

CHARTER TOWNSHIP OF MONITOR  
REGULAR TOWNSHIP BOARD MEETING  
AUGUST 27, 2018

In the absence of the Supervisor, the Clerk called the meeting to order at 7:00 p.m.

Members present: Kowalski, Pike, Brandt, Kochany, Reder, Walsh  
Members absent: Malkin  
Also present: Richard Sheppard, Township Attorney

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

County Commissioner V. Begick stated the county was working on their budget.

B. Handley-Miller spoke in support of T. Miller remaining on the planning commission.

M. Suchy spoke in opposition to T. Miller remaining on the planning commission.

Public Input closed at 7:08 p.m.

Motion by Reder supported by Pike to adopt the agenda as presented.

Motion carried.

Motion by Kochany supported by Reder to approve the minutes of the July 23, 2018 regular meeting as presented.

Motion carried.

Motion by Reder supported by Walsh to pay the bills in the amount of \$115,593.00 from General Fund.

Roll call vote:

Yes: Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: Malkin

Motion carried.

Motion by Reder supported by Brandt to receive the Treasurer's Report for July 2018.

Motion carried.

Public Hearing ó Possible Conflict of Interest of Planning Commission Member T. Miller

Motion by Brandt supported by Pike to table the public hearing regarding a possible conflict of interest charge to the next regular meeting at which the full board is present.

Roll call vote:

Yes: Pike, Brandt, Kochany

No: Kowalski, Reder, Walsh

Absent: Malkin

Motion defeated.

Reder stated the following:

The public hearing is a result of written charges of malfeasance in office being filed by Trustee Reder concerning non-disclosure by T. Miller of a potential conflict of interest based on DTE contributions to the Michigan Environmental Council for the years 2013, 2015 and 2016 during which time Mr. Miller served as Vice Chair on the Board of Directors.

Trustee Reder feels that Mr. Miller failed to disclose this conflict of interest and therefore should be removed from the Monitor Township Planning Commission for malfeasance in office.

Reder acknowledged the township attorney's written opinion there is no conflict of interest.

Reder also read from the MTA Trustee's Handbook which states no trustee shall state a personal opinion as that of the board, citing Miller did so at the Beaver Township meeting.

The board public hearing opened at 7:20 p.m.

Mr. T. Miller spoke in his defense. The Planning Enabling Act states there should be diversity in the membership of the planning commission.

Miller makes no apologies for being on the Michigan Environmental Commission and especially The Lone Tree Council which is celebrating its 20<sup>th</sup> anniversary this year. Miller stated all the members of the Council are volunteers and do not get paid. All money donated to the MEC and the Lone Tree is put back into those funds to support environmental projects.

Miller stated it has been well known by the township he is an environmental activist during his time on the planning commission; his two terms as township trustee; his term on the ZBA and his re-appointment again to the planning commission.

Miller cited his involvement in various environmental "battles" over the years to safeguard our local community. The only thing that has changed now is that an outside group has tapped into our community in opposition to wind energy. This group is using negative insults and intimidation to silence any opposition to the contrary.

Kochany spoke to commend the people here tonight for standing up for their rights, stating people become involved in local issues when they get mad. It is at that point we as a community, need to come together. Kochany stated Mr. Miller has worked over the years to develop the township into what it is today. The problem is, the township cannot say that wind energy cannot come into the township. The township board's position is to regulate where and how they are able to come in.

Kowalski stated the topic of wind energy has divided this township and has pitted neighbor against neighbor. On the one hand, is a group that is against wind turbines entirely. On the other hand, are residents who would benefit from leasing their farms for turbines but are afraid to speak out for reasons of physical threat to themselves and their property. One farmer in particular received an anonymous death threat against himself and his family for wanting to lease a portion of his farm to DTE. Board members need to keep an open mind and hear both sides of an issue before making a decision. This situation should not be "us against them" or "us against each other", but rather both sides coming together to make this township the best place it can be.

The public hearing closed at 8:07 p.m.

Motion by Reder supported by Walsh to remove Mr. T. Miller from the planning commission due to malfeasance in office by not disclosing a possible conflict of interest concerning DTE contributions to the MEC.

Roll call vote:

Yes: Brandt, Reder, Walsh  
No: Kowalski, Pike, Kochany  
Absent: Malkin  
Motion defeated.

Fleis & Vandenbrink Mass Flow Monitoring Report ó G. Bartow

Mr. Gary Bartow and his associate presented the mass flow monitoring report prepared by Fleis & Vandenbrink that was prepared for Bay County DWS and Monitor Township.

The study was done to investigate areas where ground water is entering into the regional and township waste water (sewer) system.

Board members were given the opportunity to ask questions.

Spicer will work with Fleis & Vandenbrink and DWS to provide data attained through the SAW grant to further determine the sources of the I & I.

Recommendation from the Fire Station Fact-Finding Committee ó Larry Ramseyer

Larry Ramseyer, Chairman of the Fire Station Fact-Finding Committee gave a report regarding the process by which the committee based their recommendation for the board to hire the Sidock Group to provide an architectural and engineering consulting services to assess the fire department facilities.

Motion by Reder supported by Walsh to approve the Fire Station Fact-Finding Committee's recommendation to hire the Sidock Group to assess the fire department facilities in the amount of \$14,500.

Roll call vote:

Yes: Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: Malkin

Motion carried.

Cost Recovery Appeal ó K. Burgdorf

Motion by Pike supported by Reder to grant the appeal request submitted by K. Burgdorf to waive cost recovery charges in the amount of \$679.18 for fire department response to an incident on 3/12/2018 due to financial hardship.

Roll call vote:

Yes: Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: Malkin

Motion carried.

Cost Recovery Appeal ó L. Leuenberger

Motion by Pike supported by Reder to grant the appeal request submitted by L. Leuenberger to waive cost recovery charges in the amount of \$307.29 for fire department response to an incident on 6/20/2018 due to financial hardship.

Roll call vote:

Yes: Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: Malkin

Motion carried.

Discussion Regarding Updates to the 1994 Bid Resolution

Motion by Kowalski supported by Reder to table discussion regarding the 1994 Bid Resolution to a meeting at which the Supervisor is in attendance.

Motion carried.

Hall Request of Bay City Lions Club December 5, 2018

Motion by Pike supported by Brandt to approve the Bay City Lions Club request to waive hall rental charges for use of the township hall on December 5, 2018; signed contract, damage and security deposits required.

Roll call vote:

Yes: Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: Malkin

Motion carried.

Building Permit Refund Request of The Pines Self Storage of Bay City

Motion by Brandt supported by Reder to approve the request submitted by The Pines Self Storage of Bay City to refund the building permit fee of \$1,889.12 Less the 25% admin charge of \$472.28 (net refund of \$1,416.84) for PB18-0004 that was withdrawn for their project at 6008 West Side Saginaw Rd. The Pines Self Storage is still responsible for outstanding Planning Commission fees of \$774.63.

Roll call vote:

Yes: Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: Malkin

Motion carried.

Fire Chief Recommendation to Hire P. Erikson as Probationary On-Call Firefighter

Motion by Brandt supported by Reder to approve the Fire Chief's August 8, 2018 recommendation to hire P. Erikson as a probationary on-call firefighter effective September 3, 2018.

Roll call vote:

Yes: Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: Malkin

Motion carried.

REPORTS

BCTOA Dinner Donations of Monitor Hosting October  
Recreation Plan Update of Kick off Meeting Held

The meeting adjourned at 9:13 p.m.

Cindy L. Kowalski, Clerk and Acting Chair