

Regular Meeting of the Crystal Lake Township Board

1651 Frankfort Highway, Frankfort MI 49635

March 9, 2021

Meeting was called to order by Supervisor Amy Ferris at 7:00 PM via Zoom.

Pledge of Allegiance was recited.

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

Agenda:

- Ferris is going to wait on the Board of Review appointments and that can be crossed off. Ferris wants to discuss April's Board Meeting as it will be back to an in-person meeting and added that to New Business.

Ferris moved to accept the March 9, 2021 agenda as amended; Sullivan supported. Roll was called; all ayes. Motion passed.

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

Minutes:

- February 9, 2021 Regular Board Meeting Minutes

Ferris would like "my long-standing request" in regard to official list of duties be added to the second bullet on page 4. Sullivan explained that in this instance, Popp's request was in regard to the January meeting and suggested it should be amended to say "Ferris' most recent request." Ferris agreed.

Ferris moved to approve the Regular Board Meeting Minutes with amendment, Northway supported. Roll was called; all ayes. Motion passed.

- February 11, 2021 Special Board Meeting Minutes

Ferris moved the minutes of the February 11, 2021, Special Board Meeting be approved as presented; Northway supported. Roll was called; all ayes. Motion passed.

Correspondence:

- Ferris shared correspondence from Benzie Shores District Library Annual Report, and Railroad Point. There was also late correspondence received from Greg Wright and Brooke Popp. Popp explained she was not expecting a discussion on it tonight.

Nielsen feels discussion on this should be deferred until the April Meeting. Northway agrees. Ferris will add this to the April Agenda.

Commissioner Miller Report:

- Commissioner Miller was not in attendance and there was no report.

Public Comment:

- Greg Wright expressed his disapproval of the Planning Commission draft minutes being on the website. Sullivan explained that those minutes should be treated the same as the Board minutes and that it was appropriate to have the draft minutes on the website. She forwarded to Wright the MTA guidelines on this issue. Wright disagreed stating that this was not what was done in the past and wanted to know why the policy changed now. Ferris explained she did not have authority on this and suggested that we get a legal opinion on this. Popp further explained that she has been working to keep the webpage updated and current. The webpage over the last year has not been kept up to date properly. Ferris also said this should be added to the April agenda as public comment is limited to three minutes.

Clerk's Report:

- Sullivan presented the Warrant Report. Sullivan would like to add to the Warrant Report a late bill received from the Pioneer Group for \$509.55. Popp explained that the \$2,300.00 for liability insurance was already approved in a previous meeting and it is okay to pay. Ferris did not see the Warrant Report and asked Sullivan to read it out loud, which she did. Northway said there was a discrepancy in figures from what he received to what Sullivan read. Popp explained that that was because the Warrant Report was finalized on Friday and the one on the website was posted earlier on Wednesday. She will not post the Warrant Report in the future until it is finalized on Friday. Ferris feels the auditor bills should be itemized for more clarity and questions if we should pay it. Popp and Sullivan said that Ferris could have called the auditor and asked for more clarity and feel this bill should be paid. Sullivan suggested we have another meeting to approve this if there is too much in question.

Popp moved to approve the warrant report as read; Nielsen supports. Roll was called; Ferris, yes; Nielsen, yes; Northway, yes; Popp, yes; Sullivan, no. Warrant Report was approved.

Treasurer's Report:

- Popp presented the fiscal reports:
 - Popp moved to amend the General Fund account to appropriate \$8,000.00 for Buildings and Grounds; \$1,000.00 for Information Technology; \$1,392.00 for Cemetery Fund Transfer of Funds; and \$195.43 Road Fund Transfers of

Funds cost centers; Northway supported. Roll was called: all ayes. Motion was passed.

Ferris asked for more explanation on each of the fund transfers and appropriations. Buildings and Grounds was for painting of Crystal Lake Township Hall; Cemetery Fund Transfer was for tree removal. Ferris asked if it was legal for the Road Commission to decide which fund a credit would be applied to. Northway felt that the Road Commission credit did not appear to be a credit. Popp explained how the credit was transferred and said it is okay. Sullivan asked if we needed something for the auditor, but Popp said no because it is documented by the motion.

o Salary and Wage Resolutions:

Popp moved that as of April 1, 2021, the salary of the office of assessor shall be \$30,003.82 per year and the wage for the board of review member shall remain \$20.60 per hour; Sullivan supported. Roll was called: all ayes. Motion passed.

Popp moved that as of April 1, 2021, the salary of the office of clerical assistant shall be \$13.75 per hour; Sullivan supported. Roll was called: all ayes. Motion passed.

Popp moved that as of April 1, 2021, the salary of the office of clerk shall be \$22,935.00 per year; Northway supported. Roll was called: all ayes. Motion passed.

Popp moved that as of April 1, 2021, the wage of the office of deputy supervisor, deputy clerk, and deputy treasurer shall be \$14.45 per hour. Deputy hours will be determined by the respective board official and shall serve at their pleasure. The deputy may assist the respective board official at any time agreed upon and as being an appointive position there is not a requirement for hours. Sullivan supported. Roll was called: all ayes. Motion passed.

Popp moved that as of April 1, 2021, the wage of Election worker be \$13.40 per hour and the wage of Election Chair be \$15.45 per hour; Sullivan supported. Roll was called: all ayes. Motion passed.

Popp moved that as of April 1, 2021, the salary of the office of supervisor shall be \$20,400.00 per year; Sullivan supported. Roll was called: all ayes. Motion passed.

Popp moved that as of April 1, 2021, the salary of the office of treasurer shall be \$20,400.00 per year; Sullivan supported. Roll was called: all ayes. Motion passed.

Popp moved that as of April 1, 2021, the salary of the office of trustee shall be \$2,904.00 per year; Sullivan supported. Roll was called: all ayes. Motion passed.

Popp moved that as of April 1, 2021, the salary of the office of zoning administrator shall be \$13,900.00 per year (approximately 5% increase); the wage for planning commission and zoning board of appeals chair shall be \$61.80 per meeting; the wage for planning commission and zoning board of appeals secretary shall be \$51.50 per meeting; the wage for planning commission and zoning board of appeals member shall be \$46.35 per meeting. The wage for recording secretary shall be \$75.00 per meeting; Northway supported. Roll was called: all ayes. Motion passed.

- Mileage Rate Resolution

Popp moved that as of April 1, 2021, the standard mileage rate for miles driven for township purposes is 56-cents per mile; Sullivan supports. Roll was called: all ayes. Motion passed.

Committee Reports

Airport:

- Popp presented the airport report and asked if there were any questions. Northway wanted to know how he could compare this report to the previous year. Popp explained that the reports were generated by the County Treasurer and directed Northway to the county. Ferris asked if we were still in negotiations and Popp confirmed this to be true.

Board of Review:

- Board of Review has been deferred to the April board meeting.

Building & Grounds (B&G):

- Tom Kucera sent the Board the priority list from last January which was delayed due to the pandemic. This includes:
 - Meeting tables, which have been taken care off
 - Plumbing and HVAC-Designing bid forms will be developed
 - Flagpole light and installation is in process
 - Necessary electrical upgrades being pursued with Huron Electric
 - Regular meeting schedule set for every 3rd Wednesday, 10 a.m., at the Township Hall.
 - Received a request from Treasurer for installation of an emergency generator. We will look at that and Kucera feels it is a good idea.
 - Buildings and Grounds committee consists of Kucera, Ferris and Dean Michaels and should be expanded. Dean contacted Burt Williams and Rena Johnston to join the committee and they are interested.

Popp moved that Burt Williams and Rena Johnston shall be appointed to the Crystal Lake Township Buildings & Grounds Committee for three-year terms starting 2021; Sullivan supports. Roll was called: all ayes. Motion passed.

Cemetery:

- Ferris shared with the Board the Grounds Keeper Job Description and Contract and the Cemetery Sexton Job Description. Ferris explained that the current sexton fulfills two jobs; grounds keeping and sexton. Going forward, Green Path only wants the duties of grounds keeping. Ferris asks if we should keep Green Path for only grounds keeping and create a bid and advertise for the position of sexton? Ferris has been doing research on the job of sexton and there is not a lot of qualified individuals for this position. Ferris would like the jobs to be separated with the grounds keeper doing foundations and grass. The sexton would do burials.
- Popp questioned why the grounds keeper would do foundations. Ferris explained that with the sextons she has contacted, they are not interested in doing foundations.
- Popp feels that in the second paragraph of the grounds keeper job description that using the word "natural" is ambiguous. She feels that means not mowing. Ferris explained that this means he is taking care of the natural environment. Popp suggests that line should be dropped. Northway pointed out that at North cemetery there is signage that says "beyond mowing" and feels this is implicit in what area is mowed.
- Popp referenced items 6 and 7 on the grounds keeper contract and feels the Cemetery Committee should not be the decision-making entity but be consulted with and bring recommendations to the Board stating they have no legal bearing in a contract. Nielsen agrees with this, we take consultation from committees and the board makes the decision. Ferris indicated that other Committees do make decisions and feels the lawyer could be consulted on this. Sullivan suggests that

we add "in consultation with" the cemetery committee to the contracts. Ferris explained that she has a very active Cemetery Committee and they do the "footwork."

- Popp feels both contracts should include the full month and year dates and require proof of worker's compensation insurance and liability insurance.
- Popp feels "all" should be removed from the second line item under Overall Functions of Sexton job description. Current sexton could not execute all burials. Ferris explained that, going forward, we would like to have a sexton that could do everything.
- Popp discussed the last paragraph of sexton contract in regard to billing being received by the 3rd, indicating that this never happens and doesn't leave enough time to review for errors. Ferris feels this is doable and should be done. Ferris said this would be a requirement of the new sexton. Popp suggests the billing be received by the 15th. Ferris feels this seems that they would be two months behind before they get paid doing it on the 15th. Sullivan agrees that Green Path bills too late and Ferris should ensure that they are billing on time. Sullivan also stated that we all need to go over the invoice as soon as billing is received.
- Ferris asked the board if she should put out bids for the two contracts. Sullivan said yes, this is how it was done before. Ferris will advertise the positions and call the Cemetery Committee to review applications and bring to the Board their recommendations for an April vote.

Fire:

- Dr. Nielsen presented the documents for the 2021-2022 Fire Fund and First Responders budget. Nielsen explained how the figures are determined using population, weighted SEV, and use for each township. He indicated that Crystal Lake Township budget for this is approximately \$91,000.00 (less than ½ mil). After we approve this budget it goes to Frankfort City Hall. A Zoom meeting is scheduled for March 10 at 5:30 for governmental agencies to discuss Fire and First Responders. Ferris advised that if anyone wanted to join that meeting, they should call Frankfort City Hall for the information.

Nielsen moved to accept the 2021-2022 proposed budgets for Crystal Lake Township for Fire Services of \$74,942.00 and for First Responders of \$16,414.50; Popp supports. Roll was called: all ayes. Motion passed.

Planning:

- Kucera shared that the Planning Commission is working on the Capital Improvement Program, Solar Ordinance, and revisions to the Crystal Lake Watershed overlay. Greg Wright asked on whose authority the draft Planning Commission meetings are now being posted on the website. Ferris answered that she will look into this but does not have the authority to make a judgement call at this time. Wright would like the board to act on this and create a motion to refrain

the Treasurer and Clerk from publishing draft minutes. Sullivan explained that according to MTA it is appropriate to publish draft Planning Commission minutes if that is what is done with the draft Board minutes. Sullivan agrees with Ferris that this needs to be looked into further. Sullivan supports Popp until then in the posting of the minutes, indicating that we have an obligation to post minutes to improve our transparency. Ferris stated she will look into this immediately. Northway suggested that at the next Planning Commission meeting they go through the February minutes at the end of March; Wright said that was current practice.

Policy:

- Popp presented a resolution for an Electronic Device Meeting Policy/Bylaw Amendment. Ferris was confused by this and asked why it was not presented to the Policies and Procedures Committee to bring to the April meeting. Popp explained that this is only a device policy and felt it needed to be addressed as this is the Board's last Zoom meeting. Ferris stated that we passed a cell phone device bylaw before that is still in effect. Popp does not recall this motion. Northway would like to see this written out point by point as he does not have a copy of this resolution. Ferris would like to know what "necessary equipment" is under the first bullet point and feels there are procedural problems. Ferris feels she has stepped up and used her personal equipment for zoom meetings. Popp said, yes, we all are using our personal equipment. Ferris feels there are too many contradictions in this motion to our current bylaws. Popp feels it needs to be done to prevent electronic discussions during meetings. Sullivan would like to see this go to the Policy Committee and use this as a reference point. Northway agrees and feels this should be tabled until the next meeting. Popp explained that she already made a motion and the board could vote it down and she will gladly refer it to the Policy and Procedures Committee. Ferris also questioned the point that three board members could cancel a meeting; is there a procedure? We need to think this through more and see what MTA suggests. Ferris will look for the device resolution and send it to Popp.

Popp moved to accept the Electronic Device Meeting Policy/Bylaw Amendment; Nielsen supports. Roll was called: Ferris, no; Nielsen, yes; Northway, no; Popp, yes; Sullivan, no. Motion failed.

- Popp was concerned that the Ethics chapter stops midway and would like to see that it is completed using the entire MTA chapter. Popp shared with the Board the completed chapter. Ferris will be in contact with the Policy and Procedures Committee in regard to this.
- Popp presented to the Board a Citizen Complaint form that she would like to see Crystal Lake Township use. Popp asked that the Policy and Procedure Committee look at this. Ferris asked where she found this document; Popp responded that she "googled" it and tailored it to fit Crystal Lake Township's needs. Ferris will also present this to the Policy and Procedures Committee.

Roads:

- Nielsen presented the roads report and indicated the estimates for road repairs for Airport Road came in \$15,000.00 less than anticipated. Sunset's estimate is not yet received. He felt this may leave room for some crack sealing if necessary. Nielsen shared with the board that Matt Skeels asked, if we could, for an increase in the \$10,000.00 we currently pay in advance. Nielsen would like to see this increased to \$20,000.00. He will bring this to the Board in the April meeting. Popp felt it would be okay to address this at the current meeting. Popp has settled with the county for taxes and we have paid the Road Fund in full and currently have a balance of \$59,000.00 with another \$8,600.00 coming from the county for delinquent taxes. She says we are in a position to pay the Road Commission more.
Popp moved to appropriate \$30,000.00 to the Road Fund of Crystal Lake Township for our down payment to the Road Commission; Nielsen supports. Roll was called: all ayes. Motion passed.
- Nielsen said the local Road Committee will be meeting sometime in the near future to discuss Summer 2022 recommendations. This information has to be ready by October 2021.

Zoning:

- Kucera said that he has been receiving steady stream of questions on land division applications. There are no current trends standing out. There has not been any movement on the Kullenberg case and it is still in the court of appeals.

Unfinished Business:

- Popp moved that the Board support and approve the IRONMAN 70.3 Michigan event; Northway supports; Sullivan said her prior reservations about our local residents being able to leave their homes were addressed during the meeting with the Ironman group and the Benzie County Emergency Management person. Ferris feels we need to be more specific in regard to M-22 within the resolution. She stated that Traverse City was a mess last year and they felt the contract was too vague. Popp indicated that they are only asking for support and if we want to include specifics it should be in a different format. This motion does not bind Ironman legally; only that the township is backing them. Northway feels we should include all things promised by the Ironman group in the resolution. We should get ahead of the game and make a list of everything we need. Ferris agrees and shared what she feels should be in the resolution: e.g., limit access to M-22 only, time frame limits, parking options, safety precautions, costs to township before, during and after event, involvement of local businesses, etc. Nielsen says that we should not specify everything and all of our concerns were addressed by the Ironman group and this should be supported as it is for the good of our community. Northway is not comfortable with this and we need a list of things we want

guaranteed, e.g., advertising, charitable donations, volunteers, etc. Popp and Northway said we could add a line with stipulations to be forwarded. Ferris feels we could vote on this now and if they do not come through with promises made, we could pursue further action. Popp reiterated that this is just a township formality providing support, not a contract. Northway will work on the stipulations to be added and will circulate to members. Nielsen further stated that this is not complicated and this should be approved in good faith and not micro managed. Sullivan is not comfortable with voting on something with stipulations to come and suggested the motion be amended to include considerations for timing, parking, costs to township, and charitable contributions. Ferris feels this amendment does not adequately address specific items.

Popp agreed to amend her motion of support for the 9-12-2021 IRONMAN event to include that all obligations will be fulfilled by Ironman such as timing, parking, costs to township, and charitable contributions, etc. as discussed in the February 11, 2021, Special Meeting; Sullivan supports. Roll was called: Ferris, no; Nielsen, yes; Northway, yes; Popp, yes; Sullivan, yes. Motion approved.

New Business:

- Discussion was held in regard to an insert to be included in the Summer tax bills from the Watershed discussing proper care of septic systems. Kucera reported that the greatest polluters of inland lakes are septic systems. Michigan is one of only 2 states that does not have uniform septic system laws on the books. The Watershed will fund the cost of doing this insert. Popp said we have done this in the past and the costs were covered by the Watershed. Northway questioned why septic systems are not enforced better. Kucera said there is no real enforcement for this issue. Our county health department does inspect the septic when a property is sold and Benzie County does enforce this.

Popp moved to include the insert in the summer tax bills; Sullivan supports. Roll was called: all ayes. Motion approved.

- Discussion was held in regard to the next Board Meeting and that it will be held in person at the Crystal Lake Township Hall. Nielsen feels we cannot accommodate the public with safe social distancing. Sullivan said we could accommodate up to 25 people/10 with social distancing. Sullivan said we have never had 25 people at meeting. Some may have to call in if more than 10. She further explained that we, as board members, have to hold the meeting in person. Popp feels we would continue the meeting in person and also with Zoom. Sullivan is more than willing to work with someone to make sure this happens. Northway suggests using a student from the high school to broadcast the meeting and announcing seats available on first-come-first served basis.

- Ferris shared that she forgot to mention the increase of fees for burials. It looks as if the businesses are going to a three-tier system; lowest rate is Monday through Friday; significant step up for Saturdays; and an astronomical rate for holidays and Sundays. Traverse charges as much as \$2,500.00 for a Sunday burial. Popp suggests not charging extra fee if the sexton is not billing for it. Ferris will take this to the cemetery committee and will bring to the board their recommendations.
- Ferris feels a special meeting should be called over cemetery financials. She would like the 3 officers and deputy supervisor hold a special meeting over procedures for invoicing and cemetery financials. Popp said it could be called a workshop. Ferris also asked if a special meeting needed to be held in regard to personnel issues. Feels this needs to be discussed more but not at a regular board meeting. Popp and Sullivan agree.

Public Comments:

- Tammy May expressed her support of having draft minutes posted on the website, indicating it is public knowledge and should be transparent.
- Kathy Morris feels the minutes should not be posted until they are approved.

Board Comments:

- Nielsen brought up changing the time of the Tuesday meeting from the 2nd Tuesday to the 3rd. He is okay with this and feels we should come back to this topic.
- Northway in response to Kathy Morris concern, it is not inconceivable that the meeting is held and the transcription is inaccurate. Popp explained that the minutes are distinctly labeled as a "draft." Ferris believes that according to MTA when the final draft is submitted, it should show the corrections to the draft minutes.
- Northway would like the IRONMAN list from Popp. He questioned if any other townships have decided. The Village and City have supported it. Ferris heard that Blaine was not going to do anything and Lake Township was trying to arrange for a special meeting with Ironman.

Meeting adjourned at 9:23 p.m.

Sue Sullivan, Clerk, and Sondra Halliday, Clerical Assistant, reporting.