was a get together to be sure without him being Supervisor he would still have control of the length of every committee and that is unjust. They believe he started that injustice and he also had Todd Millar working with him. They Believe it was unjust with what happened with that resolution and should not have been pasted. Felt like it was pasted that evening without one person here asking any questions and feels for so long that is how it has been, a topic is brought up. no body talks, they just simply vote and that is what they did in the past. Glad to hear the conversation tonight it was very unusual. They do not believe in the injustice of that resolution, it was wrong, it was done at the last minute and believe it was a set up, and something unjust should not be aloud to happen.

- Supports the previous statement. Stated in their career they were supervised, and that supervision involved reviewing their work particularly reports they had wrote and having formal evaluations once or twice a year, which they do not recall Matt Cunningham doing as supervising Ron VanZee as Zoning Administrator and thinks it should go back to the old days when the Supervisor , supervised the Zoning Administrators work. Does not know if the

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resolution was illegal for they are not in a law profession, however found it unethical and improper.

- Stated he recalls that Matt Cunningham was the one who stuck up them (Tim Boyko) when he questioned Ron VanZee interpretation, allowing Clustered housing to substitute for employee housing when the Yatch Club wanted to use the former nursing home. Matt was well aware Tim Boyko was correct and suggested that Mr. Millar review that zoning decision made by Ron VanZee. They would like to know if Matt discussed this case with the Zoning Administrator Ron VanZee and if he did then they would consider this good supervision. Recalled Matt stating he agrees with Ron largely and supervise him by listening to his reports. However this was a very specific case where he misused a definition and if Matt did helped him correct or discuss it with him then Matt if doing a good supervision job. Stated Matt was on the ball and recognized there was something wrong with that application. That was one example of a mistake and recalls a dozen more leading to lawsuits which is why they do not feel Ron VanZee is qualified to do the job as Zoning Administrator.

- Would like to know if the Board has made any attempt to hire a new Zoning Administrator. However they believe Ron VanZee has done a great job as Zoning Administrator. Do not see where a designated swimming area could be located at Hayes Township Park.

Public comment closed at 8:56pm

BOARD OF TRUSTEE COMMENT:

Ms. Collard stated please reach out to the Hayes Township Hall if you would like to be on the list for the Holiday Meal Box.

Ms. Baranski asked Mr. Conklin if he has spoken with Alisa and if she had any business for the December 10th BOR meeting. Mr. Conklin stated he did speak with Alisa and it was his understanding she was not going to be here. Mr. Conklin stated he did not know procedural when he sent an email to the clerk today if he was supposed to send a notice to everyone. Ms. Baranski responded that she included Bill on the last letter she sent to the BOR and advised for him as secretary of Board of Review to send an email stating that there will be no Board of Review meeting tomorrow for there is no business for the December 10th 2024 meeting. Mr. Conklin thanked Kristin Baranski for being so helpful.

ADJOURNMENT: Ms. Baranski made a motion, supported by Mr. Cunningham, to adjourn at 8:59 p.m.

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Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler and Kristin Baranski.

Nays: None **Motion Carried**

Respectfully Submitted,

April Hilton

Hayes Township Deputy Clerk/Recording Secretary