



Township Board Minutes 8/10/22

The Saugatuck Township Board of Trustees met at 6:00pm on August 10, 2022.

1) Call to Order at 6:00 p.m. by Supervisor Osman.

2) Roll Call

Present: J. Helmrich, A. Bigford, B. Marcy, S. Aldrich, C. Osman

Also present: D. DeFranco, Township Manager

3) Approval of Agenda

A **Motion** was made by Bigford to approve the agenda with the additions of adding “Township Work Order for Construction or Special Maintenance on Public Roads,” as item 9 under New Business and move “Closed Session” to item 10 under “New Business.” Supported by Marcy. Motion passed by unanimous voice vote.

4) Public Comment

- i. Dean Kapenga, Allegan County Commissioner, discussed multiple developments at the County including progress on designs for new beach steps at West Side Park, updates to policies at the Register of Deeds, Saugatuck Township’s water project being selected for review by the County Commissioners for potential ARPA funding, and County 5-year Budget Planning.

Public Comment Closed

5) Approval of Consent Agenda

A **Motion** was made by Aldrich to approve consent agenda as written. Supported by Marcy. Motion passed by unanimous voice vote.

6) Presentation

1. Dr. Tim Travis, Superintendent of Saugatuck Public Schools

Dr. Travis presented on public school goals, activities, statistics, and provided an update on the status of the school renovations. Presentation on file.

7) New Business

- 1) Board Member Resignation



The Board of Trustees reviewed a letter of resignation submitted by Osman from the position of Supervisor. Members of the Board and Manager thanked Osman for her leadership and invaluable contributions to the Township.

A **Motion** was made by Helmrich to accept the resignation of Cindy Osman as Township Supervisor effective August 10th, 2022. Supported by Aldrich. Motion passed by unanimous voice vote.

2) Board Appointment(s)

With the resignation of the Township Supervisor, there is a vacancy on the Board of Trustees for the position of Supervisor. DeFranco noted that if the nomination of appointment is a sitting Board member, that Board member can vote in favor or against his or her nomination.

A **Motion** was made by Aldrich to appoint Abby Bigford as Supervisor to fill vacancy left by Cindy Osman. Supported by Marcy. Motion passed by unanimous roll call vote.

Yes: Bigford, Marcy, Helmrich, Aldrich

No: None

Bigford sworn into the office of Supervisor by Helmrich.

With the appointment of Bigford as Supervisor, there is a vacancy on the Board of Trustees for the position of Clerk. Bigford discussed the importance of the election and the need to fill the role of Clerk as to give the individual filling that position adequate time for election training. Helmrich questioned whether the appointment of Clerk was an agenda item. Bigford clarified that the agenda item allowed for multiple Board appointments if such a situation arose. Helmrich expressed concern about transparency and the need to publish the opening. Helmrich preferred that the appointment be moved to the September meeting or that a special meeting be called at a later date. Marcy preferred an appointment to occur at the August meeting given the importance of and short time before the November election. Aldrich agreed with Marcy about the time sensitivity of the appointment given the proximity of the November election. Aldrich expressed comfort with appointing Rebecca Israels as Clerk, noting that Aldrich has worked with Israels and that she believes Israels has made her a better Trustee. Aldrich also felt it was important to have a full board and not leave a vacancy.

Israels was invited to speak by the Board and spoke in favor of her appointment as Clerk. Israels said that if she were appointed Clerk, her intention was to retain Lori Babinski as Deputy Clerk. Marcy asked Israels for a summary of her work experience and experience with elections. Israels reviewed her career history and noted that she worked every election, except for one, over the last six or seven years. Helmrich noted that Board positions for Townships are partisan and asked for which party Israels would run if she were appointed. Israels considered herself an



independent, but said she would run as a Democrat if appointed to the Board as Clerk.

A **Motion** was made by Marcy to appoint Rebecca Israels as Clerk to fill the vacancy left by Abby Bigford. Supported by Aldrich. Motion passed by unanimous roll call vote.

Yes: Bigford, Aldrich, Helmrich, Marcy

No: None

Israels sworn into the office of Clerk by Helmrich.

3) Board and Commission Appointments

a) Representative to the Interurban Transit Authority

The appointment term for the Interurban Transit Authority Township Representative, Judith Schneider, expires on September 30th, leaving one, full member vacancy on the Interurban Board. Schneider has requested that the Board consider renewing her term for another four years, the new term running from October 1, 2022 through September 30, 2026. The Board has also received appointment application materials from Kathy Sturm and Lissa Smith. The Board has one appointment to make for the four-year term to expire September 30, 2026. Lissa Smith could not attend, but the Board called on Schneider and Sturm to speak on their respective behalf and answer Board questions.

Board recognized the dedication of Schneider and the value she brings to the Authority as a regular rider. Board recognized the value Sturm would bring to the Authority with her experience writing successful grant applications.

A **Motion** was made by Bigford to appoint Judith Schneider as Township Representative to the Interurban Transit Authority Board for a four-year term to expire September 30, 2026.

Supported by Helmrich. Motion passed by voice vote.

Yes: Helmrich, Aldrich, Bigford, Israels.

No: Marcy

b) Zoning Board of Appeals

There is one vacancy for the position of Alternate on the Zoning Board of Appeals for a term to expire on June 30, 2023. Two applications for the position have been received from Chris Cowling and Lissa Smith. Cowling was available on Zoom and answered questions from Board members

A **Motion** was made by Aldrich to approve the appointment of Chris Cowling as Alternate to the Zoning Board of Appeals for a term to expire on June 30, 2023. Supported by Marcy. Motion passed by unanimous roll call vote.



Yes: Bigford, Helmrich, Israels, Marcy, Aldrich

No: None

4) Building Official/Asst. Zoning Administrator Employment Agreement

At the Board's regular meeting in July, the Board approved the creation of and search for the full-time position of Building Official/Asst. Zoning Administrator. This position will be responsible for heading the Building Department, enforcement, residential zoning, and assisting the Zoning administrator as needed. The posted salary for the position was \$55,000-\$65,000. The position was posted on the Township website, MTA, MML, and Indeed. The Township received seven (7) applications for this position. One applicant, Cindy Osman, stood out above all the others, having all the necessary certifications required for the position, glowing recommendations, and decades of experience that will be invaluable for the Township. With the aid of Township Attorney Ron Bultje, an Employment Agreement was drafted for review by the Board. Osman's salary was set at \$64,000 with vacation time and benefits.

A **Motion** was made by Marcy to approve the Building Official/Asst. Zoning Administrator Employment Agreement for Cindy Osman. Supported by Bigford. Motion passed by unanimous voice vote.

5) Parks and Trails Millage Resolution No. 2022-14

At their August 3rd meeting, the Parks Commission moved to recommend that the Township Board consider the adoption of Parks and Trails Resolution No. 2022-14 for a millage proposal to appear on the ballot for November 8, 2022 at a rate of .5 mils for a duration of ten (10) years, generating approximately \$195,352.00 in the first year, for operating and maintaining parks; creating and maintaining public trails; and acquiring, preserving, improving, and conserving natural areas and park property and property rights. Currently, the Parks Commission does not have an independent revenue source and depends upon the Township Board to allocate monies from the General Fund for park related projects.

Helmrich requested that the language "up to" be added to the ballot proposal to read "be increased up to .5 mils."

A **Motion** was made by Helmrich to adopt Resolution 2022-14 Parks and Trails, a resolution to place a proposal on the ballot for the November 8, 2022 Election, to approve a millage request to levy up to .5 mils for a period of ten (10) years to raise funds for operating and maintaining parks; creating and maintaining public trails; and acquiring, preserving, improving, and conserving natural areas and park property and property rights." Supported by Israels. Motion passed by unanimous roll call vote.

Yes: Bigford, Marcy, Aldrich, Israels, Helmrich

No: None



6) North and Elizabeth St Water Service Line Replacement

It has been discovered that the water service line for 3407 Elizabeth Street runs through a previously created lot at 6621 North Street. None of the current property owners at these addresses were involved in the land division that resulted in the creation of the current lots at 3407 Elizabeth St and 6621 North St. Additionally, the water service for 3407 Elizabeth St. is likely a galvanized pipe, which meets the criteria for replacement under the State of Michigan Rules for lead service line replacement. Given that the Township is required to verify and replace lead services lines within the next 19 years, it is the Township Engineer's recommendation that the Township replace the service line for 3407 Elizabeth St. from the main on North St. to the meter within the house. The project would involve (1) verifying the existing service location at the house, (2) drawing a sketch for replacement, (3) obtaining permission from the homeowner to do the work, (4) obtaining pricing from a contractor, (5) record keeping, and (6) construction cost to relocate the service line. Estimated cost for this project would be \$10,000-\$12,000, and would be funded by the Water Project Fund, a restricted fund supporting projects associated with engineering, planning, replacement and expansion of the Township's water infrastructure system.

A **Motion** was made by Aldrich to approve a full water service line replacement at 3407 Elizabeth Street. Supported by Israels. Motion passed by unanimous roll call vote.
Yes: Helmrich, Bigford, Marcy, Israels, Aldrich
No: None

7) Proposed Settlement for *Saugatuck Township v. Forker*

In March 2022, the Township filed a nuisance abatement lawsuit regarding the property at 2815 66th Street, which is in the A-2 zoning district. The property is owned and occupied by Herbert and Doris Forker as their principal residence, but has also been used for various purposes in connection with Mr. Forker's commercial trucking business, Big Thumper Express LLC. After the lawsuit was filed, Township staff began negotiations with the Forkers to settle the case rather than proceeding to trial. Those efforts have resulted in a proposed settlement for the Township Board's review. Staff is satisfied that these compromise terms reasonably balance the interests of the public health, safety, and welfare against the desire to avoid the uncertainty and expense of continued litigation. Accordingly, staff requests approval of the settlement.

A **Motion** was made by Aldrich to approve the proposed consent judgment in *Saugatuck Township v Forker*. Seconded by Helmrich. Motion passed by unanimous roll call vote.
Yes: Bigford, Marcy, Israels, Helmrich, Aldrich
No: None



10) Manager 6-Month Review

Manager requested Board appoint a committee to conduct a 6-month performance review and establish goals for next six months.

A **Motion** was made by Bigford to appoint Jon Helmrich and Brenda Marcy to conduct a 6-month performance evaluation of the Township Manager. Supported by Aldrich. Motion passed by unanimous voice vote.

11) Work Order for Construction or Special Maintenance on Public Roads

The Township has received from the Allegan County Road Commission a work order for Crack, Chip and Fog road projects for 2023. Projects listed in the ACRC Work Order are consistent with the approved Township Road Plan.

A **Motion** was made by Marcy to authorize the road work identified in the “Township Work Order for Construction or Special Maintenance on Public Roads” form from the Allegan County Road Commission for construction year 2023. Supported by Aldrich. Motion passed by unanimous voice vote.

12) Closed Session

A **Motion** was made by Aldrich at 8:35pm that the Board of Trustees of Saugatuck Township assemble in closed session to consult with its retained township counsel and litigation counsel regarding trial/appeal and settlement strategy in connection with the Appeal of decisions reached by the Saugatuck Township Zoning Board of Appeals filed in Allegan County Circuit Court after remand from the Michigan Supreme Court entitled: *Saugatuck Dunes Coastal Alliance v. Saugatuck Township, Saugatuck Township Zoning Board of Appeals and North Shores LLC* Circuit Court Case Nos. 2017-58936 AA and 2018-059598 AA Michigan Supreme Court Case Nos. 160358 and 160359, since discussing the trial/appeal and/or settlement strategy in open session would have a detrimental financial effect on the litigating/appeal or settlement position of Saugatuck Township. Supported by Marcy. Motion Carried by unanimous roll call vote.
Yes: Helmrich, Bigford, Israels, Marcy, Aldrich
No: None

Board and Manager entered into Closed Session. Also in attendance: Attorney James Straub, Attorney Nick Curcio, Attorney Grant Semonin.

A **Motion** was made by Bigford to come out of closed session at 9:10pm. Supported by Israels. Motion passed by unanimous voice vote.



A **Motion** was made by Marcy to follow the recommendations Township council made in closed session on August 10th, 2022. Seconded by Israels. Motion passed by unanimous voice vote.

8) Old Business

None

9) Reports

1) Treasurer's Report

Helmrich gave Treasurer's report. Board discussed whether treasurer's report could be included in the consent agenda.

2) Manager's Report

Manager delivers report on file. Board discussed membership on Township Office Renovation Committee. Board discussed involvement of each Board member on various commissions and ad-hoc committees.

3) Open Board Report

Board requested that Manager reschedule Quarterly Workshop from the planned August 17th date.

Israels stated that she will retain current Deputy Clerk, Lori Babinski. Israels asked about her status on the Planning Commission. DeFranco said he would inquire with Attorney Curcio. Bigford noted that she had talked with Tony Schippa, Township Ambulance Board representative, about future meeting with Life EMS.

10) Public Comment

None.

11) Adjourn

Bigford adjourned meeting at 9:30pm.

Next Regular Board Meeting scheduled for Wednesday, September 14th, 2022 at 6:00pm.



Motions:

1. A **Motion** was made by Bigford to approve the agenda with the additions of adding “Township Work Order for Construction or Special Maintenance on Public Roads,” as item 9 under New Business and move “Closed Session” to item 10 under “New Business.” Supported by Marcy. Motion passed by unanimous voice vote.
2. A **Motion** was made by Aldrich to approve consent agenda as written. Supported by Marcy. Motion passed by unanimous voice vote.
3. A **Motion** was made by Helmrich to accept the resignation of Cindy Osman as Township Supervisor effective August 10th, 2022. Supported by Aldrich. Motion passed by unanimous voice vote.
4. A **Motion** was made by Aldrich to appoint Abby Bigford as Supervisor to fill vacancy left by Cindy Osman. Supported by Marcy. Motion passed by unanimous roll call vote.
Yes: Bigford, Marcy, Helmrich, Aldrich
No: None
5. A **Motion** was made by Marcy to appoint Rebecca Israels as Clerk to fill the vacancy left by Abby Bigford. Supported by Aldrich. Motion passed by unanimous roll call vote.
Yes: Bigford, Aldrich, Helmrich, Marcy
No: None
6. A **Motion** was made by Bigford to appoint Judith Schneider as Township Representative to the Interurban Transit Authority Board for a four-year term to expire September 30, 2026. Supported by Israels. Motion passed by voice vote.
Yes: Helmrich, Aldrich, Bigford, Israels.
No: Marcy
7. A **Motion** was made by Aldrich to approve the appointment of Chris Cowling as Alternate to the Zoning Board of Appeals for a term to expire on June 30, 2023. Supported by Marcy. Motion passed by unanimous roll call vote.
Yes: Bigford, Helmrich, Israels, Marcy, Aldrich
No: None
8. A **Motion** was made by Marcy to approve the Building Official/Asst. Zoning Administrator Employment Agreement for Cindy Osman. Supported by Bigford. Motion passed by unanimous voice vote.
9. A **Motion** was made by Helmrich to adopt Resolution 2022-14 Parks and Trails, a resolution to place a proposal on the ballot for the November 8, 2022 Election, to approve a millage request



to levy up to .5 mils for a period of ten (10) years to raise funds for operating and maintaining parks; creating and maintaining public trails; and acquiring, preserving, improving, and conserving natural areas and park property and property rights.” Supported by Israels. Motion passed by unanimous roll call vote.

Yes: Bigford, Marcy, Aldrich, Israels, Helmrich

No: None

10. A **Motion** was made by Aldrich to approve a full water service line replacement at 3407 Elizabeth Street. Supported by Israels. Motion passed by unanimous roll call vote.

Yes: Helmrich, Bigford, Marcy, Israels, Aldrich

No: None

11. A **Motion** was made by Aldrich to approve the proposed consent judgment in Saugatuck Township v Forker. Seconded by Helmrich. Motion passed by unanimous roll call vote.

Yes: Bigford, Marcy, Israels, Helmrich, Aldrich

No: None

12. A **Motion** was made by Bigford to appoint Jon Helmrich and Brenda Marcy to conduct a 6-month performance evaluation of the Township Manager. Supported by Aldrich. Motion passed by unanimous voice vote.

13. A **Motion** was made by Marcy to authorize the road work identified in the ‘Township Work Order for Construction or Special Maintenance on Public Roads’ form from the Allegan County Road Commission for construction year 2023. Supported by Aldrich. Motion passed by unanimous voice vote.

14. A **Motion** was made by Aldrich that the Board of Trustees of Saugatuck Township assemble in closed session to consult with its retained township counsel and litigation counsel regarding trial/appeal and settlement strategy in connection with the Appeal of decisions reached by the Saugatuck Township Zoning Board of Appeals filed in Allegan County Circuit Court after remand from the Michigan Supreme Court entitled: *Saugatuck Dunes Coastal Alliance v. Saugatuck Township, Saugatuck Township Zoning Board of Appeals and North Shores LLC* Circuit Court Case Nos. 2017-58936 AA and 2018-059598 AA Michigan Supreme Court Case Nos. 160358 and 160359, since discussing the trial/appeal and/or settlement strategy in open session would have a detrimental financial effect on the litigating/appeal or settlement position of Saugatuck Township. Supported by Marcy. Motion Carried by unanimous roll call vote.

Yes: Helmrich, Bigford, Israels, Marcy, Aldrich

No: None

15. A **Motion** was made by Bigford to come out of closed session at 9:10pm. Supported by Israels. Motion passed by unanimous voice vote.



16. A **Motion** was made by Marcy to follow the recommendations of Township council made in closed session on August 10th, 2022. Seconded by Israels. Motion passed by unanimous voice vote.

Respectfully,

D. DeFranco, Township Manager

Clerk, Rebecca Israels

Approved: