

Regular Meeting of the Crystal Lake Township Board

1651 Frankfort Highway, Frankfort MI 49635
April 13, 2021

Meeting was called to order by Supervisor Amy Ferris at 7:20 PM via Zoom.

Pledge of Allegiance was recited.

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

Agenda: Ferris moved to amend the agenda as follows:

- Correspondence – Include communication from Wright and Popp.
- Board of Review – Include resignation letter from Thelma Ryder
- Cemetery – Add new fee schedule
- Policy – Postpone P&P until May meeting. Cross out other policies bullet.
- Unfinished Business – Workshop vs Special Meeting and Open Meetings Act
- New Business – Note there is no action required under meeting preparedness

Popp wanted to propose an amendment to have a special meeting next Tuesday for the Cemetery Ordinance. The Board discussed and agreed to move this discussion to a special meeting

Ferris moved to accept the April 13, 2021 agenda as amended. Popp seconded. Roll was called; all ayes. Motion passed.

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

Minutes:

- Board Meeting Minutes

Popp moved to amend the minutes of the March 9, 2021 as follows:

- 1) At the end of page 2 and start of page 3 it should read "Popp moved to amend the General fund account to appropriate \$8,000.00 for Buildings and Grounds; \$1,000.00 for Information Technology; **(should read) \$1,392.10 for**

Cemetery Fund Transfer of Funds and \$195.43 Road Fund Transfers of Funds cost centers; Northway supported..."

2) Ferris moved to amend the first sentence on page 8 changing "us" to "use."

Ferris moved to approve the Meeting Minutes as amended, Popp supports; roll was called; all ayes. Motion passed.

Correspondence: Ferris shared correspondence from:

- The Census, which needed no further explanation
- Grow Benzie, regarding their long-term plans and asking for community input.
- Popp/Wright correspondence. Ferris inquired as to whether a special meeting should be held. Nielsen feels this is not necessary and will not be available. Ferris scheduled a special Board meeting for Friday, April 16 at 10 a.m. to discuss board and staff relations. Meeting will be virtual.
- Northway spoke with Joel Gaff from Ironman. We will be working with Josh Mills and the other townships involved to take care of that material.
- Ferris shared correspondence that appears to show that the township may be receiving additional funds. Popp shared that on March 12th, MTA sent us an email talking about the American Rescue Plan act and projections. We should be receiving approximately \$100,000 from this plan, but has specifications as where it can be used. Popp feels we should look at improving/expanding broadband with this money. Ferris shared that other townships were looking into building a township hall. Popp was unsure if the money could be used in that manner.

Commissioner Miller Report:

- Commissioner Miller reported that:
 - Benzie County is expected to receive approximately \$3.4 million dollars from the Covid bill [Cares Act bill], split in two payments. He would like the board to come up with any "pet projects" they would like to discuss with the county commissioners. Ideas should be presented in the next 30 days.
 - Benzie County enacted a State of Emergency today through May 11, 2021. This will allow the townships to continue to hold virtual meetings through that date.
 - The County Administrator will be leaving in August and the Deputy Administrator has resigned. The county is utilizing a consultant firm to assist with the search for Administrator and an offer has been made to an individual for Deputy Administrator.

- Sheriff Rosa reported there is a significant increase in heroin, methamphetamine, and fentanyl use; mental health issues causing people to be jailed; and domestic violence.
- The Benzie County Health Department reported 48% of residents received first dose and 31% have received second dose of COVID vaccine. They believe we will be at 70% for herd immunity in 3 months.
- Commissioner Miller is currently working with a subcommittee on a feasibility study for broadband expansion. Northway would like to see this expansion done globally.

Public Comment:

- Dean Michael addressed Supervisor Ferris in regard to the Cemetery groundskeeper. It was his understanding that the committee had agreed to a different individual who had better pricing and is local. He feels Ferris called the members individually and changed their minds. Ferris suggested he speak directly with each member of the committee.
- Kucera addressed the Treasurer in regard to her website contract. The Treasurer should have identified this as a conflict of interest at the beginning of the meeting. Kucera contacted an attorney and believes this violates the Attorney General's Opinion #6906. He would be willing to share with the Board the letter from this attorney.

Clerk's report:

- Sullivan presented the Warrant report. There are four additions since report was sent out.
 - \$5.00 for printing related to a zoning permit.
 - \$36.00 election postage reimbursement to the Clerk.
 - \$44.00 for Post Office box annual subscription.
 - \$3,417.50 for the Attorney's March expenses. Most of this was due to the Kullenberg case and should be offset by insurance.
 - Cemetery funds: usual Consumers Energy; \$100 for Pioneer Group advertising new Cemetery openings; and bill from Robert Wilkinson for winter burial for \$950.

Ferris moved to approve the payments from General fund in the amount of \$6,098.58 and Cemetery Fund in the amount of \$1,111.46. Northway seconded. Roll was called, all ayes. Motion passed.

Treasurer's Report:

- Popp emailed the final financial reports for the last fiscal year. General Fund looks good except the Assessor department was over budget by 2 percent. The auditor will take issue with that. The first Fire Fund report was incorrect as it did not include the amendment from prior month. After adding that in, the budget was in line.
- Popp reported that the number of hits to the BSA online tax site was significantly higher in 2020. Online payments have also increased. Ninety-eight percent of taxes have been collected. At this time any remaining taxes have to be sent to the county.

Committee Reports

Airport:

- Popp provided the Board with the Airport Authority Report. Ferris asked what the closed session was about. Popp said it was ongoing negotiations with attorney. Ferris inquired if all of the licenses were good and Popp confirmed that they were.

Board of Review:

- Ferris moved to accept Jill Marble's appointment to the Board of Review. Northway seconded. Roll was called; all ayes. Motion passed.

Sullivan noted that Ferris should not have put Jill Marble's name on the website until after this vote had been made.

- Ferris moved to accept Raymond Vieau's appointment to the Board of Review. Northway seconded. Roll was called; all ayes. Motion passed.

- Ferris moved to accept Thelma Ryder's resignation from the Board of Review and move her to an alternate status. Sullivan seconded. Roll was called; all ayes. Motion passed.

Sullivan questioned why Matt Stefanski's appointment to the Board of Review was not addressed. Ferris said that he was not able to attend the Board of Review meeting and did not attend the training.

Building & Grounds (B&G):

- Tom Kucera informed the Board that the Building and Grounds Committee are continuing their efforts on the list that was previously discussed. There has been a purchase of a light for the flagpole which will be installed shortly.

Cemetery:

- Ferris addressed the fourth bullet first in regard to the fallen tree removal costs. She talked with the insurance company and the township is eligible to file a claim.
- Ferris presented the contract to hire Wilkinson as the new sexton. Popp and Sullivan would like the second to last bullet point on remuneration to be removed. Sullivan is not comfortable with a 3-year contract with a new sexton. Ferris indicated that he is well respected in the other cemeteries that he handles and wants to keep it at three years. Nielsen feels we should not have a three-year contract without an out. A new bullet after the second bullet should be added stating, "Contract terms can be discontinued with a 2-week written notice by either party at any time" under employment terms.

Ferris moved to approve the Sexton contract with an amendment to remove the second to last bullet point on remuneration and to add a new bullet point after the second bullet stating "Contract terms can be discontinued with a 2-week written notice by either party at any time." under the employment terms section. Sullivan seconded. Roll was called, all ayes. Motion passed.

- Ferris presented a new fee schedule for the cemetery. With the additional costs incurred with the new Sexton, the Cemetery Committee felt a 50% increase in the administrative fee was necessary. This results in the administrative fee being increased from \$50 to \$75. Ferris noted that some people will have to be grandfathered in as they have already been quoted the lower rate. Popp discussed that currently \$1 of the administrative fee goes into the perpetual fund and would like that increased to \$50 per burial right due to the increased surcharge. Northway suggested approving the new fee schedule but making it effective June 1, 2021 and getting it posted on the website.

Ferris moved that the Cemetery Committee's recommendation that the current surcharge of \$50 burial and the variant surcharge of \$150 to \$500 depending on type of burial for non-property owners be raised by 50 percent as per attached schedule be approved; and that it be resolved that we may have to grandfather some burials in because funeral directors have collected already based on old fee schedule. The new fee schedule would be effective June 1, 2021. Sullivan seconded. Roll was called, all ayes. Motion passed.

Popp moved that we increase the annual deposit to the perpetual fund from \$1.00 to \$50.00 per burial right. Popp withdrew the motion until discussion is held with Cemetery Committee.

Ferris indicated that we are not getting more money from burial rights. Popp understands but we sell more internments than burial rights. Ferris feels we should look at the numbers more before doing this. Sullivan ask if we could postpone until we meet with Cemetery Committee.

- The contract for the Groundskeeper position was discussed. Popp suggested that the Cemetery Committee reconvene to discuss the applicants further. Barbara wanted to let Dean know that she made her decision prior to speaking with Ferris and Ferris did not influence her decision.
- The Board will hold a special meeting on Thursday, April 22, 2021 at 10 a.m. to review and vote on the Cemetery Ordinance.

Fire:

- Nielsen moved that the township accept the Fire Services contract from the City of Frankfort. Popp seconded. Roll was called; all ayes. Motion passed.

Planning:

- Kucera reported that the Planning Commission is continuing to work on the review of Solar Ordinance and Watershed overlay.
- Discussion was held on whether or not the draft minutes of the Planning Commission should be put on the website. Sullivan would like to get the opinion of our attorney before making a decision on this. It is not all that clear between MTA and the Open Meetings Act. She would like confirmation from lawyer. Ferris reported that according to MTA and the Open Meetings Act, these draft minutes do not need to be published. Sullivan received communication from MTA that if we publish the draft Board minutes we also need to publish the Planning Commission's draft minutes. Sullivan wants confirmation on her legal responsibility on this. Ferris does not feel it is necessary to consult with lawyer.

Policy:

- Ferris shared that the Policy and Procedures manual will be presented to the Board in 2 parts. She said chapters 1-4 will be presented at the May meeting and chapters 5-8 at the June Meeting. Nielsen would rather see this done all at once rather than broken in pieces to avoid a conflicts. Popp feels we should do one

chapter at a time because it could take too long to go over it all at once. Sullivan agrees with Popp. Sullivan suggests that we can be sure that no conflicts are present as we look at the other chapters. Ferris suggested a conditional approval of chapters 1-4 with full approval after chapters 5-8 are presented. After more discussion, it was agreed that Chapters 1 and 2 will be presented to the Board at the next meeting. Material will be provided by Ferris to the members two weeks prior to the meeting.

Roads:

- Popp made a motion to brine in the spring and the summer, the roads listed with the designated amounts for a total of 1.8 miles. The cost is \$687.35 per brine application. Ferris seconded. Roll was called, all ayes. Motion passed.

Nielsen wants to add that this includes a second brining. Popp said it does state in the first paragraph that it includes a brining in spring and fall. Ferris will make sure the second brining is on contract.

Popp moved to approve the 3 new estimates for road repairs from the Benzie County Road Commission. Sullivan seconded. Roll was called, all ayes. Motion passed.

There was discussion as to whether or not we could fix additional roads since the estimates did come in less than anticipated. Nielsen will look into it but stated it is more complicated than just adding another road repair.

Zoning:

- Kucera said that zoning work is picking up. He also updated the Board in regard to the Kullenberg case. The Court of Appeals has rejected their case. Kullenberg hired a new lawyer who filed a new appeal. Our attorney had to do a new response to this which resulted in the larger attorney bill. Kucera indicated that if a board member wanted a copy of the brief, he could email it to them. Kucera reminded Sullivan to get these fees to the insurance company.
- There are currently two issues regarding docks being placed in the lake where they do not belong. This could turn into something bigger. Kucera indicated that this is not really a zoning issue but a police matter per ordinance.
- In regard to the R.V. park, Kucera has attempted to contact the owner indicating that they may be in contempt of court if they continue laying ground for 44 additional sites. The owner needs to get plans to Kucera and apply for a new special land use permit to do this, which can take 6-8 weeks to process. We may need to go to the courts to get an injunction to stop this development. Popp

indicated that she thinks the owner has tried to contact Kucera and is working on the needed documents. Kucera says that the owner has not contacted him in regard to this recently. Ferris indicated this is a high profile case and our residents expect us to do what we can to follow the rules.

Unfinished Business:

- Ferris addressed the second bullet indicating that she invited the Cemetery Committee to take advantage of the MTA training on cemeteries. Sullivan received a list of training that Dr. Northway would like to take and she will get him set up.
- Ferris presented a motion to create an advisory committee on communications and website responsibilities. Popp questioned why the Supervisor should be assigned to this role. Ferris feels this would present an oversight to whoever is handling the website and prevent problems in the future. Sullivan believes that Ferris and Popp have different ideas of what was decided at the previous board meeting. Northway feels a committee would be appropriate to handle these responsibilities.
- Popp addressed Kucera's concern over her proposing a contract to manage the township's website. From what Popp has read in the MTA manual, it is appropriate to be compensated for additional duties. After more discussion, Popp withdrew her contract.

Ferris moved to accept the resolution to create an Advisory Committee to oversee communications and website updates. Northway seconded. Roll was called: Ferris, yes; Nielsen, no; Northway, yes; Popp, no; Sullivan yes. Motion passed.

Sullivan wants to know "who is going to get the work done tomorrow" while we wait for a committee to be formed. Ferris will come up with 5 names for the Advisory Committee and Sullivan will be in contact with Brick House.

New Business:

- Ferris suggested that New Business be addressed at the next Board Meeting, Friday at 10 a.m. Popp would like to address the American Waste issue so that they can get paid. Ferris feels having 2 clean up days is way too expensive.

Popp moved to accept the contract from American Waste for the Townships 2 clean up dates. Sullivan seconded. Roll was called: Ferris, no; Popp, yes; Nielsen, yes; Northway, yes; Sullivan, yes. Motion passed.

- Ferris presented a draft of the Summer newsletter and asked the Board for input.

- A resolution to change the Board Meeting to the 3rd Tuesday of the month was discussed. Ferris is against this change and feels that the 2nd Tuesday is fine and this doesn't need to be changed. To allow for the township to hold the May meeting virtually, it was suggested that this not change until the meeting in June. Commissioner Miller noted to the Board that the Frankfort City Council also meets on the 3rd Tuesday at 5:00 p.m.

Popp moved to change the date of the Board Meetings to the 3rd Tuesday of the month beginning in June 1, 2021. Nielsen seconded. Roll was called: Ferris, no; Nielsen, yes; Northway, no; Popp, yes; Sullivan, yes. Motion passed.

- Ferris addressed the last bullet on Meeting preparedness. She said for this to work efficiently, any materials for the meetings should be in PDF format and then added to the Common Drive.

Public Comments:

- Sondra Halliday asked for clarification on new cemetery fees and Ferris explained.

Board Comments:

- There were no Board comments.

Meeting adjourned at 9:40 p.m.

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