

Saugatuck Township Board Meeting  
Wednesday February 6, 2019, 6pm  
Saugatuck Township Hall, 3461 Blue Star Highway, Saugatuck, MI 49453  
Approved Minutes

Supervisor Roerig called the meeting to order at 6pm

All board members present with the exception of the vacant trustee position

**Public Comments**

Elliot Sturm – addressed recent allegations from Roy McIlwaine regarding his company installing video recording equipment in the township hall. Roy stated in his letter to the Commercial Record that the bidding process was shoddy and that there may be some quid pro quo business going on as Elliot's wife was part of the recall effort. Communicated that there were 2 other companies that submitted bids and that his bid came in at least 1K less than the others. He also said that his company was vetted and received positive reviews from reference checks. He pointed out he does not require monthly fees like the other companies that submitted bids. He believes these are the reasons he was chosen above the other companies, not because his wife was part of the recall. He stated that McIlwaine did not do his due diligence to find out the actual bidding process (that included 2 other bidders) and that he is concerned that these allegations may negatively affect his small business.

**Approval of Agenda**

Roerig – add letter of correspondence from Ron Bultje.

*Roerig moved to approve the amended agenda. Aldrich supported. No discussion. Agenda approved 4-0.*

**Invoices**

Some additional bills were vouchered after the packet was prepared

Total amount of bills as of 2.6.19 \$100,250.96. *Helmrich moved to pay bills submitted. Bigford supported. No discussion. Approved 4-0.*

**Treasurer Report**

Helmrich – report on budget vs. actual. Wants to familiarize board members and to report on the bottom line. Total expenses and revenue are both running under budget. A great deal of winter taxes are being paid at this time. Disbursements- made 2 times a month to the library, the Interurban and the school districts. We are now all caught up. We do need to vote on disbursements in the future. Reviewed the disbursements he needs to make in 2 weeks (part of the packet). Investment update – treasurer is required to report quarterly to the board regarding any investments the township has. Right now there is only a certificate of deposit with Chemical Bank. As of Jan 31<sup>st</sup>. \$739,000. Up from December 31<sup>st</sup> 1.3K. Investing –possibly more active in the future.

**Approval of Minutes**

January 2, 2019– *Roerig moved to adopt the minutes from the Regular Board Meeting on January 2. Helmrich supported. No discussion. Approved 4-0.*

January 8, 2019– *Helmrich moved to adopt the minutes from the Special Board Meeting on January 8. Aldrich supported. No discussion. Approved 4-0.*

January 14, 2019– *Roerig moved to adopt the minutes from the Special Board Meeting on January 14. Bigford supported. No discussion. Approved 4-0.*

January 23, 2019– *Roerig moved to adopt the minutes from the Special Board Meeting on January 23. Bigford supported. No discussion. Approved 4-0.*

### **Correspondence**

Roerig – Read letter from Bloom Sluggett, PC Counselors and Attorneys/STFD/Northshore Development letter (included in packet). Roerig read the response from the township’s attorney, Ron Bultje (this correspondence was not part of the packet):

Chris: per your request, this email will respond to the letter received by the Saugatuck Township Board regarding the North Shores Development, and specifically regarding the decision of Township staff to not require sprinkling fire suppression systems to be installed in the Community and Storage Buildings included in that Development. That letter was written by Mr. Jeff Sluggett, in his capacity as attorney for the Saugatuck Township Fire District.

In his letter, Mr. Sluggett acknowledges that the Township has the right to not require sprinklers to be installed in the Buildings. Therefore, there is no allegation that this decision by Township staff is invalid, without authority, or procedurally defective. Rather, the decision is simply one that the Fire District wishes would reach a different conclusion.

The Consent Judgment entered into in Federal District Court by the Township with the prior developers of the Development notes, in Section 2 c), that the Township is permanently enjoined from requiring under Section 40-658(e) of the Township’s Zoning Ordinance two means of access to the Development’s property from an adjacent public street. Section 2 c) does indeed allow, as Mr. Sluggett points out, the Township to “reasonably” impose alternative safety requirements on the Development. Those reasonable safety requirements include the use of sprinkler systems in non-residential buildings, which would I assume include the Buildings in question.

However, Section 2 a) of the Consent Judgment contains another limitation upon the Township. Section 2 a) permanently enjoins the Township from treating the property in this Development differently from similarly-situated property without a rational basis for doing so.

From discussions with Township staff, my understanding is that the Township has in the past NOT required similarly situated non-residential buildings to be sprinkled. Further, in discussions with Township staff, my understanding is that no rational basis has been identified by staff to treat the non-residential buildings in this Development differently than the Township has treated non-residential buildings in other developments. Therefore, staff concluded that it would not be reasonable for the Township to require sprinkling of these Buildings in the Development. On the basis of my understandings, I concur with staff’s judgment and conclusions. In fact, for the Township to do otherwise, to require sprinkling for these Buildings in the Development when the Township has not historically required that of similarly situated buildings elsewhere in the Township, would at least give the Developer the option of claiming that the Township has engaged in an equal protection violation against the Developer, and that the Township has violated the Consent Judgment.

Please advise if this raises additional questions or comments. Thanks.

### **Unfinished Business**

Master Meter Project Resolution – City of Saugatuck and the Village of Douglas have already adopted this resolution. Once we have adopted, then Kalamazoo Lake will adopt it as well. *Roerig moved to adopt the resolution to approve participation in and cost sharing for the master meter project. Supported by Aldrich. Discussion: Helmrich: 1. C – contingency – all 3 communities have agreed to their own contingencies? Roerig- each community is responsible for their own 10% contingencies. Daryl VanDyke from Kal-Lake confirmed that the 4 entities are each responsible only for their 10% contingencies. Roll call vote. All vote yes. Resolution adopted 4-0.*

## **New Business**

Roerig summarized the Permit report from Al Ellingsen that was part of the packet. Concluded that it still is financially beneficial for the township to engage in the permitting process and it provides excellent customer service.

Manager/Zoning Administrator Introduction – Roerig introduced Natalie Dean. Dean- Feels really lucky to be here. Is processing a great deal of information. Is enjoying meeting people. Believes it is a special and friendly community.

## **Committee Reports**

Planning Commission – Helmrich- Planning Commission meeting for January was cancelled due to inclement weather. Andy Prietz, the chair decided to hold 2 meeting in February as the agenda for the January meeting was very full. The first meeting will be on 2.11.19. The agenda will include: Sand mining operation near Old Allegan Road, Possible Bigby Coffee business, and Possible luxury RV park. A second meeting will be held on 2.25.19 with the only agenda item being a public hearing regarding ordinances regarding the 3 types of medical marijuana businesses.

### Road Commission

Bigford – no new road commission news. Bigford - Does want to follow up on the ongoing constituent concern about safety on the intersections of Old Allegan and Blue Star Hwy and 65<sup>th</sup> St/135<sup>th</sup> and Blue Star Hwy. Contacted Jason Edwards, the engineer for the Allegan County Road Commission and requested a crash study/summary. Mr. Edwards advised the following: At the intersection of Old Allegan Rd there were 10 crashes over 10 years (avg. 1/yr). The type of crashes are not really specific to a direction or crash type. The number of crashes is also very similar to other intersections like 134<sup>th</sup> Ave, Washington Ave, and 64<sup>th</sup> St. Blue Star Hwy averages ~10,000 cars/day in the summer so this is a relatively low crash rate for the volume of traffic. There is some brush and dead trees that we may be able to remove to add some sight distance and see if that helps. At the intersection with 65<sup>th</sup> St/135<sup>th</sup> Ave there were 15 crashes over 10 years (avg. 1.5/year). This is a little higher than other intersections and a lot of them are rear end related on Blue Star Hwy. When we can pinpoint crash patterns and see more severe crashes then we have a higher chance of receiving federal safety funds for a project. Turn lanes or alignment changes could be beneficial here but we should probably weigh options with the adjacent property owners.

### Interurban

Roerig – Report from Lori to read. Dec. ridership up 10 passengers over the past year. Dispatch software has arrived. Parking lot coating and striping will be scheduled for the spring. 2 new buses for the 2018 grant fiscal year have been ordered should be delivered in March 2019. Fiscal year 2019 - were approved for 2 new busses and an administrative vehicle using alternative fuels - should arrive sometime in 2020. Board approved the fiscal year 2020 annual grant application

### Fire Board

Aldrich- January was a quiet month until the freezing conditions set in which resulted in in a number of different conditions that resulted in calls to the STFD. Did exceed the lowest number on record 47 from 2016 and ended up at 52. Distributed some material that show response times and when call volume is the highest/lowest (times/days of week). Chief Janik – suggested we could have a special meeting with the fire dept. officers regarding the Northshore development. Aldrich will schedule this meeting.

### Parks Commission

Jim Searing - Was hoping that he would be reporting something different today. Expected to be presenting the resolution for the MDOT grant for the Blue Star Trail and discussing the DNR grant. Gave some history on what has happened in the last 10 years with the Blue Star Trail project. In order to get the grants/funding you need to demonstrate connectivity. The City of Saugatuck had a final meeting about a week and a half ago. There was not enough support from the City Council to support any of the proposals/routes. The grant applications had to be withdrawn. Things will now be pushed out at least a year. Is very disappointed with this outcome. The Township and Douglas have stepped up, but Saugatuck just does not want a trail.

#### Open Board Report

Aldrich – Open trustee position – how will the appointment process go. Roerig – unless he hears differently, he will follow the appointment policy. Described the currently policy. Aldrich – Should Dean be screening individuals as it is her potential “boss”? Roerig – the initial call is a screening call to establish real interest. We need to set a cutoff date for applicants. Goal is to have a vote on this by March 6. Helmrich – has been posted on FB and on the website. Bigford – concern how would the other 2 trustees really sound in on the applicants. Roerig – do two interviews. Helmrich – if it turns out that there is say 5 applicants, we should the interviewing at a special meeting. Roerig- is it fair to the applicants? Bigford – it would weed out people that want to be “courted”. Aldrich – wants to be part of this. We should have a special meeting. Roerig we will notify applicants and schedule this special meeting.

Bigford – 2 items – 1. Publishing synopsis of board meeting minutes: It has been brought to the board’s attention at public comment and through social media that publishing the synopsis of meeting minutes, for some, lacks transparency and poses problems for those without internet access. I want to take some time to provide some info around this issue and to address it fully. There were 6 meetings from November 7 to December 19 2019 and minutes for those meetings were taken by multiple different recording secretaries. I chose that time span to measure as it was post-election and the only minutes that have been board approved thus far. The average length of those meeting minutes was approximately 2.83 pages. I then submitted the minutes (just less than 3 pages) and the synopsis of minutes from the Dec 5 meeting to Scott Sullivan with the Commercial Record and he advised the following: Full meeting minutes would fill a 6 columns by 9.5 vertical inch space, so 57 column inches times \$5 per inch, \$285. Synopsized minutes would fill a 2 by 5 in space, so 10 column inches times 5 = \$50. So \$285 x 12 months = \$3420 and \$50 x 12 months= \$600. So a potential \$2820 cost savings per year. Additionally that does not account for any special meetings, only for 12 meetings per year so the cost savings could be much greater. The synopsis includes any motions or resolutions that were passed and it directs reader to view full minutes on the township’s website. Further, minutes can be mailed to those without internet upon request. I appreciate open dialogue around this issue and encourage those with concerns to continue to bring them to the board. 2. Secure N Safe Elliot Sturm - On January 23, Roy McIlwaine questioned the bidding process for the purchase and installation of video recording equipment for the township board room. Mr. McIlwaine voiced that this was potentially an illegal process. If it was illegal I certainly want to see the documentation so the board could work to rectify the situation. Further, in order to be transparent and to educate the constituents, I will summarize the process used in selecting Secure and Safe. Treasurer Jon Helmrich secured 3 bids for very similar video recording packages. An RFP (request for proposal) was not used as it would be inefficient, costly and not necessary for a purchase so small. Secure N Safe bid was significantly lower than the other 2 bids. Trustee Bigford completed 3 reference checks for Secure N Safe which yielded all positive comments. The video recording equipment and the service Mr. Sturm has provided has, in my opinion

been excellent. Again I welcome any constituent feedback regarding this issue or any other. Helmrich – this has been an open process and all of this detail was laid out at a prior meeting.

Helmrich – We all should be using the scheduling offered by Outlook. It would be efficient and transparent.

Adjourn – meeting adjourned by Roerig at 7:05.

Recording Secretary: Abby Bigford  
Saugatuck Township Clerk  
February 15, 2019