**TORCH LAKE TOWNSHIP**

**APPROVED REGULAR BOARD MEETING MINUTES WITH ONE CORRECTION 5-0**

**Community Services Building**

**September 21, 2021**

**Present:** B. Cook, J. Merchant, A. Martel, S. Schultz, K. Windiate

**Absent:** None

**Recording Secretary:** Veronica Beitner

**Audience: 18**

**A. REPEATING AGENDA:**

**1. Call to Order** at 7:00 pm by B. Cook followed by the Pledge of Allegiance. Housekeeping rules were reviewed by B. Cook.

**2. Approval of Minutes:** Regular Board Meeting minutes of 9.20.21: Item 5, line 4 add the words “by the Board” after payment. Item G, add the word “County” (M/S) S. Schultz/B. Cook motion to accept with changes. Passed 5-0. Special Board Meeting minutes of 8.17.21 (M/S) B. Cook/J. Merchant move to accept the Board minutes from the 8.17.21 as Special Board meeting as presented. Passed 5-0. Special Board Meeting minutes of 9.3.21. (M/S) B. Cook/S. Schultz motion to accept as presented. Passed 5-0. Special Board Meeting minutes of 9.10.21. (M/S) B. Cook/J. Merchant motion to accept as presented. Passed 5-0. Special Board Meeting minutes of 9.13.21. (M/S) B. Cook/S. Schultz motion to accept as presented. Passed 5-0.

**3. Correspondence and Announcements:** Letter from Antrim County Administrator looking for any interested in various open committees. For additional information, contact the County at antrimcounty.org.

**4. Approval of Agenda Content** (M/S) B. Cook/S. Schultz move to accept as presented. Passed 5-0.

**5. Citizen Comment** – R. Bishop, Wood Special Dr. speaks to Conflicts of Interest and Accountability as a result of the PC meeting last week. Spoke to specific Committee members having a Conflict of Interest as well as Board Members. FOIA request for A. Martel’s cell phone records from last 2 years as well incoming and outgoing emails for last 2 years from I.T. Right. Copy of requests distributed to entire Board by Mr. Bishop. Jarris Rubingh, District One Commissioner regarding road funding. State would cover 80% of cost with Antrim County covering the 20%. Issue arises with lack of personnel resources to complete the Federal Grant. Additional details and options reviewed. Antrim Creek Natural area secured purchase of the Schoolhouse. David Barr, spoke to appointments for ZBA that will be going up for motion tonight. Addressed Ordinance that states terms can only be for 3 years. D. Graber, will be filing 2 FOIA requests regarding copies of all Social Media content being monitored by Mr. Jason Merchant and the entire Township Board Minutes. Copies of information specific to media content that caused Mr. Merchant to become distressed at the September 14, 2021 meeting regarding Mr. Timothy Baise. Copies of all correspondence between Torch Lake Township Board members regarding social media, their sites and postings from 9.1.21 to current. Copies of all Zoning Permit from Pastor Timothy Baise regarding any type of Construction and all corresponding documents going back to purchase of July 2020. Requests any correspondence between Torch Lake Township Board Members, Zoning Administrator and Assistant Zoning Administrator.

**B. CONSENT AGENDA (Department Reports)** Clerk, Fire Department and Central Dispatch 911 reports pulled for review. All other Departmental reports accepted by consensus. Fire Prevention week will be October 3-9. S. Schultz requests a Recognition to be presented at the next Board meeting. Clerk report reflects 81 checks voided. Concerned as to how 27 checks can incur such a high number of voided checks. Speaks to one check being missing. K. Windiate explained checks were processed three times which accounts for this number. Central Dispatch 911, Sheriff Bean report asks for Volunteers for the Victim Services Unit. B. Cook notes that M. Bertram requests a Special Meeting regarding two applicants. (M/S) B.C. /S.S. motion to accept reports as reviewed. Passed 5-0.

**C. SPECIAL REPORTS AGENDA**

**1. Planning Commission** meeting focused on Torchport Airpark. S. Langworthy offered 5 options to choose. One option identified. Special meeting to be held this Thursday.

**2. FOIA Update** with two current and additional received tonight.

**3. Financial Overview** by B. Cook. Report presented on website. September tax payments will be replenishing funds.

**D. AGENDA FOR BOARD ACTION**

No Old Business

**New Business**

**1. (**M/S) B. Cook/K. Windiate make the Motion to appoint Lora Carleton to the Planning Commission Retroactively to November 1, 2020, for a Three-year term, ending at the end of October 2023. B. Cook states she should have been reappointed at meeting last November. Due to COVID this did not happen. Discussion ensued with clarification provided regarding term assignments. Roll Call Vote: B. Cook – yes, A. Martel – yes, K. Windiate – yes, J. Merchant – yes, S. Schultz – yes. Passed 5-0.

**2. (**M/S) B. Cook/S. Schultz make the Motion to Approve Resolution 2021-26 to Change FOIA Fees per the Township Fee and Permit Schedule with Publication within the next 10 days effective 30 days from the Publication date. B. Cook explains a recent situation did not address legal fees. Looking if under State Statue legal fees can be recouped. A. Martel asks for clarification of client/attorney confidentiality and how this will apply to earlier FOIA request tonight. Discussion ensued. Roll Call Vote: B. Cook – yes, S. Schultz – yes, J. Merchant – yes, K. Windiate – yes, A. Martel – yes. Passed 5-0.

**3. (**M/S) S. Schultz/B. Cook make the Motion to Approve Resolution 2021-27, Resolution to Adopt Poverty Exemption Income Guidelines and Asset Test. This resolution is one word different from THE last resolution. Discussion ensued regarding impact to Township. The word “include” must be removed from the Resolution. Roll Call Vote: B. Cook – yes, S. Schultz – yes, J. Merchant – yes, K. Windiate – yes, A. Martel – yes. Passed 5-0.

MR. COOK STATEMENT: This is a unique situation and referenced the Zoning Enabling Act Section #125.3601910 regarding Terms of Office. Additionally speaks to MTA guidelines, Chapter 15 page 363 referencing Zoning Board of Appeals. As all current member terms are expiring, it is allowable to stagger terms as necessary and in consideration of any other appointments. Review of member assignments and their Township residency detailed.

**4. (**M/S) B. Cook/S. Schultz make the Motion to Nominate Marsha Petersen as an Alternate Member of the Torch Lake Township Zoning Board of Appeals for a term of Three years effective November 1, 2021. Discussion began by Mr. Cook. Candidate is a current alternate and requested to remain an alternate. Roll Call Vote: B. Cook – yes, S. Schultz – yes, J. Merchant – yes, K. Windiate – yes, A. Martel – yes. Passed 5-0.

**5. (**M/S) B. Cook/K. Windiate make the Motion to Nominate Laura Andersen as a Regular Member of the Torch Lake Township Zoning Board of Appeals for a term of Three years effective November 1, 2021. Noted she is a current member as an alternate with further details provided. Roll Call Vote: B. Cook – yes, J. Merchant – yes, A. Martel – yes, K. Windiate – yes, S. Schultz – yes. Passed 5-0.

**6. (**M/S) B. Cook/S. Schultz make the Motion to Nominate Chad Impellizzeri as a Regular Member of the Torch Lake Township Zoning Board of Appeals for a term of Two years effective November 1, 2021. Mr. Cook spoke to candidate’s residency and background. Mr. Martel asks for clarification of outgoing candidates. Mr. Cook states it is his prerogative as Supervisor to replace. Mr. Martel spoke to Mr. Barr’s longstanding commitment to the ZBA. Feels it is important for public to understand the role of the ZBA. Mr. Cook responds to concerns and speaks to necessity of including more members of the community. S. Schultz adds that previous Supervisors, including Mr. Martel brought their own nominations. Mr. Martel expressed concerns of so many changes at a time where we have very important issues. K. Windiate spoke to new members also working with very competent individuals. Roll Call Vote: B. Cook yes, K. Windiate – yes, J. Merchant – yes, A. Martel – yes, S. Schultz – yes. Passed 5-0.

**7. (**M/S) B. Cook/J. Merchant make the Motion to Nominate David Nussdorfer as a Regular Member of the Torch Lake Township Zoning Board of Appeals for a term of Two years effective November 1, 2021. Mr. Cook opens discussion with recap of qualifications. J. Merchant expresses some concern in letter of interest from candidate that spoke to development of the area. Feels he may not be open minded to any development. Discussion ensued. S. Schultz asks for clarification regarding Conflict of Interest and the candidate. Roll Call Vote: B. Cook – yes, S. Schultz – yes, K. Windiate – yes, J. Merchant – yes, A. Martel – no. Passed 4-1.

**8. (**M/S) B. Cook/K. Windiate make the Motion to Nominate Mark Jakubiak as a Regular Member of the Torch Lake Township Zoning Board of Appeals for a term of One year effective November 1, 2021. Mr. Cook opens discussion with recap of Candidate qualifications and background. Mr. Barr has recommended that he be reappointed. Mr. Martel reiterates that recommendation. Roll Call Vote: B. Cook – yes, A. Martel – yes, S. Schultz – yes, J. Merchant – yes, K. Windiate – yes. Passed 5-0.

**9. (**M/S) B. Cook/S. Schultz make the Motion to Nominate Kristin Graves as an Alternate Member of the Torch Lake Township Zoning Board of Appeals for a term of One year effective November 1, 2021. Mr. Cooks opens discussion with recap of Candidate qualifications and interest of the candidate. Mr. Martel clarifies that this candidate would be replacing L. Andersen as an alternate. Roll Call Vote: B. Cook – yes, A. Martel – yes, K. Windiate – yes, S. Schultz – yes,

J. Merchant – yes. Passed 5-0.

**E. AGENDA FOR BOARD DISCUSSION**

None

**F. AGENDA ITEM FOR INFORMATIONAL PURPOSE ONLY**

**1. Day Park update** – Collections reviewed along with updates to be completed. Next meeting is October 11, 2021 and open to public.

**2. Constant Contact update** – Mr. Cook reviewed purpose of program and guidance to enrollment. S. Schultz reports this program is used by Elk Rapids Chamber of Commerce.

**3. Zoning Steering Committee** – First meeting held with review being provided by Mr. Cook.

**4. Review Proposed Township Policies** - Next meeting is this Friday at 1:00 pm. Look to website for information and meeting dates. Public is welcome.

**G. CITIZEN COMMENT –** S. Calu, Golden Beach Rd. speaks to book 13 Ways to Kill Your Community. Spoke of how to move forward as a Community and to be nice to each other. Offering to obtain books for Board members which are free.

**H. BOARD COMMENT** –

S. Schultz – Thanks all those that have served on the ZBA and offered a welcome to new members. Reminder that the sign up for Constant Contact is ongoing and Fire Prevention Month is in October.

K. Windiate - no comment

A. Martel - S. Kopriva has been appointed to Milton Township which takes her appointments to 4 Townships. Asked for clarification that she is still working for Beckett & Raeder. Affirmative. Misinformation provided in Elk Rapids News. Mr. Martel asks Community to contact him directly if they feel their Zoning concerns are not being addressed/answered.

J. Merchant – No Comment

B. Cook – D. Barr, J. Meinke, J. Gainey are thanked for their service. Mr. Cook will work hard to ensure a smooth transition. Should anyone feel that a member of the ZBA is not performing to contact him directly. As their Supervisor, it is his responsibility to address.

**I. ADJOUNMENT** (M/S) B. Cook/S. Schultz Motion to Adjourn at 8:30 pm. Passed 5-0.

**J. FUTURE MEETING AND HEARINGS**

1. Planning Commission Tuesday, October 12, 2021 at 7:00 pm

2. Zoning Board of Appeals Meeting Wednesday, October 13, 2021 at 7 pm “CANCELLED\*

3. Regular Board Meeting Tuesday, October 19, 2021 at 7 pm

Minutes Respectfully Submitted by Veronica Beitner