

AGENDA
HAYES TOWNSHIP BOARD OF TRUSTEES

October 13, 2025 7:00pm

Hayes Township Hall

9195 Major Douglas Sloan Road

Charlevoix, Michigan 49720

<https://us02web.zoom.us/j/88001640434?pwd=QkdY3AzN1dmKzZpajZQNEkwMkZ5dz09>

Meeting ID: 880 0164 0434

Passcode: 251468

+1 312 626 6799 US (Chicago)

1. Call to Order
2. Pledge of Allegiance
3. Declaration of Conflict of Interest
4. Review and Approval of Agenda
5. Public Comment
6. Approval of Meeting Minutes: September 8, 2025 BOT Regular Meeting
7. Treasurers Report
8. Clerks Report: Approval of Warrants
9. Reports: County Commissioner, Zoning Administrator, Planning Commission, Zoning Board of Appeals, Parks and Recreation, Trustee's, and Supervisor Reports.

NEW BUSINESS

9. Cemetery By-Laws
10. Engagement letter Gabridge & Co
11. Hayes Township Park Drainage Update
12. Eastern Avenue Beach/Maple Grove Road End/Townline Road Steps
13. Zoning Board of Appeals Alternate Position
14. Board of Trustees By-Laws/minutes Discussion
15. Short Term Rental Ordinance Discussion (PC Request)

OLD BUSINESS

16. Designate an ice-fishing parking area in the upper portion of Hayes Township Park/Camp Sea-Gull
17. Par Plan Risk Control comments and Recommendations
18. Public Comment
19. Board of Trustee Comment

ADJOURN MEETING

Public Comment at Meetings of the Hayes Township Board of Trustees

The Hayes Township Board of Trustees values public input and offers two opportunities for the public to comment at its meetings, once near the beginning and once near the end. This affords the Board of Trustees the opportunity to hear your views and remarks. If you speak, you should not expect to engage the Board of Trustee members or any staff in discussion or debate.

Board of Trustee members will not respond to comments made during the Public Comment unless it becomes necessary to ask a clarifying questions, correct a factual error, or to provide specific factual information.

Questions about Township matters are best directed to individual Board members or Township staff (Planner, Zoning Administrator, or Assessor) between meetings. Contact information is available on the township website at: hayestownshipmi.gov.

The availability of public comment is recognized by the Michigan Open Meetings Act. The Act provides that rules may be adopted for orderly comment from the public. To that end, the following rules have been established by the Board of Trustees:

1. A person wishing to speak will indicate on the sign in sheet that they would like to be called on at Public Comment. All persons in attendance in person will be called on first. Zoom attendees can indicate they would like to speak by raising their hand icon.
2. The person will begin by stating their name, spelling it out if requested.
3. The person addresses the Chairperson, or other person chairing the meeting, on behalf of the entire Board of Trustees. Public comment is NOT to be addressed to individual Board of Trustee members, to any township staff present, or to other members of the audience.
4. There is a three (3) minute time allotment for each speaker. The time limit may be extended by the Chairperson or majority of the Board of Trustee members present. A speaker may speak only once at each Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker.
5. A speaker will be out of order if the speaker disrupts the meeting, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a Board of Trustee member or Township employee that is unrelated to the performance of that person's duties.
6. If a speaker is called out of order, that speaker will not be able to speak again at the same meeting except by special leave of the Board of Trustees
7. The Chairperson, or other person chairing the meeting, will have the discretion to permit members to speak at times other than the times reserved for Public Comment.

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BOARD OF TRUSTEES REGULAR MEETING
September 8th 2025 7:00 PM
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09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720
ZOOM 849 2451 3210

1 The September 8th, 2025, meeting of the Hayes Township Board was called to order by
2 Supervisor William Conklin at 7:00 pm.

3
4 Board members present were Matt Cunningham (Trustee), Julie Collard (Treasurer), Doug
5 Kuebler (Trustee), William Conklin (Supervisor) and Kristin Baranski (Clerk)

6
7 Audience Members signed in: David Zipp, Roy Griffiths, CT Martin, Carey Cuddeback, Stan
8 Boris, Andy Balderson, Linda Balderson, Ashley Marina, Darcy Phelps, Catherine Phelps,
9 David Molesta, Rex Greenslade, Ed Bajos, Shelly Dorgan, Jerry Mills, Kevin Willis, Gary
10 Spencer, Frank Shepherd, Sherry Baker-McCarey, Ray Cunningham, Ellis Boal, LuAnne
11 Kozma, Bill Henne, Betty Henne, Jerry Simpson, Tim Boyko, Carol Umlor, Katherine Simon,
12 Jacob Byrd, Carla Spencer, Greta McVay, Brigitte Fowler, Robert Fowler, Janine Warner, Paul
13 Ivan, Corinne Vita, John Hogan, Ann Hamlin, Rebekah Berg, Shelly VanWart, Deb Narten,
14 Mark Snyder, and Sharon Bagley.

15
16 **CALL TO ORDER**

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

18
19 **DECLARATION OF CONFLICT OF INTEREST:**

20 NONE.

21
22 **REVIEWED & APPROVED AGENDA**

23 Remove agenda item #15 Cemetery By-Laws Update.

24 Mr. Cunningham made a motion, supported by Ms. Baranski to not take on any new business
25 items after 9 pm.

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

27 Nays: William Conklin Motion Carried

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

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

31 Nays: Motion Carried

32

33

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PUBLIC COMMENTS:

Public comment opened and closed at 7:03.

- Correspondence Attached.
- Stated at Camp Sea-gull the fisherman should be allowed to park at the bottom of the hill. Appreciates the sheriff deputy being present at the meeting to help the meetings stay civil.
- Stated a 4 way stop sign at Maple Grove and Upper Bay Shore is not possible going West to East due to the steep hill.
- Stated they are happy to see the Sentinel return to Hayes Township. Would like the Road Commission to stop mowing Shrigley Road.
- Stated they find the Sentinel is trying to set the residents against the new supervisor Bill Conklin. Feels the board does not listen to residents. Feel the board members need to be more respectful.
- Stated they have lived in Hayes Township for 57 years. They have not had to address the board very many times, other than on a couple important matters. They have observed many people over the years move up to this area from downstate and try to change our community to be more like the cities they left.
- Stated they attended the Park and Rec meeting last October and the issues at Eastern Avenue Beach were addressed and solved at that meeting would like to know what happened to the ideas suggested at the October 2024 Parks and Rec Meeting.
- Stated the email on the Sentinel is incorrect. Stated there is some errors within the Sentinel and would like them corrected.
- Stated at the BRI-Planning Commission workshop meeting they requested what Master Plan they are using? They were told the current Master Plan, however the Master Plan on the website does not have a date of adoption on it. Concerned the Master Plan has never been adopted properly.
- Stated they received a disgusting newspaper in the mail.
- Stated they disagree with how the board conducts business. Do not believe Bill Conklin to be a shadow supervisor.
- Stated they have been a subject of harassment from Corrine Veta for 13 years. They have a court agreement that they have not violated. Would like the Township to stop this harassment.
- Stated the meeting should start at 6pm versus 7pm due to the meetings going so late.

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67

68 Closed at 7:36

69

70 **APPROVAL OF AUGUST 11TH 2025 BOT REGULAR MEETING MINUTES:**

71 Mr. Cunningham made a motion, supported by Ms. Baranski to approve the August 11th,
72 2025, Board of Trustees regular meeting minutes as amended.

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

74 Nays: None **Motion Carried**

75

76 **TREASURERS REPORT**

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

78 Took a moment to honor the 13 soldiers killed in Afghanistan by reading aloud their
79 names.

80

81 **CLERKS REPORT: APPROVAL OF WARRANTS**

82 Clerk, Ms. Baranski, presented the warrants in the amount of \$29,773.01.

83 Ms. Baranski made a motion, supported by Ms. Collard to approve Township warrants out of
84 the General Fund in the amount of \$29,773.01. A roll call was taken.

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

86 Nays: **Motion Carried**

87

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

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

92 Nays: None **Motion Carried**

93

94 Ms. Baranski asked if anyone has started anything for this year's audit and F65.

95 Ms. Collard stated the auditor is scheduled to start gathering information in October.

96 Ms. Baranski requested a copy of the audit and finalize F65 from the supervisor.

97 Mr. Conklin stated he received notice the F65 was not filed but was part of the audit and he
98 will reach out to Steve for an official copy.

99 Clerk requested payroll information from Bill Conklin for the July Board of Review members.

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100 Supervisor will send Ms. Baranski this information.

101 Mr. Conklin asked the board if anyone had an update on the Burnett Road project.

102 Mr. Kuebler stated they have two inches of blacktop down and they have the culvert in most
103 of the places, then they will lay another two inches of blacktop.

104 Mr. Conklin asked Mr. VanZee if Abraham Dhasaleer had reach out concerning trees being
105 removed by the road commission within the road right of way that were part of a buffer,
106 would cause him any problems with the township due to the townships screening
107 requirements?

108 Mr. VanZee stated if they were in the Road Right of Way and removed by the County he will
109 not be in any kind of violation.

110

111 **COUNTY COMMISSIONER REPORT**

112 Bob Jess was not present.

113

114 **PARKS AND REC. REPORT**

115 Ms. Collard presented the Parks and Rec. report.

116 The next regular Parks and Rec meeting will be rescheduled.

117 The Board would like to thank Gregg and Becky Stauffer for all their hard work at Hayes
118 Township Park Camp Sea-Gull.

119 Ms. Collard made a motion, supported by Ms. Baranski to authorize Becky and Gregg Stauffer
120 as the park host for the 2026 season.

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

122 **Nays: None** **Motion Carried**

123

124 Ms. Baranski stated next year the board will need to budget for a new sliding door at the Host
125 House.

126

127 **PLANNING COMMISSION**

128 Mr. Cunningham presented the Planning Commission Report. The next regular Planning
129 Commission meeting is September 16th, 2025, at 7:00 pm.

130

131 **ZONING BOARD OF APPEALS**

132 ZBA has a hearing scheduled on October 8th 2025 at 7:00 pm.

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134 **ZONING ADMINISTRATOR REPORT**

135 Ron VanZee presented a Zoning Administrator report.

136 Report available at the Hayes Township Hall.

137

138 **TRUSTEES REPORT:**

139 Mr. Cunningham would like to know if the board would like Ray Cunningham pull the swim
140 buoys at Eastern Avenue Beach.

141 Ms. Baranski made a motion, supported by Ms. Collard to approve Ray Cunningham to
142 remove the Swim Buoys at Eastern Avenue Beach.

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

144 Abstained: Matt Cunningham

145 Nays: None **Motion Carried**

146

147 Mr. Kuebler stated he found out there is a white 55 mile an hour sign on Major Douglas Sloan
148 road between Burnett and Murray, heading towards Murray. Then coming back from Murray,
149 on Major Douglas Sloan road there is a yellow sign on the curve for 35 Miles Per Hour. However
150 this is only a cautionary sign. The county has finally realized after a wreck on Maple Grove Road
151 involving a county road grader they should finally widen the road.

152

153 Ms. Collard read a letter from Chuck Vondra. Letter Attached.

154

155 **SUPERVISOR REPORT:**

156 William Conklin presented a supervisor report.

157 Ms. Baranski made a motion, supported by Mr. Kuebler to accept Option A from
158 Performance Engineers should it include materials testing, survey, control safety, and per-
159 construction meeting, as well as the Performance-Guarantee.

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

161 Nays: None **Motion Carried**

162

163 **RESOLUTION TO ESTABLISH AN EMERGENCY PREPAREDNESS COMMITTEE:**

164 Mr. Conklin stated in the MTA book when creating an advisory committee it is to assist the
165 board in making discussions. However this board is a committee of local residents gathering

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resources and sharing information among other residents, for neighbors to help neighbors during emergencies.

The board came to a consensus to create a committee that is volunteer based and not an advisory committee through the township. Mr. Conklin will work with the township attorney to outline this kind of volunteer committee.

REQUEST TO CCRC TO ESTABLISH A 4-WAY STOP AT THE INTERSECTION OF UPPER BAYSHORE AND MAPLE GROVE:

The board came to a consensus to inform the County Road Commission Hayes Township Board and Hayes Township Residents are concerned the intersection at Upper Bay Shore and Maple Grove is unsafe and would like the County Road Commission to access and propose a solution.

AUTHORIZE CERTAIN MAINTENANCE OF THE BEACH ACCESS AT THE SOUTH END OF MAPLE GROVE AT LAKE CHARLEVOIX:

The board came to a consensus to table this discussion until next meeting so the board can research and create the best solution.

AUTHORIZE SURVEYOR TO INCESTIGATE AND MAKE A REPORT REGARDING THE LEGAL DIMENSIONS OF EASTERN AVENUE BEACH:

The board came to a consensus to table this discussion until next meeting so the board can research and create the best solution.

DESIGNATE AN ICE-FISHING PARKING AREA IN THE UPPER PORTION OF HAYES TOWNSHIP PARK/CAMP SEA-GULL:

Tabled until October 2025 BOT

MICHIGAN TOWNSHIP PAR PLAN RISK CONTROL COMMENTS AND RECOMMENDATIONS:

Tabled until October 2025 BOT

ZONING BOARD OF APPEALS RESIGNATION AND POSTING:

Ms. Baranski made a motion, supported by Mr. Cunningham to accept Rod Slocum's resignation as an alternate from the Zoning Board of Appeals.

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

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199 Nays: None **Motion Carried**

200

201 The board came to a consensus to post the open Zoning Board of Appeals position to fulfill
202 the term of Rod Slocum on the website.

203

204 **PUBLIC COMMENTS:** Public comments opened at 9:03 pm.

205 Comments included:

- 206 - Would like Robert Fowler to address the court of appeals decision regarding the
207 property rights on beach avenue and Eastern Avenue Beach. The conditions of the
208 1995 agreement clarifies the Eastern Avenue Beach access for the public and this
209 court agreement needs to be outlined for the public visiting the beach.
- 210 - Mr. Fowler stated the court agreement basically outlines who holds the title to the
211 property. It has nothing to do with the location of a dock or anything like that. It was
212 just who had the title to the property, because there was an ongoing concern. Their
213 attorney at the time had wrote a letter to the township attorney and explained what
214 the whole lawsuit was about, and suggest the board members read all the
215 information.
- 216 - Mr. Conklin stated his idea was to have Ferguson mark the boundaries of the Eastern
217 Avenue Beach, which would help the board decide on a way to define the corners
218 and make them visible for the public.
- 219 - Resident stated the township has a survey and the township should research and
220 understand the complexity of the site and all of the agreements regarding Eastern
221 Avenue Beach before spending any money on another survey.
- 222 - Would like everyone to stay within their limited time when making public comment.
- 223 - Would like to know if she can get her FOIA request after the meeting.
- 224 - Would like to Eastern Avenue Beach issue researched by the Township board. Feels
225 the Board is at risk of a first amendment violation if they are going to stop a resident
226 from speaking to others at the beach.
- 227 - Would like to see more copies for the public. Made an appointment to pay summer
228 taxes with the Treasurer.
- 229 - Ms. Collard stated she is available by appointment all this week and will be in office
230 Monday September 15th from 9am-5pm.

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- Stated the new mic system is working great. Clarified in February 2020 a resolution was adopted by the Hayes Township Board adopting a new Master Plan.
- Stated to save time during the meetings, perhaps the minutes could be reviewed and corrected before a meeting.
- Requested clarification is a survey has been ordered for Eastern Avenue Beach. Suggested the board do the research and read the court agreements to understand the rights of all parties involved.
- Mr. Conklin stated his idea to solve the boundaries issue was to have a survey done.
- Stated the survey markers can be found with a metal detector.
- Stated the time limit on the meeting is great, perhaps put a time limit per agenda item. The Supervisor report last month took over an hour of the meeting and found it very self serving of Supervisor Conklin. Stated they recall Mr. Conklin stated multiple times at last meeting that he is not concerned about the amount money spent by the township defending the lawsuit he has against the township. Requested what Bill Conklin wanted to accomplish with the survey at Eastern Avenue Beach, because Parks and Rec. have discussed putting something more decorative on the boundaries of Eastern Avenue Beach versus flags. Would like this matter to be handled by the Parks and Rec Committee. Have sympathy for the residents of Pine Point being harassed and assaulted by Corrine. The hill at Hayes Township Park Camp-Seagull will have to be constantly salted in order to stay safe during the winter months.
- Stated they do not appreciate the personal attacks and harassment from other Pine Point residents. They are just trying to stand up for the rights of a public beach that is getting encroached by neighboring property owners. Would like to see some kind of outline be set by the board at Eastern Avenue Beach.
- Would like to know why the Township is listening to someone who does not pay taxes in Hayes Township.

Public comments closed at 9:35 p.m.

BOARD OF TRUSTEE COMMENT:

Ms. Collard stated she empathizes with Corinne, however feels when sometimes people can let their emotions run high and make bad choices when they are passionate about something. She believe there has been some miscommunication, however, does not find this to be an excuse for harassment. She has walked the property and has research the

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264 lawsuits and has a clear understanding of why this property exists. Feel the other board
265 members should do their own diligence and read the history and final ruling.

266

267 **ADJOURNMENT:** Mr. Cunningham made a motion, supported by Ms. Baranski, to adjourn at
268 9:40 p.m.

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

270 Nays: None **Motion Carried**

271

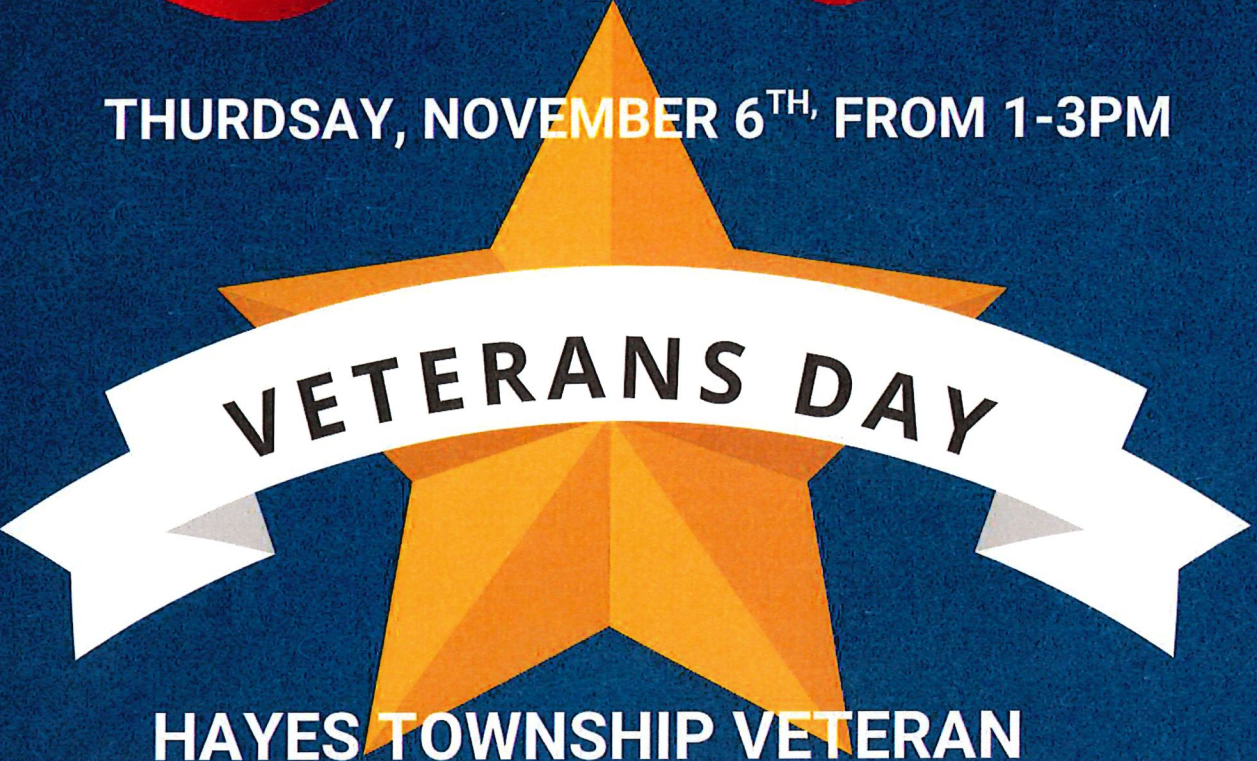
272 Respectfully Submitted,

273 April Hilton

274 Hayes Township Deputy Clerk/Recording Secretary



THURSDAY, NOVEMBER 6TH, FROM 1-3PM



VETERANS DAY

**HAYES TOWNSHIP VETERAN
APPRECIATION**

**JOIN US FOR LUNCH & HONOR
GUARD IN RECOGNITION OF ALL
WHO HAVE SERVED OUR COUNTRY**

9195 Major Douglas Sloan Rd,
Charlevoix, MI 49720

hayestownshipmi.gov (231)547-6961

October 2025 Treasurer Report

(As of October 8, 2025)

Charlevoix State Bank

1. General Fund-\$745,496.90

(\$535,496.90 available, \$210,000 Recommended Reserve)

2. Tax Account-\$75,544.39 *(restricted Treasury Funds)*

3. Township Warrant Checking-\$27,021.24

4. Pantry-\$4,954.22 *(restricted funds)*

5. ARPA *(restricted funds)*-\$19,507.10

Horizon

6. Hayes Township Road Fund-\$333,878.91 *(restricted funds)*



Zoning Administrator Report

October 2025

Zoning Administrator work in progress report for the month of September includes the following:

- Variance application for 6995 Birdland Drive approved at ZBA meeting on July 23rd 2025 at 7:00 pm. Waiting for applicant to submit Site Plan for the Shoreland Protection strip from the Stream and Lake Charlevoix.
- Communicating with landowner regarding violation for a non permitted patio on Oyster Bay Drive. Sent Zoning permit application and section 3.14 of the Hayes Township Zoning Ordinance to landowner.
- Received rezone request application for 7977 Pincherry Rd. Planning Commission approved the request at their meeting on September 16th 2025. Rezone has been sent to Charlevoix County Planning Commission for review.
- Received Zoning permit application for New Single Family Dwelling on Spring Street, waiting for additional information from the landowner.
- Received Variance request application for 7125 Nine Mile Point Dr. Landowner requested to put variance application on hold, until Shoreland Plan is approved by Planning Commission. Landowner will be submitting shoreline restoration plan.
- Received Variance request application for 7720 Indian Trails Dr. ZBA Meeting scheduled for October 8th 2025 at 7:00 pm.
- Zoning permit application for a Demo and rebuild of existing home on Quarterline road. Shoreline Review Committee conducted inspection and advised applicant to work with Tip of the Mitt to create shoreland restoration plan.
- Resolved with landowner a non-compliance nuisance complaint on Hyek Road.
- Inspected and trying to contact landowner, last communication with landowner stated he was not well on Villa Road for Violation of Nuisance Ordinance and a non-compliance complaint. Sheriff department checking for occupancy.



- Spoke with landowner with storage units on US 31 East of Burgess, to relocate their signs.
- Working with equalization to complete the Zoning Map updates. Should be completed mid October.
- Continuing to see progress from DeWitt Marine after Planning Commission moved to change to provisions of their special use permit. DeWitt Marine has removed boats and boat pads.
- Application for a new single family dwelling unit on Murray Road. Waiting for additional information from landowner.
- Spoke with Holtec Representative, sign permitted to Holtec on 4/23/2025 was placed incorrectly, they will be correcting the placement.
- Resolved with landowner on Stonebridge drive for a trailer encroaching into the front yard.
- Met with Landowner regarding complaint of a Shoreline violation on Peaceful Valley Road, they will be submitting a Shoreline Restoration plan.
- Continuing to see progress from landowner on Maple Grove Road for a Nuisance Ordinance compliant, Charlevoix County Fire Department Chief is monitoring parcel for fire hazards. EGLE confirmed that the property owner complied with requirements, contaminated soils were removed from the site.
- Received and reviewing Zoning permit application for a new single family residence on Deer path Drive. Stop Work Order has been issued on this project, until shoreline protection strip is restored.
- Received and reviewing zoning permit application for an addition to an existing single family residence on Birdland Drive. Application includes a shoreline restoration plan.
- Sent Violation notice letter to landowner on US 31 across from the Country Club for the incorrect placement of a sign.
- Spoke with landowner on Nine Mile Point regarding trash issues on their property.
- Spoke with landowner on Shrigley Road regarding trash issues on their property.
- Approved parcel reconfiguration application on Burgess Road.



April Hilton <deputyclerkhayes@gmail.com>

Supervisor's Report and Attachments for Agenda items -

1 message

Bill Conklin <supervisorhayestownshipmi@gmail.com>

Wed, Oct 8, 2025 at 11:12 AM

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

Hello April --

See attached Sup Report -

Second attachment is the Proposal for Eastern Ave Beach -

Third attachment should go with the Supervisor's Report, although I did not attach it.

Any questions, please call.

Thank you, Bill

4 attachments**Supervisor Report_October 2025.pdf**

205K

**Survey Estimate_Staking Eastern Ave Beach.pdf**

126K

**Proposed Survey_Eastern Ave Beach.pdf**

1217K

**Eastern Ave Beach_Ordinance-Ideas.pdf**

214K

1. The application with FEMA and MSP (Michigan State Police) for 75% reimbursement for \$21,500.00 which was paid to W&W Tree Service and Rainey Landscaping from Hayes Township funds has passed internal review. Last week I submitted an application for reimbursement of the 240 volunteer hours to the Township at the rate of \$15.00/hour = \$3600.00. If this is approved, then the Township will recover 75% of the total amount of volunteer hours for the public benefit. Volunteer hours for private assistance cannot be recovered. See attached Excel Spreadsheet which was submitted to FEMA.
2. On September 11, 2025, I met with Heather Huffstutler, Executive Director for Tip of the Mitt Watershed Council. We discussed the Planning Commission's proposed change of the Shoreline Protection Strip from 50 feet to 25 feet. The Planning Commission has made this "proposed change" over the continuing objection by many residents. I am neither in favor of this change nor a special use permit process to modify even a 25 foot shoreline protection strip. Over the years, Tip of the Mitt has referenced the current Hayes Township Ordinance re: a 50 foot shoreline protection strip as a model for other townships. Tip of the Mitt will be updating their Watershed Management Plan for Lake Charlevoix in the next few months.

For current and prospective planning commission members, there is a Michigan Coastal Management Program offered by Tip of the Mitt Watershed Council scheduled for November 13 from 9:00am to 4:00pm at the Torch Lake Township Hall on US-31. Information will be forwarded upon request.

3. Concerned residents in the area of Eastern Avenue Beach and I have embarked on a series of discussions aimed at resolving the decades-long concerns over boundaries, enforcement of the rules, hours, parking and use of the Beach area. Neighboring residents have expressed frustration that neither the Sheriff's Department nor the Township has enforced loud noise/music from cars late at night and people partying at the beach after 10:00pm, among other concerns. I sent a copy of our Parks and Road Ending Ordinance to Sheriff Vondra who assures me that his deputies will enforce loud noise, disturbing the peace, partying and use of the beach after hours. Possible trail cameras or camera surveillance may be helpful for enforcement

I researched the files in Hayes Township and have found prior Board decisions in 2014 to install No Parking Signs on Eastern Ave and also a Resolution requesting the Charlevoix County Road Commission to install No Parking signs. To date, there are no such signs and numerous cars park on both sides of the road, especially during the month of July.

If the Township is going to own and make available to the public a beach area for swimming and recreation purposes, then it must enforce its rules for the safety, health and well-being of the residents who live in close proximity to this beach area.

Concrete markers (Agenda item) need to be installed to define the perimeter of the Beach area. I understand that proper signage outlining a map of the beach area and outlining hours of use and rules of conduct is being undertaken by the Parks and Recreation Committee.

Furthermore, garbage/refuse containers and dog refuse bags should be made available (as decided at prior Board meetings) and the area must be cleaned regularly. Decisions need to be made over the next three months to implement rules, regulations and procedures for enforcement. Your ideas are welcome.

4. I have reviewed the Agreements at the south road end of Maple Grove Road aka Farmer's Beach and believe that the Board should undertake some investigation whether to continue those agreements or abandon those agreements. I will outline the Agreements at the next Board Meeting so the Board can discuss alternatives and options to better serve the residents of Hayes Township at this location.
5. The Community Assistance Committee idea has been abandoned as a standing committee of Hayes Township. The Township attorney advised that the Township is not actually authorized to undertake such efforts, on its own initiative, which may create a problem. Nonetheless, I believe that concerned residents could join with Janine Warner to form a type of Hayes Township Community Preparedness, non-profit entity. I would be willing to assist in this endeavor. Having a group of individuals who are knowledgeable about what resources within Hayes Township might be available during an emergency is necessary. This group could recruit individuals to volunteer assistance in a number of ways. The Township Board could entertain requests from the non-profit entity to use the township hall for training, meals, warmth, etc., as they arrange and supervise.
6. I am investigating whether a sergeant-at-arms is advisable at Township Board meetings. A sheriff's deputy has appeared at 4 or 5 past Board meetings, without my knowledge. What policy authorizes a member of the Board to summon a deputy sheriff at public Board meetings? The presence of the police is intimidating, thwarts public discourse and restricts 1st Amendment freedoms for some of the people. Critics of how a meeting is run breeds suspicion and distrust; stating contrary views and sharing different opinions breeds better decisions.

I am of the opinion that anybody should be given the latitude to speak their mind openly, without restraint, as long as there is no profanity, no name-calling or abusive behavior involved. I campaigned on a policy that residents should be able to speak and not be cut-off in mid-sentence, although three minutes is the time limit. However, my style has met with ridicule that our meetings are taking too long. "We the elected" serve the people. If we do not take the time to listen to the residents then we do not have time to be on the Board and should resign. One Board meeting a month is not excessive; therefore, we should accommodate the people for whom we work.

7. I am meeting with Pat Weeks, Charlevoix County Road Commission during the last week of October to discuss No Parking signs on Eastern Avenue, the road-end agreements on Maple Grove and the four-way stop sign on Maple Grove. If traffic control applications need to be submitted, with coordination with the Sheriff Department and the State of Michigan, I will do so.

I am happy to report that the Charlevoix County Road Commission responded promptly to the Board's request to widen Maple Grove Road near Mel Thayer's property line and the work has been completed. Speed limit requests for Townline and Shrigley road are being reviewed.

Bill Conklin
231-373-0059

Date	Tasks	Number of Hours	Volunteer	Estimated Hourly Cost	Estimated Total Volunteer Value
4/26/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	10 Hours	Randy Cebulski	\$15.00/Hour	\$150
4/27/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	3 Hours	Randy Cebulski	\$15.00/Hour	\$45
4/26/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	10 Hours	Sarah Wolfe	\$15.00/Hour	\$150
4/27/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	8.5 Hours	Sarah Wolfe	\$15.00/Hour	\$127.50
4/26/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	6 Hours	Mel Czechowski	\$15.00/Hour	\$90
4/27/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	4 Hours	Mel Czechowski	\$15.00/Hour	\$60
4/27/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	8.5 Hours	Kit Tholen	\$15.00/Hour	\$127.50
4/27/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	4 Hours	Carlos Jaramillo	\$15.00/Hour	\$60
4/27/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	3 Hours	Jordan Zwagerman	\$15.00/Hour	\$45

4/26/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	10 Hours	Bill Conklin	\$15.00/Hour	\$150
4/27/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	8 Hours	Bill Conklin	\$15.00/Hour	\$120.00
5/3/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	5 Hours	Stacy McGarey	\$15.00/Hour	\$75
5/3/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	5 Hours	Janet McGarey	\$15.00/Hour	\$75
5/3/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	7 Hours	Woody Pearson	\$15.00/Hour	\$105.00
5/3/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	3.5 Hours	Justin Allen	\$15.00/Hour	\$52.50
5/3/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	12 Hours	Bill Conklin	\$15.00/Hour	\$180
5/4/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	2 hours	Casey Conklin	\$15.00/Hour	\$30
5/4/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	2 Hours	Dick Bateman	\$15.00/Hour	\$30
5/4/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	2 Hours	Bill Conklin	\$15.00/Hour	\$30.00
5/10/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	5 Hours	Bill Conklin	\$15.00/Hour	\$75

5/10/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	3 Hours	Justin Allen	\$15.00/Hour	\$45.00
5/10/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	3 Hours	Kevin Willis	\$15.00/Hour	\$45.00
5/16/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	1 Hour	Diane Conklin	\$15.00/Hour	\$15
5/16/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	1 Hour	Bill Conklin	\$15.00/Hour	\$15
5/17/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	2.5 Hours	Kevin Willis	\$15.00/Hour	\$37.50
5/17/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	4.0 Hours	Chris Loewen	\$15.00/Hour	\$60.00
5/17/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	4.0 Hours	Robin Loewen	\$15.00/Hour	\$60.00
5/17/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	4.0 Hours	Jack Loewen	\$15.00/Hour	\$60.00
5/17/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	6 Hours	Jim Rudolph	\$15.00/Hour	\$90
5/17/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	11 Hours	Bill Conklin	\$15.00/Hour	\$165
5/24/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	5 Hours	Bill Conklin	\$15.00/Hour	\$75

5/25/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	5 Hours	Bill Conklin	\$15.00/Hour	\$75
5/27/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	2 Hours	Bill Conklin	\$15.00/Hour	\$30.00
5/31/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	3 Hours	Bill Conklin	\$15.00/Hour	\$45.00
6/1/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	3 Hours	Kevin Willis	\$15.00/Hour	\$45
6/1/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	4 Hours	Jim Rudolph	\$15.00/Hour	\$60
6/1/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	4 Hours	Bill Conklin	\$15.00/Hour	\$60
6/7/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	10 Hours	Bill Conklin	\$15.00/Hour	\$150.00
6/8/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	5 Hours	Ben Skinner (Coach)	\$15.00/Hour	\$75
6/8/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	5 Hours	Monte Eaton (baseball team)	\$15.00/Hour	\$75.00
6/8/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	5 Hours	Brayden Joyce (baseball team)	\$15.00/Hour	\$75.00
6/8/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	5 Hours	Nick Lemieur (baseball team)	\$15.00/Hour	\$75.00

6/8/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	5 Hours	Bill Conklin	\$15.00/Hour	\$75.00
6/14/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	5 Hours	Bill Conklin	\$15.00/Hour	\$75.00
7/5/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	3 Hours	Janet McGarey	\$15.00/Hour	\$45
7/5/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	3 Hours	Stacy McGarey	\$15.00/Hour	\$45
7/5/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	2 Hours	Justin Allen	\$15.00/Hour	\$30.00
7/5/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	3 Hours	Bill Conklin	\$15.00/Hour	\$45.00
7/6/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	2 hours	Austin Young	\$15.00/Hour	\$30
7/6/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	2 hours	Bill Conklin	\$15.00/Hour	\$30
7/11/2025	Vegetative Debris Clearance from Public ROW or Public Facilities	1 hour	Bill Conklin	\$15.00/Hour	\$15
TOTALS:	Vegetative Debris Clearance from Public ROW or Public Facilities, including Bayside Park; 9 Mile Point and Michigan Shores; North Townline area, Spring St area, Murray Rd, Burgess, Stolt, Pincherry, Maple Grove, Township Hall, See Rd and Birdland	TOTAL VOLUNTEER HOURS: 240; Bill Conklin = 94 hours; 23 volunteers = 146 hours. Bill Conklin and 9 volunteers for private benefit not included = 78 hours	See List above.	\$15.00/Hour	\$3,600

September 16, 2025

To the Township Board and Management:

Township of Hayes
9195 Major Douglas Sloan Road
Charlevoix, MI 49720

We are pleased to confirm our understanding of the services we are to provide the Township of Hayes (the "Township") for the year ended June 30, 2025.

Audit Scope and Objectives

We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, and the disclosures, which collectively comprise the basic financial statements of the Township as of and for the year ended June 30, 2025. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Township's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Township's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient appropriate evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's discussion and analysis
- 2) Budgetary comparison schedules

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error and issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error

CERTIFIED PUBLIC ACCOUNTANTS

and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

Auditor's Responsibilities for the Audit of the Financial Statements

We will conduct our audit in accordance with GAAS and will include tests of your accounting records and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts and direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We may, from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party

service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Our audit of the financial statements does not relieve you of your responsibilities.

Audit Procedures—Internal Control

We will obtain an understanding of the government and its environment, including the system of internal control, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

We have identified the following significant risks of material misstatement as part of our audit planning:

- Improper revenue recognition
- Implementation of new accounting standards
- Management override of controls / separation of duties

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Township's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Other Services

We will also prepare the financial statements of the Township in conformity with accounting principles generally accepted in the United States of America based on information provided by you. We will also perform the following services:

- Reconciliation of capital assets
- Reconciliation of leases receivable
- Reconciliation of long-term debt
- Preparation of the F-65
- Preparation of the Qualifying Statement

We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities for the financial statement preparation services and any other nonattest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Responsibilities of Management for the Financial Statements

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with accounting principles generally accepted in the United States of America with the oversight of those charged with governance.

Management is responsible for making drafts of financial statements, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) additional information that we may request for the purpose of the audit; and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with accounting principles generally accepted in the United States of America (GAAP). You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have

changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

The audit documentation for this engagement is the property of Gabridge & Company, PLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the Michigan Department of Treasury ("Treasury"), or its designee. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Gabridge & Company, PLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to Treasury, or its designee. Treasury, or its designee, may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

Joe Verlin, CPA, CGFM is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. We expect to issue our reports no later than December 5, 2025.

Our fee for services will be at our standard hourly rates except that we agree that our gross fee will not exceed \$10,800. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Reporting

We will issue a written report upon completion of our audit of the Township's financial statements. Our report will be addressed to the Township Board. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or withdraw from this engagement.

We appreciate the opportunity to be of service to the Township and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the attached copy and return it to us.

Very truly yours,

Galbridge & Company

RESPONSE:

This letter correctly sets forth the understanding of the Township.

Management signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____

09.11.2025

Engineering Services Proposal

To:

Bill Conklin
(231) 499-5606
supervisorhayestownshipmi@gmail.com

Performance Engineers, Inc. (PEI) has been asked for a proposal to provide construction-based services to for the Hayes Township Camp Sea-Gull Drainage Improvements project.

From:

Wayne Seger
Performance Engineers
406 Petoskey Ave.
Charlevoix, MI 49720

PEI will work with Hayes Township and Spierling Trucking & Excavating to facilitate the construction of the project to ensure it is build in accordance with the plans and specifications. Based on conversations and email correspondence with Hayes Township Supervisor Bill Conklin, PEI has developed a proposal for services to accomplish the work as discussed.

Re:

Camp Sea-Gull Drainage
Improvements Construction

Scope of Services:

The project requires pre-construction, survey control staking, materials testing, and construction observation.

Proposal No.:

2025987

Pre-Construction

PEI will coordinate an onsite pre-construction meeting with the Township and Contractor to outline the schedule and expectations of the project.

- Coordinate and attend a pre-construction with all required entities
- Review and interpret plans and specifications as needed for contractor.

Survey Control Staking

Provide project control one-time staking of the parking lot and site improvements.

Materials Testing

Construction materials testing:

- Sub-base Density Testing; it is assumed that 1 visit to the site should be adequate.
- Aggregate-base Density Testing; it is assumed that 1 visit to the site should be adequate.
- Lab testing of concrete cylinders and aggregate materials.

Construction Observation

PEI will provide part-time observation of construction activities to document that the project is built in accordance with the approved plans & specifications.

Performance Engineers, Inc.

Tel (231) 547-2121
Fax (231) 547-0084

406 Petoskey Ave.
Charlevoix, MI 49720

performanceeng.com
Info@performanceeng.com



To:

Bill Conklin
(231) 499-5606
supervisorhayestownshipmi@gmail.com

PEI will perform this work according to our hourly rate schedule, billing only for the actual time spent on your project. For budgeting purposes, the total estimated cost for this work is as follows:

• Pre-Construction	\$ 500
• Survey Control Staking	\$ 1,000
• Materials Testing	\$ 1,500
• Construction Observation	\$ 2,000

From:

Wayne Seger
Performance Engineers
406 Petoskey Ave.
Charlevoix, MI 49720

Estimate Total: \$ 5,000

Re:

Camp Sea-Gull Drainage
Improvements Construction

Performance Engineers, Inc. appreciates the opportunity to provide you with a proposal for this project.

Proposal No.:

2025987

Should you have any questions, please do not hesitate to contact us. However, if you would like to proceed at the proposed fees, please sign below and return to our office.

Sincerely,

Performance Engineers, Inc.

Wayne Seger

Wayne Seger, P.E.

Accepted by

Date

PERFORMANCE ENGINEERS, INC. TERMS AND CONDITIONS

Standard of Care: In providing services under this Agreement, PEI will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.

Access to Site: Unless otherwise stated, PEI shall have access to the Project site for activities necessary to perform the services. PEI shall protect and secure access in the manner specified by the client.

Defects in Services: The Client shall promptly report to PEI any defects or suspected defects in services of which the Client becomes aware, so that PEI may take measures to minimize the consequences of such defect. The Client further agrees to impose a similar notification requirement on all contractors and subcontractors at any level.

Limitation of Liability: PEI agrees to provide and maintain professional liability insurance coverage, in an amount of not less than \$1,000,000.00 in full effect for the duration of the Project.

Fees: Fees are accrued on a monthly, per visit, or hourly basis (as appropriate) and shall be billed each month for work completed in the previous month. Payment is to be made by the Client within 30 days of the date of the invoice unless other arrangements are established. There is no increase in rates for overtime. Nothing contained herein shall be deemed to prevent PEI and the Client from entering into any other form of payment arrangement as may be mutually beneficial from time to time.

Reimbursable Costs: The Client shall reimburse PEI for all costs incurred in connection with the Project. Reimbursable costs include but are not limited to, materials, lab fees, shipping of samples, etc. that are associated with the Project. PEI shall pass through all reimbursable costs to the Client without markup.

Change of Scope: Should there be revisions to the scope of work PEI shall so notify the Client in writing and receive prior written approval from the Client, before proceeding. PEI shall submit for approval, in the form of a Project Change Order, stating the scope of the additional services, and the basis for payment.

Certifications, Guarantees, and Warranties: PEI shall not be responsible for regulatory violations associated with the work, unless such violations are the direct result of our failure to act in accordance with generally accepted practices. It is understood the client is the owner of the property and as such has some level of liability for regulatory compliance that cannot be abdicated. It is further understood that regulated construction work will be completed by an independent contractor, who shall contract directly with the Client.

Termination Of Agreement: This Agreement may be terminated by either party upon ten days' written notice should the other party fail substantially to perform in accordance with its terms, through no fault of the party initiating the termination. This Agreement may be terminated by either party and at any time, with or without cause, subject to sixty days written notice.

Notes:

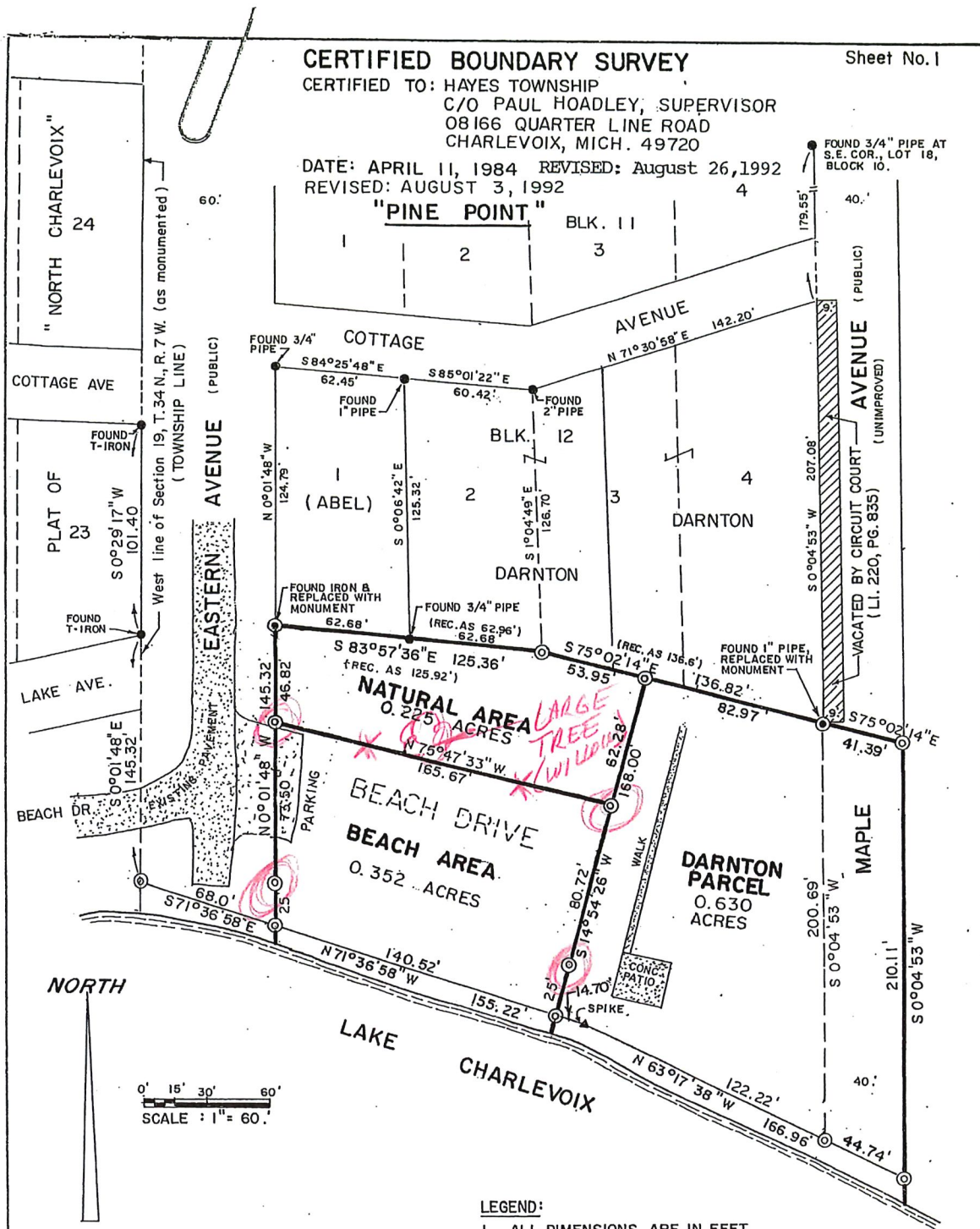
1. Rate schedule provides standard hourly rates for PEI labor and expense categories. Individual service contracts may have differing rates and/or rates for categories outside of these standard services.
2. Rates are subject to change without notice, subject to specific terms stating otherwise within individual service contracts.
3. Rates will be charged in prorated amounts, not less than 15-minute increments.

Standard Hourly Rates:Personnel:

Structural Engineer VII (P.E.)	\$168 /hour
Principal Engineer VII (P.E.)	\$163 /hour
Senior PM Geotechnical/Testing	\$155 /hour
Senior Engineer VI (P.E.)	\$147 /hour
Engineer V (P.E.)	\$138 /hour
Engineer IV (P.E.)	\$128 /hour
Engineer III (E.I.T)	\$112 /hour
Engineer I/II (E.I.T)	\$ 99 /hour
Senior Engineering Technician VI	\$120 /hour
Engineering Technician V	\$109 /hour
Engineering Technician IV	\$ 98 /hour
Engineering Technician III	\$ 85 /hour
Engineering Technician II	\$ 75 /hour
Engineering Technician I	\$ 65 /hour
Survey Technician	\$125 /hour
Clerical	\$ 65 /hour
Certified Operator II	\$105 /hour
Operator I	\$ 85 /hour
Senior Materials Testing Technician	\$125 /hour
Materials Testing Technician II	\$110 /hour
Materials Testing Technician I	\$ 90 /hour
Construction Inspection	\$ 85 / hour
Laboratory	\$100 /hour

Expenses:

Mileage	Fed Rate
Reimbursable Expenses and Subconsultants	cost + 15% markup
GIS Instrument	\$150 /Day
Survey Instrument	\$195 /Day
Nuclear Density Gauge	\$105 /Day
DCP Test Equipment	\$ 75 /Day
Concrete Cylinder Compression Test	\$ 71.25 /ea
Walk-In Reproduction	
CADD Plotting	\$ 65 /hour
Engineering Copies	\$ 0.75 /sft



John E. Ferguson, L.L.S. No. 24595

REVISED: 7-30-92

I HEREBY CERTIFY that I have surveyed and mapped the property delineated hereon and that the ratio of position closure of unadjusted field observations exceeds 1:5000 and the requirements of P.A. 132, 1970 have been fully complied with.

JOHN E. FERGUSON ASSOCIATES, INC.
LAND SURVEYING

PINE RIVER BUILDING
CHARLEVOIX, MICH. 49720
(616) 547-6882

SB-7349c-92

JOB NO. S.B.-1453c-83 FLD. CREW: J.H. & M.S.

DRAWN: 4-10-84

FLD. STAKED: 4-11-84

PART OF: THE RECORDED PLAT OF
"PINE POINT", HAYES TOWNSHIP,
CHARLEVOIX COUNTY, MICHIGAN.



Bill Conklin <supervisorhayestownshipmi@gmail.com>

Survey estimate for staking Beach Area

1 message

Scott Papineau <pappysa@fcasurveying.com>

Tue, Oct 7, 2025 at 10:20 AM

To: supervisor@hayestownshipmi.gov

Bill,

Per our discussion this morning, I am sending you this estimate for staking at the Beach Area on Eastern Avenue. The cost to mark the four corners of the beach, set stakes on the North line of the beach area, identify the location of the large willow tree, and set monuments at the corners where necessary will be \$800-900. We are currently scheduling out about 6 weeks. Please see the attached PDF with the area to be surveyed marked in red.

We have surveyed this area multiple times over the years, and in September of this year, we marked the West line of the Agley parcel. In the course of that survey, it was necessary to re-establish the markers that were set on the line previously. The monuments that were on the line are no longer there and we set new irons stakes with survey caps at the corner locations. I am anticipating the lakeside monuments will have been washed out by the recent high water levels on Lake Charlevoix, however I think all the upland stakes will be in place and in good condition.

I look forward to hearing back from you. If you have any questions, please let me know.

Thanks and have a great day.

Scott Papineau

Ferguson & Chamberlain Associates Inc.

103 W. Upright St.

Charlevoix, MI 49720

231-547-6882



Hayes Twp Beach area.pdf
1217K



Bill Conklin <supervisorhayestownshipmi@gmail.com>

Suggestions for Eastern Ave Beach (possible Beach Ordinance) and Noise Ordinance

6 messages

Bill Conklin <supervisorhayestownshipmi@gmail.com>

Wed, Sep 17, 2025 at 2:17 PM

To: Jenn Cram <jcram@bria2.com>

Cc: Roy Griffiths <rwgriffitts3@gmail.com>

Hello Jenn, Cram and Roy Griffiths:

I wanted to ask for your suggestions about a couple of issues which seem to require the township's time and effort --

I am aware of two issues which will need some attention:

1. Eastern Ave Beach - a swimming and picnic area (sandy beach area) on Lake Charlevoix (swimming area) and adjoins Charlevoix Township in a residential neighborhood. There are two or three residents who abut on the north end of this beach area/natural area as a buffer ---

a. adjoining residents have advised me of cars parked at the "beach" with loud music (thumping, deep bass) from the cars after 10pm, often 1-2am; drinking and loud noise on the beach after hours; boats coming onto the beach through the swimming area; fires on the beach after 10pm with loud talking, laughing, etc. Interference with the neighboring residents: their privacy and peace and quiet enjoyment.

b. However, there are no posted rules of use, times of use, beach area, limitations of use, restricted areas, restrictions, etc although a sign is proposed - to date there has been no enforcement of the "beach" restrictions, rules, provisions by Twp or the Sheriff dept personnel - as deputy sheriff says that the park is owned by the Twp (therefore, a twp issue) and the Twp has no Constable and we have no noise ordinance, etc - it does not seem to be the job of the Zoning Administrator either.

i. I am not faulting anyone, just asking for Beckett's assistance and recommendations -

2. Noise Ordinance - Fireworks and loud music or guests disturbing neighboring property owners after a certain time of day -- summer is the problem. What have other townships done in this regard. Should this be limited to residential neighborhoods vs agricultural zone...

= but a commercial-grade firework can explode and the sound can travel a mile or two or more.

I have requested a meeting with Sheriff Vondra to discuss what his Dept. might need to properly address these rather rare but nonetheless disturbing instances (8-15 times per summer) in order to have some enforcement of our beach rules, beach ordinance or noise ordinance or what other townships have done, ie: contract to enforce; issues with local, summer Constable, preparing the necessary ordinances, etc.

I do not want to rush into some regulation but I think that a discussion about options, considerations and suggestions could be presented to the Advisory Committee and Planning Commission in order to receive public input - Alternatively, we could meet to discuss, in person or phone call, what might be a viable plan of action.

Thank you,

Bill Conklin
231-373-0059

Jenn Cram <jcram@bria2.com>

Thu, Sep 18, 2025 at 10:16 AM

To: Bill Conklin <supervisorhayestownshipmi@gmail.com>

Cc: Roy Griffiths <rwgriffitts3@gmail.com>

Bill, email and voice message received. It looks as though Hayes Township has a Parks and Road Ending Ordinance, Ordinance #071116 of 2016, link to website below.

[Township Parks and Road Ending Ordinance - Hayes Township Charlevoix Michigan](#)

If this ordinance does not cover the issues you are receiving complaints about, the ordinance could be amended. The Ordinance should also specify who has the authority to enforce on behalf of the township. BRI could assist with drafting amendments to the

ordinance if needed.

Working with the Sheriff's Office to help with enforcement is a great place to start. They may need to have signs posted to be able to enforce the ordinance.

You should work with the Charlevoix County Road Commission to get approval to install signs. They may be able to make them for you or might take on responsibility to maintain them if installed by the township.

Please let me know if I can be of further assistance.

Jenn Cram, AICP

Associate

Beckett&Raeder, Inc.

Making Great Places for over 55 Years

148 E. Front St., Suite 207

Traverse City, MI 49684

Office: 231.933.8400

Direct Line: 231.974.2047

Ann Arbor, MI 734.663.2622

Grand Rapids, MI 616.585.1295

Petoskey, MI 231.347.2523

Toledo, OH 419.242.3428

Please visit us at www.bria2.com

[Quoted text hidden]

Bill Conklin <supervisorhayestownshipmi@gmail.com>

Thu, Sep 18, 2025 at 11:02 AM

To: Jenn Cram <jcram@bria2.com>

Cc: Roy Griffiths <rwgriffits3@gmail.com>

Thank you Jenn ---

I thought that my Ordinance Book was complete - obviously it was not. Thank you for your assistance and your thoughts/offer to assist.

We may have to address who is going to enforce this or any of our "public area" Ordinances. We have the same issue at the end of Maple Grove Road at Lake Charlevoix - used to be called Farmer's Beach. Enforcement may be the issue - I will advise you and Roy as to the Sheriff's perspective about enforcement vs Township Constable.

Bill Conklin
231-373-0059

[Quoted text hidden]

Roy Griffiths <rwgriffits3@gmail.com>

Fri, Sep 19, 2025 at 7:54 AM

To: Bill Conklin <supervisorhayestownshipmi@gmail.com>

Cc: Jenn Cram <jcram@bria2.com>

Bill,

In addition to Jenn's response, I would think that a disturbing the peace type of complaint to the Sheriff is the current option for the loud radio situation. A few years ago we round and round on a noise ordinance. Elis even bought a noise meter trying to offer that as a resource. In speaking with Chuck V, he indicated that a noise ordinance had to be county wide before they could enforce it. He also mentioned the many issues around the enforcement including maintaining the calibration of the equipment and the need for the responding deputy to actually observe and measure the noise.

I do think a sign with park rules could help. I am not sure that a constable makes economic sense given the limited number of occasions that this happens. Since the ordinance could empower you or other board members to also enforce the ordinance after board designation, that may be an option to increase availability of those who could respond.

Roy

[Quoted text hidden]

Jenn Cram <jcram@bria2.com>
To: Bill Conklin <supervisorhayestownshipmi@gmail.com>
Cc: Roy Griffiths <rwgriffitts3@gmail.com>

Fri, Sep 19, 2025 at 9:33 AM

Sounds good. Happy to help.

[Quoted text hidden]

Bill Conklin <supervisorhayestownshipmi@gmail.com>
To: Roy Griffiths <rwgriffitts3@gmail.com>
Cc: Jenn Cram <jcram@bria2.com>

Fri, Sep 19, 2025 at 11:21 AM

Thanks Roy --- the neighboring property owners outlined numerous instances where they had to "enforce" or tell renters or owners from Pine Pointe subdivision to abide by the beach rules as far as 10pm, loud noise, drinking there after hours, partying, etc -

I talked with Sheriff Vondra and he stated that his Dept. will enforce, he just needs the Ordinance (which I will drop off for him) and he does not believe that a Constable is necessary.

I appreciate your thoughts as there may be a need to re-visit this, listen to what neighboring property owners have experienced (letter preferred) and see how the township can address it properly --- sign, board designation, letter to Sheriff Dept, etc

Bill

[Quoted text hidden]



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

End of Townline Rd steps

1 message

Holly Russell <hollyrus11@gmail.com>

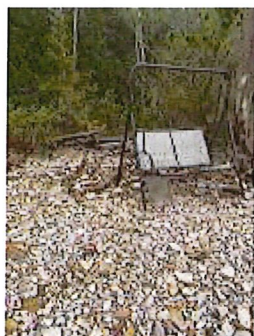
Fri, Sep 5, 2025 at 6:25 PM

To: clerk@hayestownshipmi.gov

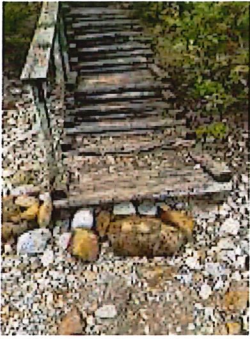
Thank you for your attention.

Sent from my iPhone

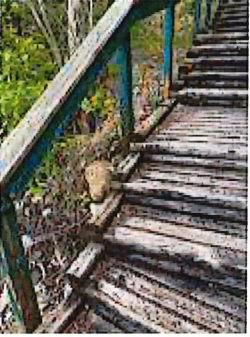
7 attachments



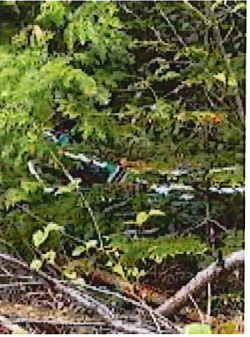
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HAYES TOWNSHIP
REGULAR BOARD MEETING
MINUTES
May 08, 1995

The regular meeting of the Hayes Township Board was called to order by Supervisor Hoadley at 7:35 p.m..

Board members present were Ethel Knepp, Paul Hoadley, Robbin Kraft, Tori Fisher, and Douglas Kuebler. Also present were Zoning Administrator Parsons, Joe Rivard, Scott Parker, Paul Richards, and Jim Miller, Public Affairs Director for Consumers Power.

Reviewed the Agenda adding Public Comment section, Fire Barn name, and Lot Split authority.

PUBLIC COMMENT

Paul Richards and Scott Parker were present to submit a petition for the Road Commission to have a traffic study conducted on Old US 31 North. They are requesting that the speed limit on Old 31 be reduced to 35 miles per hour and that various "slow" warning signs be installed. Hoadley stated that he is maintaining a file on Old 31 and that the County is planning to do a study this summer. It was suggested that if the residents on Old 31 observe dangerous driving practices the Sheriff's Department be contacted to report these practices. When a traffic study is done the State Police contact the Sheriff and ask for reports.

Paul Richards stated that he objects (referring to the Township Cleanup) to his tax dollars being used for cleaning up other peoples junk.

CONSUMERS POWER COMPANY FRANCHISE ORDINANCE

Jim Miller, Public Affairs Director, was present to discuss the Franchise Ordinance. He stated that Consumers Power Company has a policy that requires involvement of the community and property owners when trees are trimmed or when large power lines are installed. Paul Hoadley stated that he would like that policy included in the Franchise Ordinance. Jim Miller will take the proposed Ordinance back and discuss the matter with their legal department and return for the June meeting.

CLERK

MINUTES - Without objection the Minutes of April 10, 1995 were approved as corrected. The correction was to Page 4, line 38 which was corrected to read "Items that need to be purchased for the fire barn" (corrected bare)

INVOICES - Paul Hoadley made a motion, supported by Douglas Kuebler, to pay May invoices totaling \$7,805.13. Roll call vote. Ayes: Ethel Knepp, Douglas Kuebler, Robbin Kraft, Paul Hoadley, and Tori Fisher. Nays: None. Motion carried.

CORRESPONDENCE - All correspondence was included in the Board's packet sent the week prior to the meeting except an invitation to Joan Blanchard, Charlevoix County Equalization Director, retirement party. Paul Hoadley stated that he would probably attend.

BAY HARBOR AFFECT ON WELLS IN BAY SHORE - Reported that a call was received because there was concern about the Bay Harbor development having an adverse affect on the wells in Bay Shore. One of the property owners had to have a well drilled deeper (when the house was purchased the well was 40 feet deep) because their well went dry. The caller also stated there is concern among the older people who live in Bay Shore because they don't feel they can afford to have a new well drilled. These wells are also shallow. Tori Fisher stated that the concern is that the deeper wells frequently get into sulfur and smell pretty bad. Paul Hoadley stated that we should contact Emmet County and find out who had jurisdiction for the well permits, and what, if any, provisions were made if the new wells impacted the surrounding wells.

REPORT FROM PLANNING COMMISSION - Two PUD hearings are on the PC agenda for the May meeting. Approval was given to Cellular One for a tower on the Berg property at the April PC meeting. A lot split was approved for the James Harvey property. The P.C. working on creating an overlay district for the US 31 corridor.

FINANCIAL REPORT - A written report was provided for activities in the general fund.
TREASURER

A written financial report of the activities in the tax account was provided.

Treasurer Kraft asked the Board for approval to transfer funds from CB North into Charlevoix State Bank so that the funds would be used locally and because CB North have adopted a policy of deducting service charges on savings accounts (including kids accounts). Charlevoix State Bank is also paying a higher rate of interest on all savings accounts than CB North.

A motion was made by Robbin Kraft, supported by Tori Fisher, to close the tax account numbers 61499 and 1114, and the general fund account number 61619 at CB North and open new accounts at Charlevoix State Bank. Roll call vote. Ayes: Tori Fisher, Paul Hoadley, Robbin Kraft, Douglas Kuebler, and Ethel Knepp. Nays: None. Motion carried.

SUPERVISOR

Paul will attend the MTA District meeting. He will pay the fee and then be reimbursed from the Township.

Paul and Doug went on a road tour with the Road Commission. Larry Hamlin will present a report of this tour. While on the tour they discussed the Burgess Road project and the fact the Township doesn't want to make it a thoroughfare. A meeting was also held with Larry Hamlin and Engineer Wayne Boss. The engineer understands the Township's desire to keep the Burgess Road

project a "scenic trail".

TRUSTEES

TORI FISHER - Barb Waters stopped by her home and asked how they would go about having the public access (steps), at the end of Townline Road, abandoned. Their home is on the Emmet County/Resort Township side of Townline Road and they plan to purchase the property in front of them. The Board discussed the fact that the Township had paid for the materials to have the steps installed and the Boyne City Soil & Erosion provided labor. The Township has a policy that when public funds has been spent on any project they will not agree to any abandonment. Tori was told that she can tell Barb Waters about the Township's policy.

DOUGLAS KUEBLER - Roads cost too darn much.

ZONING ADMINISTRATOR REPORT

Fred gave his report to Paul on Saturday.

Wrote letter to Attorney Jim Young regarding lawns growing within the Shoreland Protection Strip and several existing properties without a Shoreland Protection Strip. He asked for a legal opinion regarding the enforcement of the Shoreland Protection Strip.

Fred Parsons and Joe Rivard participated in the well monitoring at Lake Michigan Heights Mobile Home Park as required in the permit issued for the park expansion. Joe Rivard watched UPS pick the test materials up.

There are some shacks in Susan Shores that were built without permits. Fred got the letters to Paul. Paul stated that the Health Department wants the Township to "do their thing" and then they'll step in.

ZONING ADMINISTRATOR JOB EVALUATION

Fred Parsons requested that his job evaluation be done in executive session. Without objection Paul Hoadley made a motion, supported by Tori Fisher, to go into executive session for the purpose of doing the Zoning Administrator's Job Evaluation at 9:00 p.m..

Regular meeting reconvened at 9:50 p.m..

Tori Fisher made a motion, supported by Douglas Kuebler, to revisit the Zoning Administrator's Job Evaluation at the September 11, 1995 regular board meeting. Voice vote. Ayes: All. Nays: None. Motion carried.

EASTERN AVENUE/BEACH DRIVE AGREEMENT

The Darnton's attorney has agreed to all the recommended changes to the Agreement. A final draft will be prepared for signing.

OFFICIAL APPOINTMENTS

PLANNING COMMISSION - Paul Hoadley nominated Jim Rudolph for reappointment to the Planning Commission. Tori Fisher made a motion, supported by Robbin Kraft, to accept Paul's nomination and reappoint Jim Rudolph to a three year term on the Planning Commission. Voice vote. Ayes: All. Nays: None. Motion carried.

RECREATION COMMITTEE - Tori Fisher made a motion, supported by Ethel Knepp, to reappoint Barbara Danly and Douglas Foltice to the Recreation Committee for a two year term. Voice vote. Ayes: All. Nays: None. Motion carried.

REZONE OF COMMERCIAL PROPERTY ON US 31 EAST OF BURGESS ROAD

The Township Planning Commission had proposed, and held a hearing, for rezoning property numbers 15-07-109-024-10 and 15-07-109-024-00 from C-2 to A-1. During this hearing the Planning Commission recommended against rezoning the two parcels. Paul Hoadley asked if the Planning Commission recommended against these rezones because the Agosta's had an attorney present who argued, in part, that rezoning these properties would be a "taking". Clerk Knepp, who is the Board's representative on the Planning Commission, responded that she felt the recommendation to not rezone the parcels was based on the uses allowed in the A-1 Zone District and because the Planning Commission is working on the US 31 corridor.

The County Planning Commission reviewed the matter and recommended against rezoning these parcels.

Paul Hoadley made a motion, supported by Ethel Knepp, to send a copy of the Township Planning Commission Minutes to Jim Young for legal review of the allegations made by the Agosta's attorney. Roll call vote. Ayes: Robbin Kraft and Paul Hoadley. Nays: Douglas Kuebler, Ethel Knepp, and Tori Fisher. Motion failed.

Ethel Knepp made a motion, supported by Tori Fisher, to not rezone property numbers 15-07-109-024-00 and 15-07-109-024-10 from C-2 to A-1. Roll call vote. Ayes: Tori Fisher, Douglas Kuebler, and Ethel Knepp. Nays: Paul Hoadley and Robbin Kraft. Motion carried.

SECTION 6.06 ZONING ORDINANCE AMENDMENTS

Ethel Knepp made a motion, supported by Douglas Kuebler, stating:

WHEREAS the Township Planning Commission held a hearing for the purpose of amending Sections 6.06(A)(4), 6.06 (C)(3)(d) and 6.06 (C)(3)(j) recommending that the proposed amendments be approved, and

WHEREAS the County Planning Commission also reviewed the proposed amendments, and

NOW THEREFORE IT SHALL BE RESOLVED THAT the above sections of the Zoning Ordinance be further amended to read:

SECTION 6.06 (A)(4) - A P.U.D. may be permitted in any zone district upon any area of not less than ten (10) acres of contiguous land provided that those portions of the P.U.D. which are contiguous to other lands not part of the P.U.D. shall be developed and arranged in a manner compatible with the zoning of other such contiguous lands.

SECTION 6.06 (C)(3)(d) - Water and sewage facilities shall be on-site if a permit can be obtained from the District Health Department. However, connection to existing sewer and water systems from Charlevoix or Petoskey may be allowed by the township under the conditions set forth in the Comprehensive Plan. The number of units shall be limited to the recommendations of relevant County, State, and Federal agencies as to on-site water and sewage capabilities.

SECTION 6.06 (C)(3)(j) - Every ten (10) acres of land within the P.U.D. development that is left in a totally natural state (see Section 2.02 - Definition - Natural State) shall be counted as eligible for one (1) additional "bonus" unit provided that the development rights of the "natural state" area are transferred to a land Conservancy organization.

i.e. A 100 acre P.U.D. can have the initial units per lot/area density requirement as allowed by the Zoning Ordinance in that district plus one (1) "bonus" unit for every 10 acres of land left in a totally natural state.

The purpose of this section is to encourage more open, totally natural areas by allowing the developer more units than is normally allowed within the zone district. It is also the purpose of this section to require that units be "clustered" within an area of the property thereby leaving more natural areas within the development.

Roll call vote. Ayes: Tori Fisher, Robbin Kraft, Douglas Kuebler, Paul Hoadley, and Ethel Knepp. Nays: None. Motion carried.

Paul Hoadley asked the Clerk to request the Planning Commission to define "clustered" and include the definition in the Ordinance.

RESOLUTION OF SUPPORT - RICHARD MAY, 90TH DISTRICT COURT JUDGE

A letter was received from Richard May who has requested that Governor Engler appoint him as

the new 90TH District Judge to replace Judge Varnum after his retirement. Richard May requested the support of the Hayes Township Board for this appointment.

Without objection Tori Fisher made a motion, supported by Ethel Knepp, that the Hayes Township Board shall remain neutral on any political endeavors. Motion carried.

LIFELINK CONTRACT

Without objection Robbin Kraft made a motion, supported by Douglas Kuebler, to authorize the Clerk and Supervisor to sign the renewal contract with Life+Link for the upcoming fiscal year. Motion carried.

LOT SPLIT AUTHORITY

There was controversy at the prior Board meeting about requiring that property owners must give any agent or representative authority, in writing, for lot split or combinations. The Board will consider whether to amend the Lot Split Ordinance to require the property owner's signature for anyone to act as their agent or representative (as required in the Zoning Ordinance). This will be considered at future meetings.

ELECTED OFFICIALS SALARY RESOLUTION

Clerk Knepp stated that the Board is required to adopt a salary resolution 30 days prior to the annual meeting. Because the cost of living increase is 2.6% she suggested that it be rounded to 3%.

Ethel Knepp made a motion, supported by Tori Fisher, to increase all Hayes Township Board members pay, effective July 1, 1995, three percent (3%). Roll call vote. Ayes: Robbin Kraft, Tori Fisher, and Ethel Knepp. Nays: Douglas Kuebler and Paul Hoadley. Motion carried.

ADJOURNMENT - The meeting adjourned 10:35 p.m..

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ethel R Knepp".

Ethel R. Knepp, Clerk

HAYES TOWNSHIP BOARD
REGULAR MEETING
MINUTES
July 11, 1995

The regular meeting of the Hayes Township Board was called to order by Supervisor Hoadley at 7:35 p.m..

Board members present were Ethel Knepp, Paul Hoadley, Robbin Kraft, Tori Fisher, and Douglas Kuebler. Others present were Zoning Administrator Parsons, Joseph Rivard, Scott Olmstead, Barbara Danly, Kevin Whitley, Laura Smith, Dave Strawbridge, Bruce MacArthur, and Randall Price.

Reviewed the agenda without adding anything.

There was no Public Comments unrelated to Agenda items.

CLERK

Without objection the Minutes of June 12, 1995 were approved as presented.

Invoices for July were presented. Robbin Kraft made a motion, supported by Douglas Kuebler, to pay a total of \$9,026.21 for July invoices. Roll call vote. Ayes: Tori Fisher, Paul Hoadley, Robbin Kraft, Douglas Kuebler, and Ethel Knepp. Nays: None. Motion carried.

Correspondence was presented.

A written financial statement of activities in the general funds, through the end of June, was presented. These activities did not include the Credit Union interest for June as the bank statement has not been received.

Ethel reported that she has the new "Quicken" program on line and is using it to print checks and complete reports. She added that this program wants to lump all payroll together so she has to determine how to separate the accounts by activity.

Received a letter from H & D regarding the annual inspection of the Bay Shore gravel pit. The meeting with Tony Bauer of Michigan State University regarding this inspection is Friday, July 14, 8:00 a.m. at H & D's office. Ethel asked them to send a copy of the notice to Tori Fisher so she could plan to attend. Tori stated that she received the copy of the letter and that she plans to attend the meeting.

TREASURER

The summer tax bills are out and funds are coming in for them. Robbin and Paul attended a seminar for their positions. That's why the meeting date was changed to July 11th instead of the

10th.

SUPERVISOR

Paul hasn't heard from the Road Commission or Sergeant Ford regarding the traffic study on Old 31.

The Board of Review will meet July 18 to take care of any errors or omissions on the tax roll.

ZONING ADMINISTRATOR

Beuthin

Ethel had advised Fred that she had received a call that there was a possible violation to the Shoreland Protection strip on property within Mowrey's Oyster Bay. Fred notified the property owners and their landscape architect responded, in part, that:

"The existing bank was a steep grassed grade. The new stone retaining wall is dry laid, therefore not a permanent "structure", and helps to lessen the extreme grade. Many juniper shrubs were planted above the wall to help control run off and erosion, thus a better filtering system than previously.

The existing lawn has been there for years and since this area was already "disturbed" from the natural vegetation prior to your ownership, this area cannot be considered a "shoreline protection strip". Furthermore, the existing lawn was just smoothed and top-dressed to improve the grasses growth and density, which will make it a better filtering ground cover than previously. Lawn is one of the best ground covers for filtering, it's the fertilizers and chemicals applied to lawn that can harm the lake. It is my understanding that you are not planning on treating your lawn in such a manner. The lake water used to irrigate your lawn will help provide the needed nutrients to make a healthy lawn.

The only vegetation was cleared was dead scrubby vegetation @ the stone beach and some vegetation was pruned to afford a view of the water".

Fred stated that he feels the matter has been taken care of because they had dug up some grass and replanted grass. He added that Attorney Jim Young feels that Section 5.13 is vague and should be re-written so this is not a violation. Ethel Knepp stated that Section 5.13 states precisely how a violation of the Shoreland Protection Strip is to be handled and she disagrees that it is vague. Paul Hoadley stated that he agrees with Ethel, however, he feels it's (Zoning Ordinance Section 5.13) a matter that should be taken up with the township attorney.

Schultz

Ownership of the property is being determined. The Schultz attorney has been talking with the township attorney. The DNR have put the matter on the back burner. The court will re-convene

at a later date.

EASTERN AVENUE

Paul had Jim Young review the "Darnton/Hayes Township Final Draft (6/9/95)" who approved the proposed changes (a copy is on file with the Clerk). Paul will meet with Dennis Cross (Darnton's attorney) and try to get a final draft completed for signatures. Paul will need a copy of the Resolution that authorized the Township Official signature.

SIDEWALK/BIKE PATH

As directed at the June meeting the clerk asked for a legal opinion, from Jim Young, regarding the ramifications of adopting a resolution required by MDOT for the construction of a bike trail and water-main within the highway right-of-way for the Community Pool. Ethel received a response from Jim Young which stated that "if a public sidewalk/bike path is built within a public right-of-way then Michigan law will make the township responsible for maintenance of the sidewalk and any injuries sustained as a result of negligence or gross negligence pertaining to the sidewalk". The response regarding the water-main was that "Michigan statute permits Charlevoix Township to provide water service in Hayes Township, however, this statute states that such water mains are the property of the governmental units which install them, and requires that Charlevoix Township obtain consent from Hayes Township before it can use a public right-of-way to provide a utility. This consent, which should be a written document, should provide conditions which states Charlevoix Township will be responsible for all maintenance and repairs of the water main, shall be solely liable for any damages caused by the water main and the water service which is being provided, and Charlevoix Township shall hold Hayes Township harmless from any such liability".

Paul stated that he could agree to the water main and bike path but won't agree to pay for it. He added that Hayes Township should be able to have the ability to control the standard of construction for the bike path and should make application directly to MDOT for the permit.

Tori Fisher stated that the township should agree to pay for the bike path.

Fred Parsons stated that he agrees with Tori in order to expect some control in the specifications.

Robbin Kraft stated that she likes the idea of seeing that the bike path is engineered properly.

Douglas Kuebler stated that he wants to be assured that the path is engineered correctly.

Ethel Knepp stated that she didn't want to address who pays for the bike path at this time, however, she would like to see the township support the path for the safety of who ever uses it. Hopefully, it'll keep bikes off the highway.

Tori Fisher made a motion, supported by Douglas Kuebler, RESOLVED, that Hayes Township, Charlevoix County, Michigan shall make application to the Michigan Department of State Highways & Transportation for the necessary permit(s) to construct a bike path within the right-of-way of the State Trunk line U.S. 31 North from Waller Road to the Charlevoix Community Pool. Voice vote. Ayes: All. Nays: None. Motion carried.

LMHMHP - WASTEWATER DISCHARGE 5 YEAR RENEWAL

The clerk had provided the Board members with a copy of the letter, and application for a Wastewater Discharge Renewal, for Lake Michigan Heights MHP. Mike Barnard, owner, had discussed the matter with Supervisor Hoadley who told him to have the clerk place the matter on the agenda. Ethel stated that she assumed that Mike Barnard would be at the meeting. Paul Hoadley stated that he would like to see a signed copy of the original Discharge permit as he doesn't remember signing one. Tori Fisher stated that Section Y of the application states that the Certified operator is pending certification. All further discussion was tabled so the Clerk can ask the owner to attend the meeting as well as provide a copy of the original signed permit.

RECREATION COMMITTEE

Scott Olmstead reported that they would like to see proper signage at Eastern Avenue which would indicate the use and swimming area, that the swimming buoy's needed to be replaced. He also stated that the playground equipment at Bayside park needed to be removed as it was unsafe.

Randall Price submitted bids for erosion control and construction work at both Bayside Park and Townline Road access. Randy also showed the Board pictures of the steps at the end of Townline. When originally constructed the center of the steps were filled with mulch. It was suggested that something needed to be done, replace mulch with stones or have the centers covered with lumber, as the centers are no longer flush with the steps. The clerk had given Randy three (3) sketches. The following is descriptive with proposed cost:

1. Final approach to Lake Michigan from the Bayside Park. A narrow path with many large (some loose) rocks. 38' narrow (4') stairway with handrail on one side. \$1,786.00
2. Upper approach from the main Road (Spring Street North) down to the first level or landing of Bayside Park. Wide sandy path. 95' steps 4' wide, handrail one side, small bench halfway up hill. \$3,640.00
3. Stairway/path down to Lake Michigan at the Townline Road access. The final 40' to the lake shore has slope consisting of loose small rocks and gravel. Stairway to be continued down to lake. Approximately 40' of steps 4' wide, handrail on one side \$1,880.00

The Board asked Randy how much he would propose as the cost to place lumber in the center of the steps at the end of Townline Road (which he had recommended be done). His response was

\$350.00.

Scott Olmstead estimated that the cost of buoy's, at Eastern Avenue, would be \$213.65 @ 5 for the designation of the swimming area.

Tori Fisher made a motion, supported by Robbin Kraft, to accept the proposal from Randy Price for all projects at Bayside Park and the end of Townline Road at a cost of \$7656.00 total, and to authorize the clerk to order swim buoy's and remove playground equipment at Bayside Park.

Roll call vote. Ayes: Ethel Knepp, Douglas Kuebler, Robbin Kraft, Paul Hoadley, and Tori Fisher. Nays: None. Motion carried.

Meeting adjourned 9:19 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ethel R. Knepp".

Ethel R. Knepp, Clerk



Townline Road East road end

Road end water access

[Home](#) / [Regions](#) / [Townline Road East road end](#)

County

[Charlevoix County](#)

[+ Add to Itinerary](#)

Lake Michigan Water Trail Northwest

[Little Traverse Bay Trail](#)

Michigan Regions

[Northwest Michigan](#)

Road end with access to bike path at intersection of Townline Rd and US 31



Stairs to shoreline continued



Dead End/Road End parking is available.

Carry-In boat access.

Length of access is more than 50 yards.

Long winding stairs from road to shore, rocky beach from stairs to shoreline

11075 Townline Rd,
Charlevoix, MI 49720

GPS: 45° 21.98220, -85° 5.76360

[+ Get Directions](#)[Find Nearby Assets](#)



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

maple grove road end sign

3 messages

Marlene Golovich, Clerk <clerk@hayestownshipmi.gov>
To: Ron VanZee <supervisor@hayestownshipmi.gov>
Cc: Trustee Paul Holdley <trustee1@hayestownshipmi.gov>

Tue, Aug 28, 2018 at 4:20 PM

Is this any better? The P&R Committee is not meeting again this month. Do you think we should move forward with ordering the sign.

Marlene

 **Maple Grove Road End.docx**
14K

Hayes supervisor <supervisorhayestownshipmi@gmail.com>

Wed, Aug 29, 2018 at 8:10 AM

To: "Marlene Golovich, Clerk" <clerk@hayestownshipmi.gov>
Cc: Ron VanZee <supervisor@hayestownshipmi.gov>, Trustee Paul Holdley <trustee1@hayestownshipmi.gov>

Marlene,
Can you send me this in a format that I can make some suggestions?
When we approved the sign, quite a long time ago as I recall, did we allocate \$'s for it?
Thank you.

Sent from my iPhone

> On Aug 28, 2018, at 4:20 PM, Marlene Golovich, Clerk <clerk@hayestownshipmi.gov> wrote:

>

> Is this any better? The P&R Committee is not meeting again this month. Do you think we should move forward with ordering the sign.

>

> Marlene

> <Maple Grove Road End.docx>

Marlene Golovich, Clerk <clerk@hayestownshipmi.gov>
To: Hayes supervisor <supervisorhayestownshipmi@gmail.com>

Wed, Aug 29, 2018 at 5:56 PM

Here is a word doc and a pdf. The word doc has two columns in the middle that might confuse things.

Marlene
[Quoted text hidden]

2 attachments

 **Maple Grove Road End.docx**
16K

 **Maple Grove Road End.pdf**
96K

Welcome to Maple Grove Road End

Roads ending at a body of water allow for access to the water and not general recreational uses such as sunbathing, picnicking, lounging, & boat mooring

Public access to the beach and lake is 66 feet wide

Fireworks are prohibited

Please remain in the 66' access area and respect the property rights of the adjacent homeowners

No loud music or shouting

Hand launching of boats such as kayaks, canoes and row boats is allowed

No launching of boats from trailers

All dogs and other animals are allowed but must be kept on leashes no more than 6' in length and animal waste must be removed by the pet owners

No glass containers on beach and alcohol is not allowed

No littering – you must remove your own trash

No overnight camping or campfires allowed

Parking of boat and RV trailers is prohibited

Park in designated areas only

Do not feed wildlife

Do not discharge or shoot a firearm, bow or crossbow

**A complete copy of the Hayes Township Parks & Road End Ordinance is available on line at
hayestownshipmi.gov or at the Hayes Township Hall 09195 Old US 31 N. Charlevoix**

Hayes Township

Welcome to Maple Grove Road End

Roads ending at a body of water allow for access to the water and not general recreational uses such as sunbathing, picnicking, lounging, & boat mooring

Public access to the beach and lake is 66 feet wide	No littering – you must remove your own trash
Please remain in the 66’ access area and respect the property rights of the adjacent homeowners	No overnight camping or campfires allowed
Hand launching of boats such as kayaks, canoes and row boats is allowed	Parking of boat and RV trailers is prohibited
No launching of boats from trailers	Park in designated areas only
All dogs and other animals are allowed but must be kept on leashes no more than 6’ in length and animal waste must be removed by the pet owners	Do not feed wildlife
No glass containers on beach and alcohol is not allowed	Do not discharge or shoot a firearm, bow or crossbow
	Fireworks are prohibited
	No loud music or shouting

**A complete copy of the Hayes Township Parks & Road End Ordinance is available on line at
hayestownshipmi.gov or at the Hayes Township Hall 09195 Old US 31 N. Charlevoix
Hayes Township**

**HAYES TOWNSHIP BOARD
MINUTES
September 13, 2010**

The regular meeting of the Hayes Township Board was called to order by Supervisor Ethel Knepp at 7:30 p.m.

Board members present were Marlene Golovich, Jim Rudolph, Robin Kraft, Doug Kuebler and Ethel Knepp. Audience members were Warren Bogan, Paul Hoadley, Scott Parker, Greta McVay, Jonathan Scheel, Mark Snyder, Sam Williamson, Diane Nystrom, Jim Nystrom and John Campbell.

REVIEWED AGENDA – Added Budget Amendment, Bayshore Bus Stop, & Lawn Maintenance

CLERK PRESENTS

MINUTES –Robbin Kraft made a motion, supported by Jim Rudolph to approve the August 13, 2010 Regular Board Meeting minutes as written. Motion carried unanimously.

BUDGET AMENDMENT - Ethel Knepp made a motion supported by Robbin Kraft to amend the budget to add line items to Health & Welfare 655 Maintenance and create budget line items as follows: 101-655-703 Maintenance Pay \$3000.00, making it retro active to August 1, 2010. The new annual budget amount for Health & Welfare will be \$32,000.00, decreasing Surplus Funds by \$3000.00. Motion carried unanimously.

INVOICES– Doug Kuebler made a motion supported by Jim Rudolph to approve invoices totaling \$134,940.74, which \$109,432.69 is road money. Motion carried unanimously. Doug Kuebler asked why the Township was billed \$9000.00 for fabric on the Burgess Road invoice and why the bump was not removed at the old railroad right-of-way area. Supervisor Knepp will check with the Road Commission.

CORRESPONDENCE - Any correspondence received by the Clerk was provided to the Board members for their review. Clerk Golovich noted that the State sent a notice to the Township stating they would be selling Gas & Oil Leases on property owned by the Township. Clerk Golovich will notify the State that the land is Undine Cemetery.

REPORT FROM PLANNING COMMISSION – Jim Rudolph reported that the PC met for training in August & will be holding a PUD hearing in September on the Henrietta Moore Trust property.

TREASURERS REPORT - Robbin Kraft presented a written report.

SUPERVISORS REPORT - Supervisor Knepp reported that the annual meeting with the Charlevoix Road Commission will be held October 18, 2010 at 6:00 p.m. Dale Glass, Supervisor from Charlevoix Township has invited the Director from Allied Emergency Services to attend a joint meeting with Hayes, Charlevoix, Norwood and Marion Townships concerning ambulance service. Charlevoix Township has purchased new emergency equipment to enhance their fire service. Doug Kuebler stated he would like to see the hiring practices of the Township handled differently.

BLIGHT ADMINISTRATOR REPORT – Tammy Hopkins sent a written report.

ZONING ADMINISTRATOR REPORT – Jonathan Scheel presented a written zoning report with an oral overview.

NONMOTORIZED TRAIL – Mark Snyder and Sam Williamson from the Birdland Association presented comments from various residents of Birdland stating their support of a non motorized trail on the Boyne City Road. Some members also stated that they would be willing to contribute financially. They would like to see Hayes Township to move forward with the portion of the trail that would be within the Township. Paul Hoadley suggested that if the County's plans for the trail go dead in the water the Township might want to pursue it.

EASTERN AVE. BEACH – The Township received a letter from Greta McVay (see attached) regarding the Townships plan to redirect water to the wetland located between the Abel and Oliver property. She is opposed to the plan as presented by John Campbell of Site Planning. John Campbell will call Jim Boulton, a retired civil engineer from the EPA, who reviewed the plan for Greta. Mark Snyder asked what the plan would be at the Beach if Olivers ever sell their property. Clerk Golovich stated that sometime in the future the Township would like to build restrooms and would be able to do this after the sale of the Oliver property. Greta asked if the post in the middle of the beach area could be removed. The Township will look into removing them.

BAYSIDE PARK – John Campbell, from Site Planning, presented a plan for providing a parking area at Bayside Park. Ideally parking on the road right-of-way would be preferred to creating parking within the park. John Campbell suggested looking into purchasing the property across the street and using it for parking. There is a Hemlock tree ready to fall over on the trail. Site Planning will give us a cost to save the tree as well as a cost to remove the tree.

TOWNLINE ROAD END - Site Planning will speak with the DNRE about sedimentation control and give the Township drawings and cost plan.

BAYSHORE BUS STOP – Jim Rudolph will check with the transit authority and County on who has the authority to build a shelter at the Bayshore Bus Stop.

LAWN MAINTENANCE – The Board had discussion about the rising costs of mowing the Township hall area and the Undine Cemetery. Warren Bogan who is currently providing the

mowing service stated that he is mowing the hall area once a week and the cemetery twice a month. Jim Rudolph stated that the rising cost is a concern to many citizens especially with the cut backs on other services. It was suggested that Warren only mow the cemetery once every three weeks and the hall every 10 days.

PUBLIC COMMENTS – Jim and Diane Nystrom stated they were very disappointed with the Boards decision to not remove the berms on the road right-of-way on Maple Grove Rd. The Board explained that revocable permission was granted for the berms and that Maple Grove Rd. is a road end and not a boat launch area. The Township has provided parking areas, a catch basin for runoff and a shoreland protection strip to help with runoff and erosion. The public will always have access to this area. Ethel Knepp will call Bob Drost and have the non native plants and taller plantings replaced with native plants and lower growing shrubs.

Doug Kuebler made a motion, supported by Marlene Golovich to adjourn the regular meeting of the Hayes Township Board at 9:45 p.m. Motion carried unanimously.

Respectively submitted

Marlene Golovich, Clerk

Minutes approved as written October 11, 2010



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Maple Grove Road end

4 messages

Hayes supervisor <supervisorhayestownshipmi@gmail.com>

Tue, Aug 14, 2018 at 2:57 PM

To: bgraham@upnorthlaw.com

Cc: "Marlene Golovich, Clerk" <clerk@hayestownshipmi.gov>

Bryan,

The BOT is working on a sign for Maple Grove Road end and Marlene discovered this document.

I assume it was created when the township came to agreement with the road commission in 2009 to allow encroachment on both sides of the road end, and was granted permission to put in landscaping to prevent erosion.

Our questions are:

Just because this is recorded does it mean it is binding?

Does having jurisdiction mean ownership and if so is it no longer a road end?

Not sure if you have the contract between Road Commission and Township but we can surely provide it to you.

Ron VanZee

Hayes Township Supervisor

Sent from my iPhone



maplegrove road end_20180814113040.pdf

67K

Bryan E. Graham <bgraham@upnorthlaw.com>

Wed, Aug 15, 2018 at 8:43 AM

To: Hayes supervisor <supervisorhayestownshipmi@gmail.com>

Cc: "Marlene Golovich, Clerk" <clerk@hayestownshipmi.gov>

Dear Ron;

Here is all of the information I have concerning the Maple Grove Road ending. The affidavit you provided was public notice that the township considered the Maple Grove Road ending a public road under the township's constitutional concurrent jurisdiction with the road commission. This affidavit was to the township's benefit, since it was strong evidence that the road ending was a public road under the highway by user doctrine.

It was also my understanding that the two adjacent property owners had encroachments on the road ending. As a result, at the township's request, I prepared the attached two licenses to permit the encroachments to continue. I do not know whether these licenses were actually signed and recorded. However, as you can see from the licenses, they were temporary in nature and can be revoked by the township. Assuming that the licenses were granted, I do not know whether circumstances have changed so that the township would want to revoke the licenses. If so, please let me know, and I can prepare the necessary revocation documents.

Let me now address your questions. The affidavit establishes evidence that the road endings is a public highway. Because the township desires to place signs on the road endings, it continues to support the township's authority to place those signs. Having concurrent jurisdiction over the road with the road commission does not mean ownership. Under the highway by user doctrine, the public highway would be an easement for highway purposes. Therefore, the road ending continues to be a public highway for road purposes. Because the road ending is a public highway and not a township park, there are legal restrictions on how the road ending can be used. If you would like a detailed explanation of these legal restrictions, please let me know, and I can provide a separate memo on that topic.

Finally, I am not aware of any agreement with the road commission concerning this matter. If the township has such an agreement, please send me a copy.

Hopefully, I have addressed your questions. If you would like to discuss these matters further, please contact me.

Bryan

[Quoted text hidden]

[Quoted text hidden]

Sent from my iPhone

--

Bryan E. Graham
Young, Graham & Wendling, P.C.
P.O. Box 398
Bellaire, Michigan 49615
(231) 533-8635

This email message, and any attached files, is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you received this message in error, please notify our office immediately and delete all copies of the original message, and any attached files.

4 attachments



Knepp memo re Maple Grove Road 12-2-09.pdf
51K



Knepp memo re Maple Grove Road Licenses 5-18-10.pdf
51K



Maple Grove Rd Lic (Bobb) 8-31-10.pdf
43K



Maple Grove Rd Lic (Winter) 9-14-10.pdf
43K

Marlene Golovich, Clerk <clerk@hayestownshipmi.gov>
To: "Bryan E. Graham" <bgraham@upnorthlaw.com>

Wed, Aug 15, 2018 at 10:37 AM

Thank you Bryan for your response. The licenses were signed and recorded. Does the license follow the property or if the property is sold does the license become void. If the license becomes void with ownership change then what becomes of the encroachments in the right of way.

Thanks
Marlene
[Quoted text hidden]

Bryan E. Graham <bgraham@upnorthlaw.com>
To: "Marlene Golovich, Clerk" <clerk@hayestownshipmi.gov>
Cc: Ron Van Zee <supervisor@hayestownshipmi.gov>

Wed, Aug 15, 2018 at 11:28 AM

Dear Marlene:

By the terms of the license, it is not transferable. If the property is sold, then the township would have the choice of entering into a new license agreement with the new owner, or taking legal action to remove the encroachment.

If there are further questions, please let me know.

Bryan
[Quoted text hidden]

RECEIVED CHARLEVOIX CO.

2009 DEC 14 PM 2:46

LIBER 0908 PAGE 0126



STATE OF MICHIGAN
COUNTY OF CHARLEVOIX
RECEIVED FOR RECORD

2009 DEC 14 PM 2:46

Charlene M. Novotny
REGISTER OF DEEDS

**AFFIDAVIT AFFECTING LAND
CONCERNING MAPLE GROVE ROAD**

STATE OF MICHIGAN
COUNTY OF CHARLEVOIX

I, Ethel R. Knepp, after being duly sworn state as follows:

✱

1. I am the Hayes Township Supervisor and have personal knowledge of the facts contained in this affidavit, and if sworn as a witness can testify competently to these facts.
2. Maple Grove Road, lying between Boyne City Road and the water's edge of Lake Charlevoix, is a public highway by user and is situated in the Township of Hayes, Charlevoix County, Michigan and described as follows:

*See the legal description contained in Exhibit A, attached
hereto and incorporated*

3. This affidavit is intended to put the public on notice that the Hayes Township Board has concurrent jurisdiction over the above described public road with the Charlevoix County Road Commission and intends to exercise its jurisdiction on this public road by making improvements on it.

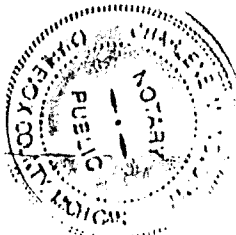
FURTHER AFFIANT SAYETH NOT.

SIGNED:

Ethel R. Knepp
Ethel R. Knepp ✱

Subscribed and sworn to before me this 14th day of December, 2009.

Ethel R. Knepp, Hayes Township Supervisor



Charlene M. Novotny
Notary Public
Charlevoix County, Michigan
My Commission Expires:

Prepared by:
Bryan E. Graham (P35708)
YOUNG, GRAHAM, ELSENHEIMER
& WENDLING, P.C.
P.O. Box 398
Bellaire, MI 49615
(231) 533-8635

Charlene M. Novotny
Notary Public
Charlevoix County, Michigan
My commission expires 08/08/2015

YOUNG, GRAHAM, ELSENHEIMER & WENDLING, P.C.

Attorneys at Law
104 E. Forest Home, P.O. Box 398
Bellaire, Michigan 49615
(231) 533-8635
Facsimile (231) 533-6225
www.upnorthlaw.com

Bryan E. Graham
Kevin A. Elsenheimer
Peter R. Wendling

James G. Young, *Of Counsel*
Lori A. Luckett, *Of Counsel*

+ Charlevoix Office

203 Mason Street
Charlevoix, Michigan 49720
(231) 547-0099
Facsimile: (231) 547-6399

+ Harry K. Golski
+ Eugene W. Smith, *Of Counsel*

M E M O R A N D U M

TO: Ethel Knepp, Supervisor
Hayes Township

FROM: Bryan E. Graham *BEG*

DATE: December 2, 2009

SUBJECT: Maple Grove Road

Pursuant to your request, I have prepared the enclosed Affidavit Affecting Land Concerning Maple Grove Road. This affidavit, which has attached to it the legal description you sent to me, places the public on notice of the township's intent to exercise jurisdiction over the public road.

Please be sure that you sign this affidavit in front of a notary public. The affidavit, with the attached legal description, can then be taken to the register of deeds office for recording.

If you have questions concerning the affidavit overlay changes to it, please let me know.

BEG

Enclosures

YOUNG, GRAHAM, ELSENHEIMER & WENDLING, P.C.

Attorneys at Law
104 E. Forest Home, P.O. Box 398
Bellaire, Michigan 49615
(231) 533-8635
Facsimile (231) 533-6225
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Bryan E. Graham
Kevin A. Elsenheimer
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Lori A. Lockett

James G. Young, *Of Counsel*

+ Charlevoix Office

203 Mason Street
Charlevoix, Michigan 49720
(231) 547-0099
Facsimile: (231) 547-6399

+ Harry K. Golski
+ Eugene W. Smith

M E M O R A N D U M

TO: Ethel Knepp, Supervisor
Hayes Township

**VIA EMAIL
AND FIRST CLASS MAIL**

FROM: Bryan E. Graham *BEG*

DATE: May 18, 2010

SUBJECT: Maple Grove Road Licenses

Thank you for sending me a copy of the map of Maple Grove Road. Based on this map, I attempted to describe the area of the fence and the earthen berms for the Bobb and Winter licenses, which I have enclosed. Because this is not a survey map, I am in no position to know whether my descriptions are accurate. Therefore, please doublecheck the descriptions by taking a tape measure down to Maple Grove Road. If revisions to the descriptions are needed, please let me know.

As we have previously discussed, it will be necessary to contact Mr. Bobb and Mr. and Mrs. Winter to obtain their acceptance of the license. I suggest you discuss the need for their acceptance prior to the township board voting to grant the licenses. You may wish to send a copy of the proposed license to each, so they know what they are accepting.

If Mr. Bobb and Mr. and Mrs. Winter are unwilling to accept the terms of the licenses and the township desires to protect Maple Grove Road from these encroachments, it will be necessary for the township to file a lawsuit against Mr. Bobb and Mr. and Mrs. Winter seeking to have these encroachments removed.

If you have any questions, please let me know.

BEG

Enclosures

PUBLIC RIGHT-OF-WAY LICENSE

THIS PUBLIC RIGHT-OF-WAY LICENSE is hereby granted on this ____ day of _____, 2010 by Hayes Township, a Michigan general law township, whose address is 09195 Old US 31 North, Charlevoix, Michigan 49720 (the Township) to Robert J. Bobb, whose address is 311 S. Wacker Dr., Suite 5500, Chicago, Illinois 60606 (Licensee).

BACKGROUND

The Township finds that it is important to keep public streets, alleys and other public rights-of-way unobstructed. However, the Township also recognizes that occasionally the use of a portion of a public right-of-way by a private party can benefit the citizens of the Township while not immediately adversely impacting the public's use of the right-of-way. The Township also recognizes that circumstances can change and the Township must reserve the right to terminate permission when the Township determines that termination is in the Township's best interest. The parties acknowledge that the Township has no legal obligation to grant this license.

LICENSE

Licensee is hereby granted a revocable license (hereafter called a permit) to temporarily use the West 10 feet of the North 450 feet of Maple Grove Road, lying between Boyne City Road and the water's edge of Lake Charlevoix, which is a public highway by user under the jurisdiction of the Township and which is situated in the Township of Hayes, Charlevoix County, Michigan and described as follows:

See the legal description contained in Exhibit A, attached hereto and incorporated

This permit is subject to the following conditions:

1. The purpose of this permit is to allow the Licensee to maintain a fence.
2. This permit is personal to the Licensee only. It is not an easement and is not transferable or assignable. This permit may be revoked by the Township without cause and in the Township's sole discretion upon thirty (30) days written notice

to Licensee. Notice may be by first class mail to the Licensee's address shown on the Township's tax assessment roll. Licensee shall keep the Township informed of any change in his address. Upon revocation of this permit, Licensee shall remove, at Licensee's sole expense, the fence within Maple Grove Road.

3. By accepting this permit Licensee agrees to indemnify and hold the Township harmless for any liability whatsoever associated with his use of the public right-of-way granted by this permit.
4. By accepting this permit Licensee agrees that he will not now or in the future make any claim in law or equity regarding the ownership or right to use any portion of the public right-of-way affected by this permit.

Dated this ____ day of _____, 2010.

SIGNED:

HAYES TOWNSHIP, a Michigan
general law township

By: _____
Ethel R. Knepp

Its: Supervisor

By: _____
Marlene Golovich

Its: Clerk

STATE OF MICHIGAN
COUNTY OF CHARLEVOIX

Acknowledged before me in Charlevoix County, Michigan, on the ____ day of _____, 2010 by Ethel R. Knepp and Marlene Golovich, the Supervisor and Clerk respectively of Hayes Township, a Michigan general law township, for the township.

_____, Notary Public
Charlevoix County, Michigan
My Commission Expires:

ACCEPTANCE OF LICENSE

I, Robert J. Bobb, have read the above terms and conditions of the revocable license granted to me and hereby agree to accept the license granted and to comply with those terms and conditions.

Date: _____

Robert J. Bobb

Prepared by:
Bryan E. Graham (P35708)
YOUNG, GRAHAM, ELSENHEIMER
& WENDLING, P.C.
P.O. Box 398
Bellaire, MI 49615
(231) 533-8635

PUBLIC RIGHT-OF-WAY LICENSE

THIS PUBLIC RIGHT-OF-WAY LICENSE is hereby granted on this ____ day of _____, 2010 by Hayes Township, a Michigan general law township, whose address is 09195 Old US 31 North, Charlevoix, Michigan 49720 (the Township) to Ronald J. Winter and Barbara J. Winter, whose address is 1028 Stafford Road, Kalamazoo, Michigan 49006 (collectively the Licensee).

BACKGROUND

The Township finds that it is important to keep public streets, alleys and other public rights-of-way unobstructed. However, the Township also recognizes that occasionally the use of a portion of a public right-of-way by a private party can benefit the citizens of the Township while not immediately adversely impacting the public's use of the right-of-way. The Township also recognizes that circumstances can change and the Township must reserve the right to terminate permission when the Township determines that termination is in the Township's best interest. The parties acknowledge that the Township has no legal obligation to grant this license.

LICENSE

Licensee is hereby granted a revocable license (hereafter called a permit) to temporarily use an area approximately 12 feet (east-west) by 260 feet (north-south), the east boundary of which is located along the east boundary of Maple Grove Road and the current water's edge of Lake Charlevoix, said area being within Maple Grove Road, lying between Boyne City Road and the water's edge of Lake Charlevoix, which is a public highway by user under the jurisdiction of the Township and which is situated in the Township of Hayes, Charlevoix County, Michigan and described as follows:

See the legal description contained in Exhibit A, attached hereto and incorporated

This permit is subject to the following conditions:

1. The purpose of this permit is to allow the Licensee to maintain two (2) earthen berms.

2. This permit is personal to the Licensee only. It is not an easement and is not transferable or assignable. This permit may be revoked by the Township without cause and in the Township's sole discretion upon thirty (30) days written notice to Licensee. Notice may be by first class mail to the Licensee's address shown on the Township's tax assessment roll. Licensee shall keep the Township informed of any change in his address. Upon revocation of this permit, Licensee shall remove, at Licensee's sole expense, the two (2) earthen berms within Maple Grove Road.
3. By accepting this permit Licensee agrees to indemnify and hold the Township harmless for any liability whatsoever associated with his use of the public right-of-way granted by this permit.
4. By accepting this permit Licensee agrees that he will not now or in the future make any claim in law or equity regarding the ownership or right to use any portion of the public right-of-way affected by this permit.

Dated this _____ day of _____, 2010.

SIGNED:

HAYES TOWNSHIP, a Michigan general
law township

By: _____
Ethel R. Knepp

Its: Supervisor

By: _____
Marlene Golovich

Its: Clerk

STATE OF MICHIGAN
COUNTY OF CHARLEVOIX

Acknowledged before me in Charlevoix County, Michigan, on the _____ day of _____, 2010 by Ethel R. Knepp and Marlene Golovich, the Supervisor and Clerk respectively of Hayes Township, a Michigan general law township, for the township.

Notary Public:
Charlevoix County, Michigan
My Commission Expires:

ACCEPTANCE OF LICENSE

We, Ronald J. Winter and Barbara J. Winter, have read the above terms and conditions of the revocable license granted to us and hereby agree to accept the license granted and to comply with those terms and conditions.

Date: _____

Ronald J. Winter

Date: _____

Barbara J. Winter

Prepared by:
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Township Board

2.1 Township Board Authority

The township board is empowered by the Michigan Constitution and state laws to govern Hayes Township. The township board has the exclusive authority, subject to applicable laws, to determine the scope, quality and quantity of township programs and services, to establish parameters and expectations of employee performance and conduct, to establish its own style of governance, and to require information from township personnel necessary and convenient to monitor township operations and compliance with board policies and directives.

The township board may authorize appointed officials and employees to take such actions and make decisions that are consistent with applicable federal and state laws, local ordinances, and township board policies.

2.2 Township Board Authority is Exercised by the Board

The township board shall act only at a meeting held in compliance with the Open Meetings Act.

Township board authority shall be exercised only through official board decisions recorded as votes taken, directives given or consensus established by the township board at a township board meeting.

No individual, committee or organization shall represent its authority or action in a matter as that of the township board unless the township board has directed the individual, committee or organization to act on the township board's behalf in that matter.

2.3 Allocation of Resources

The township board shall allocate township resources through the annual adoption of the township budget and periodic budget amendments. The board shall authorize the resources necessary to fulfill the township's mission as required by law.

- 2.4 Budgeting for Results and Outcomes

The township board shall budget for results and outcomes by long-range financial planning, performance measures, budgeting, and evaluation. The use of resources shall be linked to objectives established or reaffirmed at the beginning of the budget development process. The township board shall routinely monitor, evaluate and adjust budget allocations to align township resources with the strategic plan goals and objectives.

2.5 Responsibilities of Township Board Members

Township board members shall:

- Keep current on issues affecting the township
- Attend all board meetings unless there is a conflict or unforeseen emergency
- Vote upon all questions unless there is a conflict of interest present
- Encourage the free expression of opinion by all board members
- Assist new members in understanding their role and responsibilities as board members
- Take no individual action that will compromise the township and respect confidentiality of privileged information

2.6 Board Consultants

The township board reserves to itself the authority to appoint the following consultants:

1. Attorney
2. Auditor
3. Engineer

4. Planner
5. Accountant

A letter of agreement will be executed between the board and any consultant that identifies the:

1. Term/length of the agreement
2. Services to be provided
3. Payment method
4. Payment schedule
5. Documentation of services provided for payment
6. Method of resolving disputes
7. Township officials/employees authorized to direct work or assign tasks to consultant

2.7 Contracts

All contracts entered into on behalf of the township must be authorized by the township board. As the legal agent of the township, the supervisor has statutory authority to sign a contract that the township board has approved. The township board may direct the clerk or attorney, as appropriate, to sign a contract that the board has authorized, in addition to or instead of, the supervisor.

2.8 Property

A township board resolution adopted by a majority of the board members serving is required for the township to acquire property for public purposes by purchase, gift, condemnation, lease, construction or otherwise, or to convey or lease township-owned property or any part of township-owned property not needed for public purposes.

A "majority of the board members serving" is calculated by taking the total number of board members and subtracting vacant positions and any member(s) abstaining on the vote. Members who are absent are counted.

2.9 Stewardship

The township board delegates to township officials and employees the responsibility to protect the township's assets, through such means that include insurance, and which include its land, buildings and property, as well as protecting its image through positive public relations.

2.10 Litigation

The initiation of any lawsuit, litigation, claim for injunctive relief, writ of mandamus or other legal proceeding requires a majority vote of the township board, except when there are extenuating circumstances. The supervisor and/or clerk are authorized to remedy the circumstances as defined in this section.

"Extenuating circumstances" are defined as an emergency situation that cannot wait until a special or regular meeting of the board or a situation in which a violation of any state, federal or local ordinance constitutes a public nuisance or otherwise endangers the public and in which the continued existence of such a condition, emergency or violation is detrimental to the health, safety and welfare of the township.

"Extenuating circumstances" also include any situation where the continued existence of any condition, emergency or violation may jeopardize the legal position of the township in securing the intended remedy in any lawsuit, litigation, claim for injunctive relief, writ of mandamus or other legal proceeding.

The township board reserves the authority to authorize and direct the course and conduct of any lawsuit, litigation, claim for injunctive relief, writ of mandamus or other legal proceeding, notwithstanding its initiation for extenuating circumstances.

Township Administration

2.11 Board Administration

The township board shall govern township administration through the adoption of policies and procedures. Board policies and procedures shall define what the township is to accomplish, through the adoption of a mission statement, strategic plan, and other adopted policies and procedures, in compliance with applicable laws.

Board policies and procedures shall also define the manner in which the board will conduct its business, the relationship of the board to the township officials and employees, and limitations on the actions of township officials and employees.

2.12 Direction and Control of Administration

To promote efficient administration, the township board authorizes the supervisor, deputy supervisor, clerk or office manager to provide direction and control over all township activities and functions that are not assigned by state law to another official, and to provide a liaison between the board and the various township departments within the parameters established by the township board.

2.13 Board Member Concerns Regarding Township Employees

Township board members should make all inquiries, requests or complaints about department heads or employees to the supervisor or clerk. Any directives, complaints or requests made by a board member directly to a department head or employee, other than from a board member with statutory authority over the department head or employee, must be brought to the attention of the supervisor or clerk prior to initiating any response.

Township Board Meetings

2.14 Board Meeting Notices

The township clerk is responsible for all regular, special and rescheduled township board meeting notice requirements in conformance with the Open Meetings Act and other state laws.

The township clerk or supervisor shall be responsible for seeing that notice of the time, place and reason(s) for any special meeting of the township is given to each township board member either in person, email or by leaving a written notice at the member's address or place of residence, at least 18 hours prior to the meeting time.

2.15 Regular Board Meeting Agenda

The township clerk shall prepare the agenda and board packet at least four days prior to every regular township board meeting. Business items intended for board action may be placed on the agenda by any board member by notifying the clerk at least seven days prior to the meeting. Agenda items shall normally be accompanied by a copy of the motion or resolution that will be placed before the board, along with background information helpful to board members for understanding the issue.

Optional: A department head requesting to have any business placed on the proposed agenda shall notify the clerk with a cover memo and supporting documentation at least seven days prior to the township board meeting.

Board members who wish to bring an issue to the board's attention, but are not seeking board action, shall bring up such issues under one of the report sections of the meeting.

A copy of the proposed agenda shall be delivered or made available to every board member, along with all supporting documentation and correspondence addressed to the township board, at least four days prior to the board meeting.

When a need to place an item on the agenda arises after the deadline, the business item may be added to the agenda by general consent of the board.

The proposed agenda shall be approved by majority vote following the roll call of board members at each board meeting. The agenda shall conform to the following format:

1. Call to order
2. Pledge to flag
3. Review Agenda
4. Public comments unrelated to agenda items
5. New Business
6. Reports from board officers and departments
7. Old business
8. Adjournment

2.16 Special Board Meeting Notice/Agenda Considerations

The purpose(s) for which a special meeting is called shall be stated in the special meeting notice.

If all township board members are present at a special meeting of the township board, then the board may add any lawful business to the special meeting agenda.

If any township board member is not present at a special meeting of the township board, then the business shall be limited to the purpose(s) in the special meeting notice. No other agenda items may be added.

2.17 Board Correspondence

Board members shall receive with the board packet a copy of any written correspondence that was addressed to the board requesting board action at a regularly scheduled meeting. A motion may be made to consider the correspondence request under new business. If no motion is made to consider the request, the correspondence will be received and filed.

Informational written correspondence that does not require board action shall be summarized on the consent agenda as correspondence received, and copies shall be available to board members at the board meeting.

2.18 Board Meeting Logistics

The clerk shall be responsible for determining that the township hall and the board meeting room is properly set up for a public meeting. This includes, but is not limited to, ensuring:

- The parking lot, sidewalks, ramps and stairs are clear of snow and ice during winter weather.
- The meeting room temperature has reached 68 degrees.
- Audio-visual equipment that may be used during the meeting is set up and tested.
- Adequate seating is available for the anticipated audience.
- Nameplates of township board members are placed on the board table.
- Copies of the proposed agenda and any other public materials are placed on a table along with any sign-in sheet and pens.

2.19 Board Member Meeting Conduct

If a quorum of the township board is present, a board meeting shall be called to order promptly at the time announced for the meeting.

Each board member shall fully participate in board meetings by doing the following:

- Prepare for board meetings by reading their packets ahead of time in order to fully participate in discussions
- Help the chair keep meeting moving
- Limit remarks to issue being considered
- Ask questions for clarification
- Respect colleagues' rights
- Refrain from interrupting other speakers
- Actively listen
- Listen courteously and attentively to all public discussions before the board
- Explain reasons behind significant decisions during the discussion before voting
- Raise concerns and objections at a meeting, rather than after
- Express disagreement verbally, rather than non-verbally

- Criticize constructively and in private
- Vote with a clear audible voice

2.20 Chairing Board Meetings

All board members will be treated with equal dignity and respect, and board members shall have equal access to speak and to make motions.

The moderator is charged with ensuring that the will of the board majority prevails on decisions, while giving board members who hold to a minority view an adequate opportunity to present their positions to the other board members.

The moderator will keep discussions focused on the agenda items.

The moderator will relinquish the gavel when he or she has a personal conflict of interest or is sufficiently conflicted on an issue that impartiality cannot be assured.

The moderator will maintain proper decorum among board members and the public

audience. The moderator will:

- Open the meeting at the specified time
- Explain meeting procedures and decision-making processes so that board members and the audience may appropriately participate
- Restate audience questions
- Apply time limits consistently
- Recognize and deal with procedural objections
- Protect members and staff from verbal attack unrelated to official duties
- Keep track of amendments to motions
- Restate motions before they are voted upon
- Call recesses during long meetings
- Reconvene at specified time
- Adjourn the meeting

2.21 Board Member Conflict of Interest

A township board member shall vote upon all matters that require a vote of the township board unless the board member has a conflict of interest.

General law township: If a township board member has a conflict of interest regarding a matter on which the township board is required to vote, the board member will disclose that interest, and the township board member shall recuse him- or herself, and refrain from participation in all deliberations, discussions and voting on that matter.

2.22 Public Participation

Members of the public may address a specific agenda item for up to two minutes at the time the item is taken up by the board. The board may suspend the time limitation when warranted. Board discussion will precede public comment on specific agenda items. Prior to calling for the question, the supervisor shall ask any

member of the public who wishes to speak on the agenda item to be recognized. When all persons who wish to address that agenda item have been heard, the supervisor shall announce that public comment on the agenda item is concluded, and no further public comment shall be entertained.

Members of the public who wish to address the board on an item not included on the agenda shall address the board under Public Comments Unrelated to Agenda Items. They may speak for up to three minutes during Public Comments Unrelated to Agenda Items.

Persons shall be recognized in the order in which the supervisor calls on them.

2.23 Minutes

The clerk shall ensure that minutes of board meetings record:

- Time, date and place of the meeting
- Board members present and absent
- Decisions made by the board at a meeting open to the public
- Roll-call votes taken at the meeting
- The purpose or purposes for which a closed session is held

The content of minutes shall reflect the collective will of the township board as expressed in official board decisions. Minutes shall not include personal comments or opinions of individuals unless authorized by a two thirds vote of the township board members present.

The board shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The corrected minutes shall show both the original entry and the correction.



Does a supervisor have authority to not recognize members of the public or board members who want to ask questions on agenda items at a board meeting or to add to the agenda?

It is a pretty universal aspect of parliamentary procedure that comments or questions are directed to the board, or to the audience, through the meeting moderator. So yes, the supervisor does have the authority to not recognize someone who wants to speak, if it is out of turn or not an appropriate place in the agenda. And a supervisor should stop inappropriate interactions between the board and the audience or between board members.

If a meeting is conducted appropriately to enable the township board to do its business in the only time and place that it is allowed by law to act as a board, then there really is no point in the meeting where there should be a back and forth between the board and the public, other than during a public hearing or an open forum discussion, for example, that is on the board's agenda for that meeting.

It's a board meeting

Under the Open Meetings Act (OMA), the only place a township board can do its business is in a public meeting of the township board. Board meetings are the business meetings of the township board, and it's in the best interest of the township as a whole that the board conduct its business in an organized, productive and business-like manner.

The public, however, can interact with the township at any time, going to the township offices, phoning or emailing the township or specific officials, or visiting the township website—even buttonholing board members at the grocery store.

Township board meetings are not “town hall meetings” where everyone has a say in the decisions, and they are not meant to be extended complaint sessions or arguments. This is something that many people, including township boards themselves, lose sight of, especially nowadays when national politicians regularly use the term “town hall meeting” to refer to a public forum. But that does not represent the form of local representative government we have in Michigan.

A township board meeting is not a debate or equal time situation for the public or individual board members. The public does not have a vote in the board's decisions, and they have the legal entitlement to express their opinions at a board meeting only during the public comment period or a specific public hearing.

The idea that all concerns, complaints, opinions, etc., must be expressed at a board meeting is not mandated by law or recommended from a practical standpoint. By their nature, board meetings can put either “side” on the defensive in a very public place.

In reality, many issues the public brings to a board meeting are better handled—in the interests of the public—by township officials or staff in the office during business hours. Comments or questions raised by the public at board meetings are, for the most part, not specific township business that must be transacted by the board. They are often issues involving administrative procedures, and there is no question that this is an important aspect of a township doing its business properly. But until or unless it rises to a level that must be addressed by the board, such a question or concern can and should be addressed by the appropriate township official or staffer following township policies and practices in a business-like and customer service-oriented approach.

If it is appropriate for a board member or staff member to address a member of the public's concerns, then it's usually something best handled in the office, where officials or staff can meet with the person individually to respond to their concerns, with the appropriate resources or information at hand.

The public has a protected right to speak

Under the OMA, the public does have a legal entitlement to attend township board meetings, to see all actions taken by the board, to record the meetings, and to have one, “magic, free speech” public comment period (my description), sometime during the meeting:

MCL 15.263: “(1) All meetings of a public body shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided in this act. The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right shall not be dependent upon the prior approval of the public body.

“However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.”

The OMA allows a board to establish reasonable rules and regulations to enable it to do its business with a minimum of disruption. These include adopting rules of parliamentary procedure, such as *Robert's Rules of Order*, and limits on the amount of time individuals may speak during public comment.

Under township law and accepted parliamentary procedural practices, like *Robert's*, the supervisor is the moderator (chair) of the meeting, enforcing the reasonable

rules and regulations, and ensuring that the board will have sufficient time to do its business during that meeting.

The supervisor recognizes the members of the public who wish to speak during public comment. Because the OMA requires that anyone who wants to speak during the public comment period be given an opportunity to do so, a supervisor should not prevent a member of the public from speaking during that one “magic, free speech period”—as long as the person is following the board’s reasonable (and lawful) rules. Basically, the only time a person might not be allowed to speak during public comment is if that person has already had his/her one opportunity—there is no “rebuttal” or follow-up option required by law—or if they have begun to make personal attacks unrelated to the function of the government, at which point the supervisor may ask them to limit their comments.

The supervisor should not allow board members to interfere with the public’s right to speak during that public comment period. During public comment, the board listens to the public. Conversely, the public cannot demand that individual board members respond during public comment, and the board members should not be responding or directing comments individually to members of the audience. If a response is appropriate, the board should direct that specific staff or officials contact the person or meet with them at the break, or initiate a response in the normal, business course.

Then when public comment is done, the board addresses the business on its agenda, and the public is the audience, watching the board do its business. They can only participate in the business portion of the meeting to the extent, if any, that the board, through the supervisor, seeks their comments. The supervisor should not recognize members of the public unless it’s in compliance with the board’s rules and agenda.

Many boards do encourage and allow the public to comment on individual agenda items, and that’s an individual board’s choice, which should be spelled out in policy for both the board and the public to understand what is allowed outside of the OMA-mandated public comment period.

Board members should support staying on track

The supervisor also recognizes the members of the board who wish to speak during the business portion of the meeting. The supervisor should treat all board members with respect, and fairly and consistently recognize all board members who wish to speak—in compliance with the meeting’s agenda and the board’s rules regarding participation.

A board meeting is also not a platform for individual board member “agendas.” Individual board members who want to have their say on something not on the agenda or not involving specific township board business may use the “board forum” time on the agenda, if the board provides for one. But this should be done sparingly.

If something warrants board attention or action, it should be placed on the meeting agenda per the township’s procedures for setting board meeting agendas. This assists the supervisor (or whoever establishes the tentative agenda in advance of the meeting) in arranging the agenda to ensure sufficient time to appropriately address the items, as well as giving the board members and staff time to consider information or materials prior to the meeting.

When board members wish to ask township staff a question from the head table during a board meeting, they should ask the supervisor for permission to address that staff person or to have that staff person speak to the board at that point in the agenda. This is not asking permission to talk to the staff person at all—it’s just following parliamentary procedure to ensure that the meeting does not get off track. Remember, board members can talk to staff outside of a board meeting. The best approach, if staff are going to be asked for information or asked questions in a meeting, would be to place the matter on the agenda—if only to give them notice to be prepared to provide the information being requested.

Hello, MTA ... ? provides general information on typical questions asked by township officials. Readers are encouraged to contact an attorney when specific legal guidance is needed. Member township officials and personnel may contact MTA Member Information Services with questions or requests from 8 a.m. to 5 p.m., weekdays, at (517) 321-6467 or fax (517) 321-8908.

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Whose Job Is It Anyway?

- **For the Township Board:** The township clerk, deputy clerk, recording secretary, or other person agreed upon by the clerk and the township board
- **For the Board of Review:** The township supervisor (secretary by law), deputy supervisor, recording secretary or other person agreed upon by the supervisor and the board of review (with township board authorization for use/pay of township staff, if applicable)
- **For the Planning Commission:** The planning commission secretary or by a recording secretary or other person agreed upon by the planning commission (with township board authorization for use/pay of township staff, if applicable)
- **For the Zoning Board of Appeals:** The ZBA secretary or by a recording secretary or other person agreed upon by the ZBA (with township board authorization for use/pay of township staff, if applicable)

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What Goes In The Minutes?

- Just the Facts!
- Minutes are the official record of actions taken by the public body



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What Goes In The Minutes?

Revised Statutes of MI – Township Clerk (Township Law):

“each order, direction, or rule made”

Open Meetings Act, MCL 15.269:

“the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting.”

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What Goes In The Minutes?

MTA Legal Counsel:

“Meeting minutes must, at a minimum, indicate the body which is meeting; the date, time and location of the meeting; motions and resolutions made, supported and results of the motion; and any action taken by the body which is not specifically indicated in motions or resolutions.”

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What Goes In The Minutes?

Robert's Rules of Order Newly Revised

11th Edition, 2011, page 468, emphasis in original

"[T]he minutes should contain mainly a record of what was done at the meeting, not what was said by the members. The minutes should never reflect the secretary's opinion, favorable or otherwise, on anything said or done."

Township Written Minutes Policy:

MTA recommends township board adopt a written policy on what will or will not be included in the minutes, such as avoiding personal statements or verbatim deliberations or comments (except as appropriate for public hearings)

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What Goes In The Minutes?

Header Information:

Type of Meeting (regular or special);
Name of Public Body; Location; Date & Time

Roll Call:

Members present; members absent; township officials/staff present

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What Goes In The Minutes?

Public Comment Period:

The minutes should show that public comment was held—indicating when a public comment period was opened and when it was closed. A board could choose to include the gist of comments and discussion, but that is not required. And putting people's public comments in the minutes just encourages people to demand that their statements be included—and it can distract from the board's actions.

If someone raises an issue or suggestion that the board wants to—or may need to—address, then the board can place the item on its agenda in the same way as any other item is scheduled for or added to a board meeting agenda.

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What Goes In The Minutes?

Public Hearing:

Never a meeting of itself, only a portion of a public meeting.

MTA Legal Counsel:

"When a public body conducts a public hearing (always within a public meeting), the minutes of the meeting should include the comments and arguments of those promoting or opposing a particular matter which is the subject of the public hearing and the fact that an opportunity to be heard was given to those present."

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