Torch Lake Township

Antrim County, Michigan

APPROVED MINUTES TOWNSHIP BOARD MEETING WITH CORRECTIONS 5-0

February 18, 2020

Community Services Building

Torch Lake Township

PRESENT: Windiate, Cook, Petersen, Schultz

ABSENT: Martel

AUDIENCE: 9

**A. REPEATING AGENDA**

**1.** Meeting was called to order at 7:02 pm by Windiate followed by the Pledge of Allegiance. **Motion** by Windiate for Schultz to facilitate meeting in Township Supervisor’s absence approved.

**2.** Minutes: **Motion** by Cook to approve the Minutes of January 21, 2020 with changes seconded and passed 4 – 0. Change as follows: B5 should read Fire department reviewed additional trainings. A firefighter is currently in firefighter 1 and firefighter 2 training in Elk Rapids. D5 should readRescind Board of Review appointments made at 12/17/2019 meeting. **Motion** by Cook to approve minutes of Special Board Meeting of Feb 11, 2020 with changes passed 4-0. Item 9 Board Comment should read “The current Road Millage was mentioned, in that it is levied for a period of 5 years, through 2021. Continued renewal by the voters will be on the 2022 ballot.

**3.** **Correspondence, etc.:** 1.Fire chief and his captain will not be able to attend tonight as they are in mandatory classes. 2. Antrim County Administration office is looking for letters of interest from county residents for positions on the Upper Manistee River and Jordan River Zoning Boards. Any interested applicants should seek application from County clerk or on the County website.

**4.** **Agenda Content:** Add #4 FOIA Update, #5 PAYROLL Update, #6 SHOOTING RANGES AND #7 BUDGET. **Motion** by Windiate to approve additions seconded and passed 4-0.

**5.** **Citizen Commentary:** 1. Dave Barr spoke regarding minutes posted in paper. Question asked why there is only a summary posted versus a more detailed account of meeting minutes. Windiate responded that the minutes are available in their entirety by going on the website. Township goal is to cut down on the price of the ad. 2. Bob Spencer shared Attorney General Model Ethics of Ordinance for Board review. 3. Tom Stillings met with Alan Martel regarding a shooting range ordinance. Under the State Pre exemption Act, the Township cannot control any aspect except the few mentioned specifically in the law. To put something specific into an ordinance to control in any other manner would be a waste of money and go against compliance. There are currently statues that protect existing shooting ranges.

**B. Consent Agenda:**

1. Windiate requests clarification of FOIA Coordinator reports’ location. Schultz and Petersen suggest it be placed under special reports for this meeting but moving forward will be housed under Consent Agenda. #4 Ambulance removed for discussion; remainder accepted by consent. Thompson reports that there has been much work to get agency to ALS level. State went to an all-electronic format for upgrades. The State has sent an electronic copy to Dr. Smith, which has been completed and returned to State. Licensure expected to be processed, approved and then notification sent to the township. Goal to bring on 1 paramedic. With a fourth person to schedule in that 24-hour slot would allow A ROTATION OF THE other three to go to TAA (Township Ambulance Authority) where they can continue PRACTICING SKILLS This should also help alleviate overtime hours. **Motion** to approve Ambulance report by Cook; seconded and passed 4-0.

**C. Special Reports Agenda:**

1. Planning commission finished language on exterior lighting portion of the ordinance and will scheduled for public hearing at next month’s meeting.

2. FOIA report: Two FOIA’S have come in for 2020. Recent one came in yesterday from Open the Books, American Transparency. It is an annual request asking for an electronic copy of all employees for 2019. Request received on Monday the 17th and has been fulfilled by Windiate on the same day. The other FOIA request indirectly involved assessor Amy Jenema. She was contacted via phone in January by realtor Kelly Villa representing Torch Port Airport sale asking for an assessment report. Amy did respond to her request, but was unaware a FOIA request had also been submitted. Upon learning of the FOIA request from law firm working with Mr. Deegan, Amy sent assessment reports to Mr. Deegan as well. She CC Windiate and the law firm that requested the FOIA. The assessment request and the receipt of the FOIA happened on the same day. Schultz’s questioned why this situation was not presented at January board meeting. Windiate was not thinking of that as reporting incoming FOIAs is a new procedure. Petersen spoke to failures of the process and noted the township was fortunate that Amy took phone call and that she cc’d Windiate allowing both requests to be addressed. Petersen brought attention to the fact an extension was not requested nor was this FOIA reported at the January 21st meeting. The proposed process failed. The situation prompted Windiate to proactively create the above-mentioned checklist. Petersen brought concerns that the log- in process for FOIA reports initiated the delay of 10-day processing. Petersen further stated that at the January Board meeting there was extended conversation regarding FOIA reporting process and is concerned that Windiate assured Board this process would enable Township to comply with report submission guidelines. The Board’s suggestions were noted and included in checklist mentioned above. Board’s concern is that this “drop” happened because Windiate “forgot” and that full Board should review process again when Alan Martel is present. Schultz requested verification that the attorney has received information. Windiate confirmed. Windiate further questions whom should be notified when a FOIA request is made. Petersen asks that the Board be informed at Board meetings. Petersen asks what gives the Board confidence that in the future this will happen per process. Windiate responds that it is very difficult when the board has stated no confidence in her. She is open to a different FOIA coordinator being assigned but she states strongly that she is confident she can handle these reports. Petersen asked if Windiate has taken all related training. She has, but clarifies that what the Board is asking is not relevant to formal training as we are creating a specific process. Sharon proposes that Board wait until full board is present and review the handout that Windiate has presented. Windiate further stated she would now add steps as a result of this discussion and requests that a committee be put back in place to review processes again. Petersen questions need for FOIA committee. Schultz finalized discussion with request to wait for full board meeting or special meeting.

**D. BOARD DISCUSSION/ACTION:**

1.  **Motion** by Petersen to have Todd MILLAR , current Township attorney, continue to represent Torch Lake Township under the new firm of Parker Harvey, with the existing files to be electronically transferred to new firm, was seconded and passed 4-0.

2. Request to hire :  **Motion** by Schultz per Chris Thompson’s letter of recommendation dated 2/14/20 to hire David Gilbert with full employee benefits was seconded and passed 4-0.

3. Annual Meeting Change – submitted by Alan Martel to discontinue annual meeting due to low attendance (State of the Township address). Petersen maintains public should have opportunity to attend. Cook concurs. Changing date of annual meeting has shown some improvement in attendance. Schultz moves to table until Martel can attend.

4. FOIA update (see above discussion)

5. Payroll Update – COOK reports that payroll should be approved before submitting to Clerk. Two payrolls have gone through new process and were approved both by Martel and Schultz before going to Windiate. Windiate stressed information must be received by the Friday prior to Monday’s final approval. Petersen clarified that ground rules have been communicated and Windiate should not feel pressure of deadline.

6. Shooting Range Update – Tom Stillings provided previous report. Petersen commented that he understands Tom’s previous comments and summarizes that he insinuates that if we do anything, it will cost the township money. But his other consideration is listening to the concerns of the citizens who would like to enjoy their property. Petersen asks as a proponent in your position for gun ranges what is the responsibility of the gun range owners to the immediate neighbors? Tom further comments that by State statue we have no authority. The organization he represents is a nonprofit group of lawyers that urges a solution that can be made without impacting the lives of other citizens (beyond the owner and users of the gun range) Tom suggests we look at some safety measures as we move forward. Petersen notes the importance of the 2nd amendment. Is there language that Stillings might suggest that would fulfill the needs of the gun range owners and the citizens of the township? Tom is willing to sit down with Martel and any other members of the township as well as the owners and act as a mediator to come to a resolution. Petersen further states he is interested in this type of discussion but asks that we review when full Board is present and to appoint him (Petersen) to serve as our representative. To be added to next agenda meeting. Cook would agree as long as it is in an effort to solve this current problem and not leading a State charge in this area. He does not agree with taking away rights but interested in solving the rights of all those currently involved in our township. Motion to work with Tom and gun owners to see if there is a way to work on accommodations to be placed on March 2020 agenda.

7. Budget dates and Process updates – Cook sent to Board an excel worksheet with lines and descriptions. Less than $1K minus 3% would automatically be populated after input. Salaries have already been entered with tax requirements. Each department needs to review and insert their numbers. This should alleviate large input of data. Petersen asks Schultz why information entered regarding taxes shows a short of $500,000. But Schultz explained there will always be 15-day cycle delay as the item entered is what is due and not what has been received.

Board of Review meeting is 3/3/2020

March 2nd, last day to pay taxes.

February 25th Budget meeting 4:00 PM and March 12th at 6:00 pm for a final review if needed.

**E. Future Meeting and Hearings**

1. Board Meeting Tuesday, March 17, 2020 at 7:00 pm

2. Planning Commission Tuesday, March 10, 2020 at 7:00 pm

3. Zoning Board of Appeals Wednesday, March 11, 2020 at 7:00 pm

4. Day Park Committee Wednesday, February 11, 2020 12:00 pm (NOON)

**F. Citizenry Commentary**

MARINA Friend suggested that for FOIA requests add a timeline to policy. Procedures should be distributed to all those noted to be involved. Coming from a risk management approach, she questions if attorney should also be involved. Suggestion to have a detailed paper trail be in place to further serve as a check and balance for clerk.

**G. Board Comment** – Windiate went to Election Inspection training 2/18/2020 and has an intern for this election. Cook further thanks Schultz for streamlined meeting. Schultz mentions that we review Sheriff Bean’s newsletter regarding a new text procedure to contact officials in case of emergencies. She commends him on his monthly report.

With no further business the meeting adjourned at 8:43 pm

These minutes are respectfully submitted and are subject to approval at the next regularly scheduled meeting.

KSW

Veronica Beitner

Recording Secretary