

Regular Board Meeting Minutes

8/17/2021

The meeting was called to order by Supervisor Laureto at 7:30 PM. The meeting was held in the Glen Arbor Township Hall.

Roll Call – L. Houtteman, P. Laureto, T. Laureto, D. Lewis, and J. Pepler were present. Lt. Brown and several members of the public were also present. The Pledge of Allegiance was recited.

The agenda was presented. **Motion J. Pepler, support D. Lewis, to approve the agenda as amended. Motion unanimously carried.**

All board members stated they had no conflict of interest with any items on the agenda.

Audit Review – Steve Peacock CPA, Principal at Rehmann Robson LLC, presented the draft results of the township audit. He reviewed each fund and stated that the Township received an unmodified, or clean opinion, which is the highest level of assurance that audit firms can place on financial statements. He suggested we put a cushion for accruals into our budget next year. Additionally, he said that if Rehmann runs into the same problems with reconciliation of the BS&A tax collection and QuickBooks tax accounting software systems, then next year they will elevate their comments to a “significant deficiency” on the audit.

Public Comment: John Volk, suggested that for the future, the public not only identify themselves, but state where they live, whether or not they are property owners and just what their interest is in the business of this township. He also asked for the Board to take a broader look at the Heritage Trail at Thursday night’s meeting and to consider the impact of the Heritage Trail on our town. He asked that we take a look at the overall management of the trail.

Minutes of the 7/20/21 Regular Board Meeting were presented. **Motion D. Lewis, support J. Pepler, to approve the minutes of the 7/20/21 Regular Board Meeting as presented. Motion unanimously carried.**

Treasurer’s Report 7/31/21 – Cash on Hand by Fund Balance

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|-------------------------|----------------|------------------------|--------------|
| General Fund | \$ 808,016.48 | Park Debt Service Fund | \$120,055.96 |
| Emergency Services Fund | \$2,834,729.17 | Fisher Lake SAD Fund | \$ 52,214.20 |
| GLFD Debt Service Fund | \$ 10,427.02 | Tax Collection Fund | \$535,490.70 |

Clerk’s Report – P. Laureto reported that the advertisement seeking interested citizens for appointment to various Boards and Commissions will be in Thursday edition of the Leelanau Enterprise. It has been placed on the Township’s website and Facebook page. The application is available on the Township’s website and in the office. Applications will be accepted through Friday, September 3.

Clerk Laureto reminded everyone that the GL Fire Department has their 911 Memorial service next month and that the Fire Department’s Public Budget hearing is on September 15, 2021, at 7pm.

P. Laureto reported that General Fund expenses for the period of July 17 – August 17, 2021, were \$42,993.79 and the payroll for July, a 3 pay month, was \$19,613.50. **Motion P. Laureto, support J. Pepler, to approve the payment of General Fund expenses and payroll. Motion unanimously carried.**

Clerk Laureto stated that ESAC reviewed Emergency Services bills and payroll and recommended to the Township Board that we pay those. The Emergency Services bills for July 14 – August 6, 2021, totaled \$42,068.50 and the payroll for July was \$150,597.48. **Motion P. Laureto, support D. Lewis, to approve payment of the Fire Department’s bills and payroll. Motion unanimously carried.**

Emergency Services Advisory Commission Report – In DePuy’s absence P. Laureto made the ESAC report. Under general staffing there is one member who will be leaving the department in 2 – 3 months. A position with the Department has been offered to a paramedic who will fill the position starting in October. ESAC talked about

the Rescue Boat and its trailer. The current boat trailer did not pass the State's inspection. A new boat trailer is being considered. ESAC was given the draft 2022-23 budget for their review.

In Chief Ferguson's absence Lt. Brown gave the operations report for the month of July. The department had 82 calls, most of which were EMS calls. The major call was a fire at Crystal River Outfitters. There were 36 Advanced Life Support calls in July. Brown reviewed several different training opportunities the department participated in last month. He said the temporary rooms were taken down so they have use of the training room again, and that new garage door openers were installed at station 2.

Zoning Administrators Report – Submitted in writing

Monthly Assessors Report – Submitted in writing

Correspondence – The July correspondence is available in the Township Office for review.

Unfinished Business

1. Clerk Laureto reviewed requests made by the Cemetery Committee. These included: 1) establishing a Cemetery access route in conjunction with the National Park Service, and 2) obtaining bids from tree companies for 2015 storm cleanup at the cemetery. John Pepler and Supervisor Laureto will work with the National Park over the next month to obtain an agreement on the access route. The newly formed Cemetery Board will be asked to get the bids.

New Business

1. The Park and Recreation Board requested a back-pack blower for cleaning off the sidewalks. They have 2 models they are looking at and will demo them before deciding which to purchase. They requested authorization for spending up to \$450.00 for a blower. Clerk Laureto said they have that money in their equipment budget. **Motion P. Laureto, second J. Pepler, to authorize the Park and Recreation Board to purchase a back-pack blower at a cost not to exceed \$450.00. Motion carried unanimously.**
2. P. Laureto reviewed Policy #2-2019 – Policy for the Payment of Time Sensitive Bills. The policy was amended to remove three vendors and add two new vendors. **Motion L. Houtteman, support J. Pepler, to adopt Policy #2-2019 as amended. Roll Call Vote. Voting Aye: Houtteman, P. Laureto, D. Lewis, J. Pepler, and T. Laureto; Voting Nay: none. The amended policy was adopted unanimously.**
3. P. Laureto reviewed the memorial brick program for the Glen Arbor Garden. She explained that the company we contract with for doing the bricks informed her that we are running out of room for inserting new bricks, that they have run out of stock bricks, and that the brick style was discontinued several years ago. She reviewed the income and expense of the program over the last three years and found that net income was only about \$500.00 which she felt did not justify the time involved. **Motion P. Laureto, support L. Houtteman, to discontinue the Brick Program. Motion carried unanimously.**
4. Supervisor Laureto said that last month we discussed placing our attorney's legal opinions on the website. They were placed there for a full month. **Motion T. Laureto, support J. Pepler, to remove the legal opinions from the website. Motion carried unanimously.**
5. Supervisor Laureto reviewed the failing of the M-DOT pump station during the heavy rains and power outage of a week ago. The Fire Department responded but was unable to activate the pumps because there is not an on-site generator. T. Laureto called M-DOT and learned that the person who would respond by driving a portable generator to Glen Arbor is located in the middle of the State. The M-DOT representative apologized that they were unable to find a generator because there were too many outages. T. Laureto said he would like to explore asking M-DOT to consider installing a permanent natural gas-powered generator on site. J. Pepler said it was a good idea and to pursue it. P. Laureto and L. Houtteman agreed that a generator should be pursued. Supervisor Laureto will discuss the idea of a permanent generator with M-DOT.

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6. The Board discussed the Attorney's Opinion Regarding Conflict-of-Interest Claims. Supervisor Laureto said that on June 18th he received a 10-page complaint that requested immediate action. The allegations made included the failure to address conflicts-of-interest at the May 6th Planning Commission meeting. It also alleged that no proper conflicts-of-interest query was conducted during the Public Hearing on June 3rd and said the meeting should be nullified and that the Planning Commission should be banned from attending the County Planning Commission meeting. He said he had concerns about the letter and routed it to legal counsel. The attorney needed some time to review it and provide his opinion. On August 9th our attorney sent a 9-page letter addressing all the various allegations.

Supervisor Laureto said that all Board Members received the 9-page opinion letter from the Township Attorney and that he would like to hear discussion regarding the opinion. He asked Clerk Laureto to begin. He also wanted to know if Board members thought we should post the opinion on the Township's website.

P. Laureto said she felt that the review was thorough. She said it was broken down by each claim made in the letter received followed by an opinion on each claim. She said that the Board heard last month from Mr. Pepler that he had not divided property but that the lots were platted back in 1925 and that it is quite common for a property owner to indicate that they are willing to work with a potential buyer on any kind of zoning change that the potential buyer might be pursuing. P. Laureto also said that she is aware that Mr. Pepler did not own any property in the business district for some time before the meetings that are in question. She said that based on these facts she does not believe the Mr. Pepler had a conflict of interest. She said that she also knows that Mr. Ihme, who was also mentioned in the letter, had brought up that he owns property in the business district and no one else on the Planning Commission had any issues with that. Likewise, people have known for a long time that Mr. Thompson is a property owner in the business district as well. She felt that these were serious allegations, and she would be in favor of posting the document so that all could read the attorney's comments. She said that the attorney made some recommendations which included developing a more stringent conflicts-of-interest policy for all members of all boards and commissions to follow. P. Laureto also said that last month the Board indicated that we would be working on updated bylaws for the Planning Commission that would include statements about conflict of interest and *ex parte* discussions and that she now has those in draft form over to the attorney for his corrections or edits. She said we also have an updated draft Planning Commission Ordinance to reflect the same, and that the goal would be to have consistency across all the Township's Boards and Commissions with regards to conflict-of-interest. That is a recommendation made by our attorney and the one that she would prefer. She said that the other recommendations were to do absolutely nothing and that she doesn't think that's a good idea and another recommendation was to spend a fair amount of money, an entire year of time, and a public hearing to let citizens give recommendations and she felt that would not be productive for the Township as a whole. She felt the option to update policy, bylaws and the ordinance would be productive.

L. Houtteman said he agreed with everything that P. Laureto said. He said that the bottom line is that the original ordinance can not be located and so it's impossible to say what conflict-of-interest is. He agrees with the attorney's recommendation #3 to establish an ordinance and to send the June 3rd zoning issue back to the Planning Commission.

J. Pepler said he wanted to clarify one thing. He said he owned business zoned property in Glen Arbor Township up until early October of 2020. He has not own business zoned property after that point in time.

D. Lewis said that he is in complete agreement with the rest of the Board on the recommendation to pursue option 3. He was concerned about posting the attorney's response on the website and felt that if we decided to do that, we should also publish on the website the letter that was sent on June 18th by Kathleen O'Brien which triggered our need to have our attorney respond. He said that someone reading just the attorney's response would not be aware of what was alluded to and why we were forced to respond to the letter she sent out on June 18th. He asked for further discussion on the posting issue.

P. Laureto said that she is aware that Ms. O'Brien's letter went to the Leelanau County Planning Commission and then was distributed widely with their minutes. She is also aware of many individuals in the Township who have received it. She believes it is a good thing that we are addressing these issues

and reminded the Board that, as Mr. Lewis has said many times, we as a Board are trying to work to correct errors and omissions that have happened throughout past years. She said that we've been working on that since she has been a member on the Board and likely for a couple of years before she joined. She said she is not opposed to putting both the letter and the response opinion on the website.

T. Laureto said that he listened to all three meetings, the County meeting and the May and June PC meetings, and that there were not many alarm bells that rang for him. He believes that we are a small Township, and we have people on those committees that go back 20 years, 10 years, and 5 years and that some predate all the statutory requirements that have come down the line. He feels it is important to comply with all the statutory updates and he feels that is part of the recommendation. He said it takes a lot to really be convinced that somebody has a conflicted interest just because their address is at a certain location, or they are in a certain industry, or His concern with posting is that that there are phone numbers on the letter. **Motion T. Laureto to put the June 18th letter of Kathleen King-O'Brien and the legal counsel's addressing of those claim as of August 9th on the website.** Discussion ensued.

D. Lewis suggested that we put a note on the website that Ms. King-O'Brien's letter of June 18th and the response from our attorney dated August 9th is now public record and available. **Motion D. Lewis, support L. Houtteman, that the letter sent out on June 18th by Attorney O'Brien and the response by the Township's attorney dated August 9th are now part of the public record and are available at the Township Hall for anybody to have a copy. Motion carried 4:0. J. Pepler abstained.**

7. P. Laureto stated that the Township has had a Conflict-of-Interest policy and that it needed updating. She did that and the policy is currently at the attorneys for his review. The goal is to have it written so that it can be used by all Township Boards and Commissions with the bylaws for each Board of Commission referring to the Policy. The attorney has sent a draft planning commission ordinance to the Board. Per the recommendation of the Township attorney, the conflicts portion of the ordinance will mirror what our policy will be. P. Laureto said that she spent a fair amount of time reviewing Planning Commission Bylaws from other Township's and MTA and wrote draft Planning Commission Bylaws for Glen Arbor which will mirror the Ordinance and the policy. She said she asked the attorney to have all documents back to the Board next week so they can be ready for the September meeting of the Planning Commission.

D. Lewis asked if we could approve the updated Conflicts-of-Interest policy. He felt that would be helpful to ensure that Planning Commission would have a basis on which to start at their September meeting.

P. Laureto said that the major change to the policy is in the section that defines what a conflict-of-interest at a minimum would include. That portion of the policy is much more detailed than the previous policy. Also added to the policy is a statement that the policy should be reviewed annually by each Board or Commission at their first meeting of the year. Also added is a statement that each Board or Commission member would sign the policy statement at the beginning of each new term of office. **Motion D. Lewis, support T. Laureto, to approve resolution 12-2021 Conflict of Interest Policy as revised subject to the contingency that our legal counsel has no problem with the document as presented. Roll call Vote. Voting aye: L. Houtteman, P. Laureto, D. Lewis, J. Pepler, T. Laureto. Voting Nay: none**

Park Board Report: Clerk Laureto reported that the Park and Recreation Board met. Board member McIlvried is working on signage for both the pickleball and tennis courts stating that play is limited to one hour and that doubles play will follow a Round Robin format. Also discussed was the need for tennis courts 3 and 4 to be redone. They were not upgraded when the park was remodeled and there was an agreement that they would be upgraded in a few years. There is a significant crack and so we need to start thinking about having those courts replaced. The Board is considering having a pickleball tournament on September 25th. The surface of the Basketball Court was inspected and is showing signs of deterioration. Repainting will be needed in the spring.

Planning Commission Report: J. Pepler reported that September 2 is the next Planning Commission meeting.

Public Comments: none

Board Member Comments:

Glen Arbor Township
6394 W. Western Ave. P.O. Box 276
Glen Arbor, MI 49636

Phone 231-334-3539

glenarbor@glenarbertownship.com

FAX 231-334-6370

Tom Laureto, Supervisor

Pam Laureto, Clerk

Lee Houtteman, Treasurer

Donald Lewis, Trustee

John Pepler, Trustee

J. Pepler said that at last months meeting he made a statement that was incorrect. It was about a date. He stated that the Sleeping Bear Beach subdivision was platted on July 25, 1925. In reality it was June 20, 1925. He asked to let the record show that he corrected himself.

D. Lewis said that we are going to have a Township workshop on the Heritage Trail Connector at the Township Hall on Thursday night. It's intended to start at 7:00 p.m. and last for 1-1/2 hours. The engineering firm that the Township has hired will be here to share what they have been doing, show us where they are in the project, and be available for input. Representatives from the TART Trails will be here as well as a representative from the National Park Service. The intent is to have a complete community workshop. He said that his understanding from other communities is that this type of workshop usually occurs much farther along in the process. We felt strongly that we wanted the community to be involved much earlier and so we are doing this at what is called the halfway point of what we contracted for. He hopes that everyone will show up Thursday to participate in the workshop.

P. Laureto said she forgot to acknowledge Mr. Joe Katona during her park report. Mr. Katona donated his time and materials to make 3 signs to number the pickleball courts.

P. Laureto said that over the last few months at a couple of different Board meetings members of the public have asked a question about the Township Attorney and who he works for, the Board or the Public. She reported that MCL 41.187 (7) states that "The township board of a township may employ an attorney to represent the township in civil matters and in the prosecution of violations of township ordinances. The attorney shall receive the compensation determined by the township board. In prosecution of a violation of a township ordinance, the township attorney shall countersign the certificates of jurors and witnesses." So, the township electors elect their township officials, and the township officials can hire an attorney. As stated in an email from our attorney, "the attorney's client is the township, and the township directs the attorney via their local officials. Township attorneys typically take direction from the township supervisor and/or through the township clerk."

Supervisor Comments:

T. Laureto commended the Fire Department. He said we recently had a major incident, and they did an exemplarily job. He said he learns new things each month and he recently learned that when there's a major incident all 15 fire fighters will be notified and typically all will respond. Lastly, he said that the census figures came out and Glen Arbor's population is down 11.9% from 2010. We have 757 people in Glen Arbor Township.

Motion T. Laureto, second J. Pepler, to adjourn the meeting. Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Pam Laureto
Township Clerk