

GLEN ARBOR TOWNSHIP

P.O. Box 276 Glen Arbor, MI 49636
231-334-3539 FAX 231-334-6370

Peter Van Nort, Supervisor

John Peppler, Trustee

Bonnie Quick, Clerk

Don Lewis, Trustee

Terry J Gretzema, Treasurer

Regular Board Meeting

January 16, 2018 Minutes

Meeting was recorded

Township Supervisor, Peter Van Nort, called the meeting to order at 7:30 PM in the Glen Arbor Town Hall meeting room. All board members were present. The Pledge of Allegiance was recited.

The agenda was presented with additions and modification and accepted. **Motion to approve the agenda by Gretzema. Support by Peppler. Motion carried.**

Minutes from the December 19, 2017 regular board meeting were presented. **Motion to approve the regular board meeting by Gretzema. Support by Lewis. Motion carried.**

Public Comment – Bill Merserve, Glen Lake Association – January 17, 2018 at 7:00 PM, Empire Township Hall, is the kickoff for the watershed protection program. This is a collaboration of Glen Lake Association, the three townships that touch Glen Lake, and the consultant to start a project to see where we should be going to protect the Watershed. The consultant is going to look at all of the regulations and rules of the townships and the master plans to see where we might have some gaps, which may need to be corrected. All are welcome to attend.

Treasurer's Report

Cash on hand as of 01/16/2018 is \$2,505,994.92.

The Park Construction fund is decreasing due to purchases being made. Also the first flow of tax revenue has started to come in for the Bond.

General Fund: Expenses: \$22,402.36. Payroll: \$21,858.41. **Motion to approve and pay General Fund expenses and payroll by Gretzema. Support by Peppler. Motion carried.**

Ceremony for the swearing in of Aaron Brown as a Glen Lake Fire Department Lieutenant was conducted.

Emergency Services Advisory Commission Report – Bill Witley – payroll and bills were reviewed at the ESAC board meeting. All were approved and recommended for payment.

Emergency Services: Expenses: \$35,709.67. Payroll: \$72,505.56. **Motion to approve and pay the Emergency Services expenses and payroll by Van Nort. Support by Quick. Motion carried.**

Ceremony for the swearing in of Aaron Brown as a Glen Lake Fire Department Lieutenant was conducted. Nate Perdue is the newly appointed Safety Officer.

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Fire Chief Operations Report – Chief Dodson – Seven on call members were sent letters stating that they had until the end of March to complete mandatory training, if not completed they would be released from their roles. On call members are only allowed to drive trucks and help clean up. They cannot perform firefighting activities. The Chief noted there were 2 complaints. The complaints were that the fire department is a full time fire department and there are times no one is at the station. That was where there were 2 simultaneous calls. Both Glen Arbor and Empire were out on calls. The Chief wanted to inform the board that these complaints do occur from time to time. Also, there is an ordinance compensation hearing, mediation. One of the fire departments employees has challenged the workers compensation decision. The employee was originally denied.

Zoning Administrators Report – Submitted in writing.

Monthly Assessors Report – Submitted in writing.

Correspondence

- M-DEQ Permit Brett Campbell – install whole logs and approximately 9 cubic yards of riprap along 42 feet of stream bank of Crystal River.
- Glen Lake Chamber of Commerce is in the process of realigning itself with the county chamber. It is to encourage participation and workers.
- Conservation Resource Alliance
- MTA Updates (3)
- LCRC Update (2)
- Charter Channel number changes and Newsletter.
- Planning and Zoning News. Michigan Township Focus

Unfinished Business

- FOIA request – Dick Figura – Earlier last year Supervisor Van Nort was a recipient of some complaints from some firefighters and he appointed Mr. Figura and Ron Calsbeek to investigate those complaints. Eighteen to twenty people were interviewed. Reports were then submitted to Supervisor Van Nort on two incidents. Based on those reports we were giving him our recommendations. Supervisor Van Nort then took those reports and recommendations and consulted with the Fire Chief on those matters. In late October, early November a request was received from the Leelanau Enterprise to receive copies of those reports under the Freedom of Information Act. There is a specific exemption in the Freedom of Information Act, which is not used very often, but where you have internal reports between officers and employees of the unit of government, for the purpose of making a recommendation, preliminary to taking some action, those reports can be exempt from disclosure. In this case the reports made the

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three point test. The trick then comes once the reports meet that test there has to be what the Supreme Court calls a balancing test. The Township has to decide whether it is more important to encourage frank communication among employees, or is it more important that the public know. It is not a question of what the information is, that the concern is someone's reputation is a stake, it is just a question of which is more important in this case. Is it more important that we preserve the frank communication and the confidentiality of the investigation that led to the recommendation, or is it more important that we broadcast it?

At that time, it was determined that it was more important to protect the confidentiality, because all the people who were interviewed were interviewed with a promise of confidentiality. When we received these, involving information, and we advised the Chief what the information was. He was not told who had said what, but he was told that an employee said this, or some employee said that. We protected everyone's confidentiality. Based on that, our decision at the time that the matter could and should be exempt, under what the above referenced exemption described.

The Leelanau Enterprise, in late October, early November, filed a FOIA request, and we then claimed that there was the exemption.

Under the Freedom of Information Act, if a request is denied, the requester can go to circuit court. However before going to circuit court, they can first appeal the decision to the head of the public body. The head of the public body is the Township Board. Now that appeal is in front of you. It is deemed to be received by this Board as of the first meeting following the receipt of it. The appeal is now deemed received by you, the Board. The Board has 10 business days to decide whether to uphold the decision, grant their appeal, deny the appeal, or to deny it in part and grant it in part.

That is a big job. You have the appeal, a memo from Attorney Figura, and what the rule and role is of the Township Board. The Board must decide, based on what you see, your decision as to if it more important to protect the integrity of the investigation or is it more important to make it public.

Attorney Figura's recommendation is to call a special meeting 10 days from now. This will give you a chance to digest the information that is in the packet.

New Business

- Paul Olson – Township Insurance – Paul noted that with the Park improvements, a value should be established on the new buildings, to be included on the property schedule. When dealing with parks you have the property, you have the exposure as you own the park, so your liability is going to go up.

The premium is twenty dollars more than last year. The reason for it is that the Michigan catastrophe claims have gone up.

- Resolution 1-2018 Election Equipment Grant – Bonnie Quick – New election equipment. Resolution to approve the purchase of the election equipment. **Motion to approve the resolution by Van Nort. Support by Pepler. Roll call vote. All approved.**

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- Suttons Bay Hall Rental for Art Show October, 2018 Bill Perkins - He will be quoted a price of \$1,000.00 for the week-end. **Motion by Lewis. Support by Peppler. Motion carried.**
- Register for MTA Annual Conference April 2018 Traverse City 4/23/25
- Worker's Comp Claim – There will be a hearing in the future.
- Resolution on underage drinking – asked the Township to pass a resolution. Supervisor Van Nort does not know what the policy is, in terms of the Township taking a position.
- Board of Appeals Candidate – we currently have an opening if anyone has any candidates please recommend them.

Planning Commission Report – John Peppler – Master Plan copies have been sent to adjacent townships for review. No comments have been received, nor any suggestions. It was sent to the county planning commission. The next project is review of the Zoning Ordinances.

Public Comment – Chief Dodson asked if a date or time had been established for the annual meeting. March 24, 2018.

Board Member Comments – None

Supervisor Comments – The Township Board had received a thank you note from the Glen Lake Association. The Park is closed for the winter. The Township needs the Park budget information by the end of February.

There being no further business, the meeting was adjourned at 8:59 PM.

Respectfully submitted,

Lori Nash
Glen Arbor Township Deputy Clerk