

Regular Meeting of the Crystal Lake Township Board

1651 Frankfort Highway, Frankfort MI 49635

July 20, 2021

Meeting was called to order by Supervisor Amy Ferris at 7:05 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 accept the agenda as amended to include Roads under Committee Reports, add a bullet to Unfinished Business for IT Reimbursement Policy, and move New Business from Unfinished to its own bullet point. Northway supported. Roll was called: all ayes. Agenda accepted.

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

Minutes:

- June 15, 2021, Regular Board Meeting

Popp proposed amending the minutes as follows:

- Under the movement in Minutes, the date should be May 11, 2021
- Under Airport Committee Report, the sentence on employees should read "Popp named the employees she knew of."

Ferris proposed amending the minutes as follows:

- Page 5, second bullet in regard to newsletter. Ferris would like added, "Ferris said the changes were never discussed." Popp said that Ferris did not respond to the numerous e-mails that she sent to her. Sullivan suggested changing it to, "Ferris and Popp disagreed about how much discussion occurred." Ferris and Popp agree with the change from Sullivan.
- Page 5, Ironman motion from Northway should read, "...Ironman Event Resolution as he had written." She also feels the word "discussed" should be "added to the resolution" in the paragraph above. Those things should have gone in the contract but they did not.

Ferris moved to accept the June 15, 2021 minutes as amended. Sullivan supported. Roll was called: all ayes. Minutes were accepted as amended.

- July 13, 2021 Special Meeting of the Crystal Lake Township Board

Ferris moved to accept the June 13, 2021 Special Meeting minutes as presented. Northway supported. Roll was called: all ayes. Minutes were accepted as presented.

Correspondence:

- Ferris asked Sullivan to share with the Board the correspondence that was received.
 - Correspondence from Patricia Daugherty regarding ARPA funds. She asked for any information we could provide to them in regard to broadband expansion. Sullivan asked Popp if she would be able to contact her. Popp replied that she already has and has also contacted other Treasurers and encouraged them to do the broadband expansion.
 - Sullivan shared correspondence from the Benzie Conservation District, Aquatic Invasive Species Pathway Program. She further said that we will be paying our next installment, already approved, on this program. Ferris stated that the timing of receipt of the correspondence did not allow her adequate time for approval to write a letter.
 - Ed Hoogterp sent correspondence and accompanying attachments in regard to the July 26 Parks and Recreations Commission Meeting to discuss possible developments at the Outlet property in Crystal Lake Township. Ferris thinks this renovation looks good.
 - Correspondence was received from Mary Ferens thanking and supporting the Planning Commission's work on the Watershed Overlay.

Commissioner Miller Report:

- Benzie County is happy to announce our new County Administrator will be Katelyn Zeits.
- The county is bringing a resolution to hire Merit to do an audit on who does and who does not have internet. The cost will be approximately \$40,000 and nothing would be needed from the township at this time.
- Commissioner Miller shared there are a number of job openings at the County and encouraged the Board to share this information.

Public Comment: There was no public comment.

Clerk's report:

- Sullivan presented the warrant report. There were a couple items in regard to Ferris' IT expenses that she felt needed to be discussed. Ferris feels she should be reimbursed because there were many issues with her connectivity to the remote office computers. Popp does not feel the Township should be paying for Office 365 and Adobe added to Ferris' personal computer. Ferris said that, in order for her to complete her Supervisor duties, this was necessary. Popp said that there is a policy that expenses like these should be preapproved by the Board. Ferris feels there are MTA rules that state it is okay for her to buy whatever she wants with her budget. Sullivan would like to see that we have the ability to document this all and, that in the future, this needs preapproval. Ferris asked if she should cancel her Adobe subscription; Sullivan said no – transfer it to the office computer. Kucera shared that the Adobe Reader program that is on the office computers cannot sufficiently support the needs of the Township. Sullivan is okay to approve this today, but wants a policy for the future. Nielsen will also agree as long as this is not a recurring expense. Northway would like to see the IT report and suggestion from Brian Halliday by the next meeting.

Ferris moved that the warrant report be approved to include the reimbursement to Ferris for the annual fee for Office 365, 2 months of Weebly and Adobe subscriptions. Northway supported. Roll was called: Ferris, yes; Nielsen, yes; Northway, yes; Popp, no; Sullivan, yes. Warrant report was approved as amended.

- Sullivan shared that we have received 3 Freedom of information act requests:
 - One was a request that included all Michigan precincts requesting information of voting information dating back to 2016. This group is looking into the private funding of a group supported by Zuckerberg and any private monies received, which we have not received any.
 - The second and third requests asked for all communication between the township and the above-mentioned Zuckerberg group.
 - Also, the state has sent out a detailed survey for us to answer.

Sullivan thanked Kathy and Sondra for the help in these matters.

Treasurer's Report:

- Popp presented the financial reports and asked the Board if anyone had any questions. There were none.
- Popp shared with the Board the agreement for summer collection of school property taxes. Ferris asked if there has ever been an issue with this and Popp said there was not. Sullivan said that once approved, this contract needs to be signed by the Clerk, Treasurer, and Supervisor.

Popp moved to approve the contract and collect summer taxes for school property taxes. Ferris supported. Roll was called: all ayes. Motion passed.

Committee Reports

Airport:

- Popp presented the airport reports and there were no questions asked.

Cemetery:

- Ferris shared that Joyfield Township got ground penetrating radar equipment. When they scanned their cemetery, which was thought to have around 400 burials, there was actually over 1,400.
- Ferris said we are pretty much normal on burials. She is, however, getting more calls and texts from people on the subject.
- Ferris shared that she was asked from a family if they could have a celebration for a family member that was buried in the fall. She did not realize, however, that they were going to set up a tent and block the entrances to the North Cemetery to do this. She did receive complaints about this.
- Sullivan shared with the Board that she does have copies of the new Cemetery Ordinance if anyone would like one.
- Nielsen asked Ferris how often we have events like this and if there was any written complaints. He also asked how many plots are being sold to non Crystal Lake Township residences over the last 30 years. Popp said she could get him this information by the end of the meeting. Ferris doesn't think that we could do that so quickly for the past 30 years.
- Ferris has suggested to people who have complaints to write it up, but that they do not always want to do so. Nielsen stated that she could still keep a tally of the complaints that she does get. Ferris replied that she will take that as good advice.

Environment: No discussion.

Policy and Procedures Manual:

- Ferris said that at the last meeting, Chapter 4 was to be discussed with the Committee before presenting it to the Board. Popp said that was fine. Ferris will set up the meeting.
- Ferris presented to the Board Chapter 5 of the Manual. It was also agreed to discuss this with the Committee and bring to the Board at the next meeting.

Planning and Zoning:

- Kucera shared with the board that the Planning Commission had a public meeting regarding the Watershed Overlay and Zoning Ordinance changes. He said there were about 5 other people in attendance besides the Watershed and Planning Commission members. Kucera let the Board know that another Public Meeting has been set up on this to be held July 28, 2021 at 7 p.m. at Grow Benzie. He hopes that after this discussion he will bring the updated Ordinance to the Board for approval.
- Kucera said there are not a lot of new zoning permits being issued but there are a lot of questions being asked.
- There is no new movement on the RV Park. He has asked for the engineering report but it has not yet been received.
- Nielsen asked if there was an update on the blight situation by Airport and River Roads. There has been a violation issued and paid by the resident, but the junk cars are still there. Kucera feels they do not have the wherewithal to clean it up. Ferris asked if we should readdress the blight issues and feels we have dropped the ball on this.

Roads:

- Nielsen had a discussion with the Road Commission and Josh Mills in regard to the new construction and the detour on Palcich Road. Nielsen and our Road Committee agree that they should be able to use Bridge Street. It is a shorter detour. He would like a letter written to the Road Commission with our suggestion of using Bridge Street. Nielsen said the letter needs to say: "Crystal Lake Township asks that the Road Commission and MDOT use Bridge Street as the detour for Frankfort's construction project." The letter should be copied to Josh Mills.

Nielsen moved that Crystal Lake Township write a letter to the Road Commission to use Bridge street as the detour for Frankfort's road construction. Sullivan supports. Roll was called: all ayes. Motion passed.

Unfinished Business:

- IT reimbursement.
 - Ferris feels we need to continue this discussion after Brian Halliday has completed his recommendations. Sullivan agrees that we cannot go any further without his input. He will be analyzing what we have and what we need and analyzing costs benefits/security. Sullivan said that this needs to be an equitable plan because not all plans fit all positions. Ferris said the Reimbursement Committee will meet with him. Ferris asked if everyone received the Zoning Administrator's job description; Popp said yes.
- American Rescue Plan.

- Popp shared that the application has been accepted and we are waiting funds. She said there are a lot of steps and hoops to go through to receive the funds. The Board thanked Popp for her hard work in this situation.

New Business:

- Ferris shared that we were discussing doing an updated version of the Fireworks Ordinance in 2019, which was tentatively passed. The current ordinance we have is from 2014. After some research, it was discovered that Ferris had sent this to the attorney and he felt it was too restrictive. The State of Michigan has greatly reduced the days and the types of fireworks that are allowed. Popp asked why the Ordinance was not on the web page. Ferris said she took it down because it is outdated and the attorney's disagreements. Ferris stated the new state law would supersede our 2014 ordinance. Popp thought the updated ordinance was done in 2017, not 2019. Ferris said that could be true. Popp said we need to put the 2014 Ordinance on the website as that is what we have approved.
- Sullivan shared with the Board the 3 complaints in regard to the conduct of our Supervisor's handling of an issue with fireworks on Bellows Beach. She originally set the first complaint aside and, after receiving 2 additional complaints, she felt it was appropriate to bring this complaint to the Board. She did not know at the time that Ferris had filed a police report.
- Sullivan feels this situation needs to be addressed and that Amy needs to present to us her side of the story.
- Ferris feels we should draw back from this. Complaints against the board are not secretive and questions what the Board could do about it. If there are complaints against the Board, the voters can decide.
- Ferris does not feel she should go into the specifics at this time since law enforcement is involved.
- Ferris furthered that now that we know the names of the people involved, we can share that with the police.
- Sullivan feels that this still needs to be addressed and that Ferris' behavior was inappropriate, e.g., telling residents that she would have them arrested. Ferris stated that this was entirely not true. Sullivan feels we need to discuss how a Board member acts with issues with the public.
- Popp shared that when there was a meeting with people in regard to the hours she (Treasurer) worked; it was handled differently than how Ferris feels this incident is handled. Popp said the Board can reprimand or curb elected officials.
- Sullivan reminded Ferris how upset she (Ferris) was when the Board sent an apology letter in regard to an issue with the Cemetery patrons. Popp said the Board handled this by sending a letter of apology.
- Popp responded to Ferris that we cannot just say this issue can be handled at the next election. Ferris acknowledged that there are things in our Ethics policy.

- Ferris said since a police report was filed, they should handle it.
- Sullivan said that according to the timeline, the assault was not alleged to have happened until after at least 10 minutes. People addressed this in their complaints.
- Nielsen would like a written response from Ferris. Using the police report as an excuse is a phony issue. We (the Board) need to deal with your behavior. Nielsen is giving Ferris a benefit of the doubt, but wants a response from her.
- Northway feels that we should not be concerned with Ferris' behavior as this was a public beach and there should be no fireworks. The list of allowed dates for fireworks does not include a birthday celebration. He said Porta Potties are missing from the beach because of fireworks. He also said that Ferris was hit in the face; when does it become assault and battery.
- Northway also said there were kids there and what if they got hurt. What kind of example are these parents setting for their children; breaking the law and defying authority.
- Northway said a police report has been filed and it is out of our hands.
- Popp shared that we have had complaints of this nature in the past regarding Ferris' behavior. We have discussed procedure in the past. Part of this discussion was that when we (Board) come across a situation like this to not handle it ourselves but to contact the proper authorities.
- Ferris said this is a he said/she said situation. She did not want to intervene but to take pictures of the people and vehicles there. When the Sheriff arrived, he said they do not respond to firework calls.
- Nielsen again reiterated that he wanted to hear Ferris' side of this situation. He said she needs to read the letters. He further told Ferris that he feels she went way overboard on this situation.
- Ferris asked Sullivan why she did not share this information sooner as the first complaint was received on Sunday, the second one on Friday night, and one after that. Ferris said that Sullivan told her she did not want to address the first complaint right away because of who it was from. Sullivan said she wanted to wait and properly analyze the situation. Ferris said Sullivan admitted she spoke with Popp about this before she spoke with her. She feels this was an organized thing.
- Popp said that Ferris was deflecting the complaints into a different direction.
- Sullivan stated she will double check the dates of the complaints.
- Sullivan moved to have a committee to further track down the details: firework related, police related, communication related. Popp seconded.
- Ferris said that this is opening a dangerous thing.
- Northway reiterated that this is the hands of the police. They were firing off fireworks on public property, in front of children and defied authority. They also slapped the camera out of your hand.
- Ferris feels this is being politicized and personalized.
- Sullivan shared that there is a 14 year old now afraid to go to the beach because Ferris will have her parents arrested. Ferris said you are assuming what these people say are the gospel truth. Sullivan said there are many people saying the same thing.

- Ferris said this process needs to work out with the police and now has the names of the individuals involved. Ferris did not know until today the names of these people.
- Nielsen would like to know why Ferris doesn't want to tell her side of the story. She is not willing to tell the Board anything that happened. Northway said we should be looking at what these parents are doing.
- Ferris said she told them to stop and they did not; the guy set off more and you can hear the fireworks on the dispatcher's recording.
- Sullivan – we are repeating ourselves and can we vote on motion.
- Ferris told Sullivan that what she is suggesting will not work, could be biases.
- Sullivan said that she and Dr. Northway could do this. Northway doesn't want to touch this until police are done. He further stated that those parents were setting bad examples for their children.
- Nielsen feels the Supervisor could have handled this situation differently, but still wants to hear her side of the story. Ferris will take this under advisement.
- Northway stated that those parents were setting a crappy example teaching their kids to defy authority and to break the law.
- Nielsen said that our supervisor could have handled this is a much better way and is waiting to hear her side of the story.
- Ferris may write a letter explaining her side, but not before a vote on this motion.
- Sullivan withdraws her resolution; Popp withdraws support. She feels this situation could have been handled better. Ferris said she will let the Board know in the next couple of days.
- Ferris explained that we have had a lot of problems with fireworks. The downtown Frankfort Beach has had 3 of its 4 Porta Potties blown up by fireworks. She also shared that a man, who lives in the City of Frankfort by the beach, in a walker had an M80 thrown at him. She also said the family that lives by the beach have been told they are violating the ordinance.

Public Comments:

- Sondra Halliday shared her disappointment with Trustee Northway; feeling he was judging parents' parental abilities during the fireworks issue – repeatedly saying these parents were teaching their children to break the law, defy authority, and putting their children's safety at risk.

Board Comments: There were no board comments.

Meeting adjourned at 8:43 p.m.

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