

Regular Meeting of the Crystal Lake Township Board

1651 Frankfort Highway, Frankfort MI 49635

August 15, 2023

Meeting was called to order by Supervisor Amy Ferris at 7:00 p.m.

Pledge of Allegiance was recited.

Roll Call: Nielsen, Northway, Popp, Ferris, and VanMeter were present, constituting a quorum.

Guests: Cathy Wilkinson, LeRoy Reed, Fire Chief Michael Cederholm, Gregory Wright, County Commissioner Karen Cunningham, Larry Burnside, Deputy Clerk Sondra Halliday, Brian Halliday, and Allen Popp

Adoption of Agenda:

Ferris moved to accept the agenda as amended to include attorney's update on ordinance enforcement under Unfinished Business. Northway supported. All ayes. Motion passed.

Conflicts of Interest: There were no conflicts of interest declared.

Minutes: July 18, 2023 Regular Board Meeting

Ferris moved to accept the minutes of the July 18, 2023 Regular Board Meeting as amended per the discretion of VanMeter after review of the audio file.

- Page 1: Under Correspondence, last bullet; remove "an anonymous"
- Page 1: Under Correspondence, last bullet; change "Ferris shared the State" to "Ferris wondered if the State"
- Page 3: Under Guests: Ferris wondered if there was confirmation that Cherry Capital Connection was working with locals? VanMeter stated there was no mention of locals in the July meeting but possibly in the November 22, 2022 meeting. She will review to confirm.
- Page 5: Under Unfinished Business/Job Descriptions Update: confirm that Popp stated she submitted her statutory job description, and that's all she would submit.
- Page 5: Under Board Comment, change sentence on Wayne Knight to "Wayne Knight had passed, and Ferris thanked him for his work with the township for many years."

Northway supported. All ayes. Motion approved.

Minutes: July 28, 2023 Special Board Meeting

Ferris moved to accept the minutes of the July 28, 2023 Special Board Meeting as presented. Popp supported. All ayes. Motion approved.

Correspondence:

- Correspondence was shared from Donna Larson Koch and the successful resolution of the cemetery memorial plate damage issue. Ferris stated she included much detail in her response, so the family would have the complete information. VanMeter asked about Koch's willingness to donate a planting of the Township's choice to the cemetery. Ferris said she's welcome to do that, and people have donated trees in the past.
- Concerns and complaints by constituents regarding the Frankfort recycling center were addressed by Jesse Zylstra. A GFL schedule of pickups was shared.
- Ferris shared an email from Michelle Ingraham (1698 Robinson Road) who informed the Township that trees from Township-owned property adjacent to Ingraham's had fallen several times and caused damage. Ferris noted at least we had the information if we didn't have time tonight to address the issue.

County Commissioner's Report:

- Cunningham said her full report was online and noted the following.
- There will be an August 16, 2023 closed meeting with Cherry Capital Connection, Eclipse Communications, and the Economic Development Committee present to define the partnership for the broadband internet project. Because of its importance, Commissioner Cunningham asked the commissioner who will be attending the meeting to provide a summary.
- The Friends of Point Betsie Shoreline Protection System Committee received only one bid on its repair project. This very specialized project was postponed, and they are going to reopen bidding in early spring 2024.
- Recognizing the importance of childcare options in Benzie County, Grow Benzie and the United Way have partnered to hire a part-time (10 hours) individual who will pursue/investigate childcare issues in the County.
- On Tuesday, August 22, 2023, Board of Commissioners will hold a meeting to work on its 2023-2024 budget.
- City of Frankfort received a quarter million-dollar grant from the Michigan Department of the Treasury, which will help fund MERS.
- Northway noted the broadband internet project was great including using ARPA funds in support of the project. But, the information on the project seemed to change month by month. Northway inquired where he might find the "global picture" of what's happening. Karen Cunningham said things have changed a bit because of the revised location of the new emergency services communication tower. She said originally, the City of Frankfort and Crystal Lake Township were toward the bottom of the broadband installation project list because we already have some internet access available. Because of the installation of the new tower, the two municipalities have moved up on the list, without compromising the unserved or underserved. Karen stated if we would like to know how many counties were involved and the percentage of ARPA funds being used, she could find out. Northway hoped there was a hierarchy or panel at the top who was overseeing the project. Karen said Mitch Shapiro and Katie Zeits were overseeing the project and should have historic information. Tim Maylone was overseeing the local logistics.

Fire and Rescue Report:

- Fire Chief Cederholm shared the Frankfort Fire and Rescue Department report for July/August 2023 including a Run Report Summary. Year-to-date totals as of July 31: 111 fire runs and 323 EMS runs for a total of 434 within the Frankfort Fire Department response area (Crystal Lake Township, City of Frankfort, Lake Township, Gilmore Township, Village of Elberta, and Blaine Township). In July, there were 31 fire runs and 34 EMS calls in Crystal Lake Township.
- He shared that he held “visioning sessions” at the fire station. These addressed what they are doing, where they are going, and how to get there. These will be held with each township in the future. The Fire Department has 100% response time, and he is very proud of his team.
- A cadette program is being coordinated with Frankfort to start training 15–17-year-olds. Once they turn 18, they will be certified as fire fighters.
- A 2.5-mil operating millage question will be included on the November 2023 ballot for the City of Frankfort, an increase from 1.5 mils. With a 7% inflation rate, was needed.
- The Fire Department is working with the schools on a schedule for fire drills and lockdown drills. Chief Cederholm will also like to complete search and rescue plans.
- With an increase in back-to-back calls, there is a need to outfit another EMS unit with the required equipment, which will cost about \$10,000. VanMeter asked if this need was going to be pursued and the source of the funding. Chief Cederholm was looking into funding options.
- Cathy Wilkinson thanked Chief Cederholm for the Fire Department’s hard work.
- Greg Wright wanted to know more about the fire/EMS call spreadsheet, especially the types of fire runs to which they were responding. The Chief shared several types, but the majority of the calls were firepit related or false alarms.

Public Comment:

- According to LeRoy Reed, the situation at the Rommel property was out of control. He stated there were more people moving in, leading to drug problems and crime. Some people have now also migrated to the Robotham property.

Clerk’s Report:

Popp made the motion to accept the Warrant Report as presented with General Fund warrants totaling \$3,653.56 and Cemetery warrants totaling \$205.59. VanMeter supported. Roll was called. All ayes. Motion was approved.

Ferris asked if the July invoice for Green Path should be included in this Warrant Report. VanMeter said it was included in the July report, anticipating receipt of the invoice.

Financials:

- Popp presented the July financial reports including Statements of Cash Flows and Cash Activity reports for all funds as well as a Cemetery Sales by Customer Report and a Zoning Income Report. No questions or discussion.
- Popp noted, after the safety and security meeting, there was concern about having cash on the Township premises. She presented a new procedure that will prevent cash payments at the Township Hall. If a constituent wants to pay by cash, they will be given an envelope including a remittance form and a deposit slip. They will go directly to the bank and make the deposit. A new account has been opened for the cash payments. There were no questions from the Board.

COMMITTEE REPORTS

Airport:

- Popp presented the Frankfort City-County Airport Authority Report and asked if there were any questions.
- Ferris asked if the FCCAA meetings were on set days and times. Popp said there is a posted set time. Ferris noted paychecks were not listed in the financial statements. Popp said those were issued by the County and would be included in the County report.
- VanMeter requested clarification of the information in the paragraph relating to the clearing and landscaping of her property, namely “additional expense of \$650 from the property owners” and the expense of \$217 that was stated as “interest cost.” Popp agreed to get clarification.
- Ferris mentioned the Airport Manager’s report was always the same including the proposed Knox box purchase. She wanted to know if there was any progress on the installation of a Knox box at the airport. Chief Cederholm said he had not heard anything.

Buildings and Grounds:

- Brian Halliday updated the Board regarding the computer network upgrade. New laptop purchases and the new domain server have improved security because only Township computers may be used for access.
- A new YouTube channel has been established for Crystal Lake Township to archive and provide public access to the Board meetings. The next step is to provide a live link to view the meetings online.
- New, heavy duty, entry doors have been ordered and should be delivered by mid-September including composite frames for tighter security and efficiency.
- New parking lot lights have been purchased and delivered.
- During the August Township cleanup day, there were 88 loads of waste received. Three volunteers helped unload vehicles and place the trash in the garbage trucks and dumpster.
- Halliday shared there is thick brush at the south side of the parking lot, and he would like to create a 15-foot buffer cut so foliage isn’t encroaching the lot. This will lead to increased vision in the dark as well as improved security. The owner, Les Poggemeyer, was agreeable. A letter of agreement will be drafted and sent for his signature. After the letter is on file, a volunteer will be located to cut the brush.
- Nielsen asked to address the Township-owned Robinson Road property where possible tree damage occurred to the adjacent property owned by the Ingrahams. Popp shared that our insurance agent, Paul Olson, stated we have governmental immunity. Nielsen felt we should be a good neighbor and remove any trees that could potentially fall on the house. Ferris explained we also need to coordinate this with the Watershed Ordinance adopted last year because we’re dealing with sensitive issues and possible erosion. Popp volunteered to work with Tom Kucera, Brian Halliday, a forester, and the owners of the adjacent property going forward to research the project. Ferris asked the Board if they should revisit the sale of this property. Northway agreed.

Northway moved to initiate the research and exploration regarding the sale of the Township-owned Robinson Road property. Popp supported. All ayes. Motion approved.

- Nielsen inquired about the rules for including items on the Board meeting agendas. He wanted to know of the timeline and who to contact as sometimes items he requested don't appear on the agenda. Ferris stated the draft agenda is completed and published on the website one week before the Board meeting. Popp will get the policy to Nielsen.

Planning and Zoning:

- Greg Wright noted there have not been any decisions made on short-term rentals in the Township, and the Planning Commission wanted to listen to input from the community before moving forward. There will be a townhall meeting regarding short-term rental licensing at 7:30 p.m., August 23, 2023, at the Township Hall.

Unfinished Business:

- **ARPA Funds:** Ferris asked if more discussion was needed regarding CLT using ARPA funds to assist the broadband internet project. Ferris shared people felt there was going to be more inclusion of local companies in the broadband expansion. We should learn more after the closed meeting tomorrow (August 16, 2023). Cunningham requested a summary of the results of that meeting. Ferris also reiterated that, at the last Board meeting, Tim Maylone agreed to draw up a contract and send it. The contract has yet to be received. We should not make the ARPA Fund payment until the contract is received, reviewed, and signed.
- **Commercial Fireworks:** Ferris called the State Fire Marshall, since the Board deemed it unnecessary for her to contact the Township attorney. He assured her that fireworks are something the Township can regulate at the local level if we so wish.
- **Security:** Ferris explained there have been a couple of weird phone messages received at the Township Hall. She sent the recordings to the Township Enforcement Officer, and he said we should ignore them. Ferris offered to share them with the Board. Ferris asked VanMeter if she had arranged for guest speakers on security issues. She will contact local law enforcement in the coming weeks. Northway has continued to receive spam texts from VanMeter, most recently for the purchase of gift cards. He mentioned our personal cell phone numbers are listed on the website, and we should consider alternate options.

New Business

- **Access to records protocol:** Ferris put forth a resolution regarding access to Township records that was not included in the original packets. She would like to ensure that records are attained only through permission and supervision of whom the records responsibilities lie. The Clerk has custody of all records if no other laws provide otherwise.

Ferris moved that no member of the public, no constituent, no interested party, no board member, no staff member, no employee, and no volunteer shall take it upon themselves to

access Township records without appropriate and expressed supervision from the Clerk or Deputy Clerk or, where applicable, the assigned keeper who is assigned by statute, ordinance, or established practice. Northway supported.

VanMeter indicated the second “Whereas” statement should have the word “insecurity” instead of “security.”

For discussion purposes, Popp sent out a policy and resolution also regarding the records policy and would like to table the discussion until next month, so we can all look at it more in depth. The State wants an agency director and, in her resolution, she identified the Clerk, Supervisor, and Treasurer as agency directors. Ferris stated if this was recommended, we should address Chapter 6 of the Policy and Procedures manual.

Ferris wanted a resolution in place, so others would not have access to the supervisor’s files without supervision. Ferris said her resolution could be overridden in the future when a new resolution and Chapter 6 were finished. Popp asked if Ferris felt her resolution clarified the many issues. Ferris said it didn’t cover items such as the document retention schedule. Popp asked if it was okay if Ferris had human resources files, and she said no. Ferris noted the Township did have a policy in place regarding SSNs and related items. Popp indicated that was a separate policy from the records policy. Ferris replied she is not in charge of human resources files and reiterated if she’s not assigned records responsibility by statute, the records responsibility falls on the Clerk and Deputy Clerk, or another assigned person. Popp noted the MTA states that files do not need to be in the Clerk’s physical custody.

Ferris further stated that someone had been in her supervisor files. Popp said that every file is shareable. Ferris said she would never go through the treasurer’s files. It’s common courtesy to not go through another’s files without supervision. Ferris said files are open to the public, but they cannot just go through them. Ferris asked for the roll call vote.

Roll was called: Northway, yes; Nielsen, no; Popp, no; Ferris, yes; VanMeter, no. Motion failed.

After the vote, Ferris asked if the Board felt it was okay for anyone to go through any files. Popp wanted to expound upon and take a closer look at what she submitted.

Popp felt Ferris was upset because Ferris had a personnel file in her possession. Ferris indicated she didn’t know what Popp was talking about. Popp shared the documents with the Board, and Ferris asked where she got them.

Ferris shared that Popp wanted to get a copy of the assessor’s contract and knew Ferris would have one in her files. Ferris asked why Popp just didn’t ask her for it and wait for her. Popp said that was not probable.

Popp wanted it noted the Supervisor was not to have personnel files. Ferris denied multiple times ever having the file, and there wasn’t witness to the file ever being there and/or its removal from her files. She noted the seriousness of accusation. Popp made an inappropriate comment. Ferris felt the Board members who voted no on her resolution should consider this issue. Ferris further

stated that no one should be taking files from or putting items in another's files. She asked for input from Nielsen and VanMeter.

Nielsen suggested the records policy and resolution be on September's Board agenda. VanMeter, initially, couldn't understand why this was an issue because the Clerk was responsible for all records unless otherwise indicated by statute. She would like to do more research to get information and clarification regarding the records policy.

Ferris asked Popp if she was formally accusing her of being in possession of documents she shouldn't have in her files. Popp said, yes, it was a fact, not an accusation. Ferris asked for any evidence. Popp said she had the file. Ferris asked if Popp put the documents in her files. Popp stated she would not ever consider that. Ferris said, she too, would not dream of keeping files belonging to someone else.

- **AT&T Right of Way:** Ferris presented the Metro Act Right of Way correspondence from AT&T.

VanMeter moved the Board agree and the Clerk sign the letter agreement, on behalf of the Board, extending the existing METRO Act permit issued by CLT to Michigan Bell Telephone Company d/b/a AT&T Michigan, which expires on December 31, 2023. The extension is for a term to end on December 31, 2028. Ferris supported. Roll was called. Motion approved.

- **L-4029 Form:** Ferris asked Popp to address this topic since Popp contacted the attorney on the L-4029 form. Popp said it was self-explanatory in her email, but Ferris asked her to elaborate for the record. Popp shared she recently took MTA tax assessment training, which addressed the L-4029 and felt CLT had fallen short on some items. Popp, unclear on protocol, contacted the State who suggested attorney contact. Ferris asked Popp what areas we have fallen short on. Popp said there were many, and noted this year the Equalization Department was no longer filling in the form for us.

Popp offered the floor to Ferris as completion of the L-4029 was her statutory duty. Ferris knew it was her statutory duty but still wanted to know of our short comings. Popp indicated that MTA training should be taken by all Board members as well as another training course specifically covering the L-4029 form. Upon completion of the training, it would be obvious what items CLT falls short on. Ferris again asked Popp why she wouldn't share the problems, and Popp stated there wasn't time in the current meeting to cover them. Popp offered to speak with Ferris after the Board meeting, but Ferris indicated the need to have someone else present for the discussion, and she would discuss it during office hours or Popp could list all of the shortcomings in an email.

Popp asked Ferris what the millage was for roads because the Board needed to vote on it. Ferris said she would put it on the agenda for next month's Board meeting as she did not have the figure in front of her.

- **Contracts:** Ferris noted the only contract needing a vote at the current meeting was the assessor's new contract, which she shared. She highlighted the differences between the new contract and the old. The most significant change was there was no automatic raise. The only

raise would be following Board directive. The format changed a bit; there's a difference in how items are listed. Land division duties have been added as the Board approved paying her extra to add the duties to her job description. There is a list of the software the assessor owns and has the right to make a change in the future and request the Township pay for software licensing. This contract renews automatically and doesn't have an end date. Previous three-year contract had a 30-day termination clause, which allowed for modification of the scope and responsibilities if the assessor sees fit. The assessor asked for a guarantee regarding a computer records request. Ferris will get with Brian on the assessor's access to digital records. The assessor may also subcontract her work if she chooses.

Nielsen wanted a fixed rate and specific employment timeline in the contract, the longer the term the better. He had concern over continuity of the contract. Ferris asked if the motion should be withdrawn, or if the vote should be taken. No comment.

Ferris moved to accept the new assessor's contract and authorize the employment continuance of Jill Brown as the CLT assessor. VanMeter supported. Roll was called: Nielsen, no; Ferris, yes; Popp, yes; VanMeter, yes; Northway, yes. Motion passed.

Popp would have preferred specific dollar amounts be included for budgeting purposes, but she supported the motion.

Nielsen asked when the L-4029 form needed to be completed and submitted. Ferris stated September 30. He wanted a more formal approval and submission process. Ferris will share the completed L-4029 at the next Board meeting.

VanMeter and Ferris will meet and review the other employee contracts.

Public Comment:

- LeRoy Reed asked if airbnbs were taxed differently as there are a lot of them popping up. Board didn't have the information to answer the question.

Board Comment:

- Nielsen spoke of the road millage, which will expire and may need to be extended, possibly including it on the ballot in 2024. The Road Committee discussed chip seal versus asphalt and, at least for now, wants to postpone choosing the type of resurfacing until after winter, waiting to see how chip seal holds up. Nielsen said chip seal was a step back from asphalt because it doesn't structurally change the road but puts a cover on it.

Nielsen suggested the Board consider a five-year extension of the current millage, but word the ballot language to include the Board's option of reviewing the millage amount and adjusting it each year. Nielsen wanted to schedule a public hearing on the road millage and also ask the attorney if it's legal to draw up variable road millage ballot language.

Popp said we would not need to contact the attorney because it's covered by tax law. Popp indicated we have a budget timeline, and there is time to discuss this. We have to vote on the actual rate or if we choose, we can vote on less than the maximum. Nielsen wanted to talk

