

PIERSON TOWNSHIP
Board Meeting Minutes
July 21, 2020

7:00 pm VIA Zoom & at Township Hall (outdoors)

*In accordance with Governor Gretchen Whitmer's **Executive Order 2020-129** to address meetings of public bodies, such as township boards, village councils, county boards of commissioners, etc., required under the Open Meetings Act ("OMA"), MCL 15.261 et seq., in the wake of the novel coronavirus (COVID-19) pandemic.*

*Acting under the Michigan Constitution of 1963 and Michigan law, Governor Gretchen Witmer's **Executive Order 2020-129** "I order the following: 1. Effective immediately and continuing **until July 31, 2020 at 11:59 pm**, to the extent that the Open Meetings Act, 1976 PA 267, as amended, MCL 15.261 to 15.272 ("OMA") requires that a meeting of a public body be held in a physical place available to the general public or requires the physical presence of one or more members of a public body, strict compliance with section 3 of the OMA, MCL 15.263, is temporarily suspended in order to alleviate any such physical-place or physical presence requirements, as follows:*

(a) A meeting of a public body may be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and the members of the public body may participate by electronic means." (full verbiage is posted on township website or upon request).

A. Meeting

1. Call to order: 7:04 pm
2. Pledge of Allegiance
3. Roll Call Present:

Gould, Hyrns, VanTil, Burkholder, Scheuermann

B. Approval of Meeting Agenda

Motion: Burkholder

2nd: Scheuermann

Roll Call Yes: Gould, Hyrns, VanTil, Burkholder, Scheuermann

- C. Approval of Consent Agenda: Pierson Township Special Meeting Minutes from June 15, 2020, Pierson Township Board Meeting Minutes from June 16, 2020, Pierson Township Special Meeting Minutes from July 9, 2020, Election Commission Minutes from July 9, 2020; Register of Warrants/Checks dated June 1 – June 30, 2020 and July 1 to July 1 - July 16, 2020, committee meeting schedules, assessors report, zoning report (late), Sand Lake Fire Report, Howard City Fire Report, and BWL/LWL Sewer Report.

All matters listed under the Consent Agenda are considered to be routine in nature and will be approved under one blanket motion.

Motion: Gould

2nd: Burkholder

Roll Call Yes: Gould, Hyrns, Burkholder, Scheuermann No: VanTil

D. Presentation of Accounts

1. Treasurer's Report

Motion: Scheuermann

2nd: Hyrns

Roll Call Yes: Gould, Hyrns, VanTil, Burkholder, Scheuermann

- E. Candidates for Office/Adam Eggleston Introduction – removed from agenda per VanTil, advised his introduction could be given under public comments.

F. Public Comments

G. New Business:

1. Road Contract to replace existing culvert on McBride Rd between Jones Rd & Paepke Rd at the Nix Drain in the amount of \$3,942.00 [before 15% discount and labor paid by county].

Motion: Scheuermann

2nd: Gould

Roll Call Yes: Gould, Hyrns, VanTil, Burkholder, Scheuermann

2. Committee Updates: Planning Commission meeting 7/16 was cancelled due to lack of quorum and will be rescheduled.

- Road Committee meeting was cancelled on 7/15/2020. Jeff & Janet Moore requested the Hillis Road Project addressed again. Scheuermann will send back to the County, then to Road Committee for reconsideration, before a possible recommendation to the township board at a future meeting.
- Zoning Update from Interim Administrator Orvin Moore
- Parks & Recreation Committee recommended bid from Cedar Springs and boulders to the Board.

Board motion to accept bid of \$4,065 from Cedar Springs Fence LLC for fence at Winslow Park from survey state to survey stake on the west side. * VanTil to confirm bid and schedule

Motion: Hyrns

2nd: VanTil

Roll Call Yes: Gould, Hyrns, VanTil, Burkholder, Scheuermann

Bids for fencing for the township hall were included, however Board tabled.

Motion to obtain additional boulders from Republic [Services] and contract with Deans [Excavating] for placement of boulders, estimate of \$300 not to exceed \$500.

Motion: Gould

2nd: Burkholder

Roll Call Yes: Gould, Hyrns, VanTil, Burkholder, Scheuermann

3. Sara Burkholder, Clerk provided a history and MTA Township Compensation (Sept 2016) references "As a general rule, compensation for employees is determined solely by the township board" and emails from MTA concerning non-statutory duties and board member pay as far back as of 2017. "Michigan law allows township boards to assign additional, non-statutory duties to elected township officials and to authorize payment for those services as the township board deems reasonable (MCL 41.96)." For full dialog, email clerk@piersontwp.org

Burkholder also noted the meeting will be recorded with the Township recorder for aid in township minutes. At last meeting VanTil offered to used [his] recorder for recording the meeting. It was discovered there was a recording made by you at a closed session with the Zoning Administrator.

MTA does not advise recording a closed session. But if a recording is kept for the purpose of transcribing minutes, that recording is treated like closed session minutes and it is sealed, retained, and destroyed along with the closed session minutes after one year and one day. The Board may wish to investigate this as a breach of duty.

H. Open Items

1. Dispute Update: Big Whitefish & Little Whitefish Lake Association

Pierson Township Board moved that the Board of Trustees convene in closed session under section 8(h) of the Open Meetings Act, to consider material exempt from disclosure by the state statute, section 13(1)(g) of the Freedom of information Act, being a letter from its attorney dated July 17, 2020, for the reason that the letter is exempt from disclosure under State Law due to the attorney-client privilege.

Burkholder Motion to close meeting: 8:19 pm

2nd: Gould Roll Call Yes: Gould, Hyrns, VanTil, Burkholder, Scheuermann

Board was in closed session from: 8:21 pm – 8:34 pm

Board called to resume order: 8:37 pm

“That while initial receipt of requested FOIA documents were not provided and litigation ensued, the County is working in a mutually cooperative manner to provide requested documentation so that the Township can achieve a full picture of the County’s administration of the Little White Fish Lake sewer district. We are hopeful that the FOIA suit results in an amicable resolution.”

An updated invoice was sent from Attorney Thrall’s Office [Bauckham, Sparks, Thall, Seeber & Kaufman, PC].

Approved for payment invoice for FOIA Litigation 2434 & General 1976 in the amount of \$2,245.83.

Motion: VanTil

2nd: Scheuermann

Roll Call Yes: Gould, Hyrns, VanTil, Burkholder, Scheuermann

** Dispute Update was requested from Elisabeth Waldon of the Daily News. She was a zoom attendee and a copy was sent via email after meeting.*

2. COVID-19 Preparedness and Response Plan Policy was reviewed. With corrections of “Elected & Appointed” officials and change in number of employees to “8” policy is adopted.

Motion: Scheuermann

2nd: Gould

Roll Call Yes: Gould, Hyrns, VanTil, Burkholder, Scheuermann

3. Ordinances: Wind Ordinance [tabled for Planning Commission]
4. Jay Bassett Land Donation - no change
5. Zoning Administrator Applicants – none received to date, offer from Fresh Coast Planning still applicable, and Clerk to inquire if contract is required.
6. Non-Statutory Duties – tabled until next month’s meeting due to late memo from Mika Meyers.
7. Social Media Policy to be finalized at next month’s meeting after board members can fully research all options.

Motion to allow only factual township information on taxes and voting, committee posts (Community & Economic Growth: Farmer’s Market & Community Garden, Parks & Recreation), Hyrns to be added to Facebook page as admin, “Government” to be added to the page type, and no business promotions until a policy is adopted.

Motion: Gould

2nd: Hyrns

Roll Call Yes: Gould, Hyrns, VanTil, Burkholder, Scheuermann

I. Public Comments:

Bill Grice to facilitate [on behalf of the township] for boulders with Republic and Deans.

Motion: Burkholder

2nd: Gould

Roll Call Yes: Gould, Hyrns, VanTil, Burkholder, Scheuermann

The Board thanked Bill for offering to facilitate.

J. County Commissioner – Tony Sorensen absent

K. Board Comments & Announcements

- Voters are encouraged to register to be placed on the Absentee Voter/Application List from now until the August 4 Election. Stop by the Township Hall Tues – Thursdays from 9 am – 2 pm, or email clerk@piersonwp.org for appointment.
- Public Testing will take place on Thursday, July 23 at noon at the Pierson Township Hall.
- Clerk will have additional hours on Saturday, August 1 from 8 am – 4 pm and Monday, August 3, 2020 from 8 am – 4 pm for Voter Registration and to receive absent voter ballots and absentee ballots.

L. Adjournment: 9:13 pm

Motion: Burkholder

2nd: Scheuermann

Roll Call Yes: Gould, Hyrns, VanTil, Burkholder, Scheuermann