

TOWNSHIP OF WOODHULL
Shiawassee County, MI

Minutes
Regular Township Board Meeting
September 7, 2016

1) Call to Order

The regular meeting of the Woodhull Township Board was called to order at 7:00pm on September 7, 2016 by Supervisor Hasse.

2) Pledge of Allegiance

The Pledge of Allegiance was given.

3) Roll Call

Present at this meeting were: Supervisor Hasse, Treasurer Cribbs, Trustee Brehm, Trustee Dodge.
Absent from this meeting: Clerk Starr.

4) Approval of Agenda

Moved by Trustee Brehm, supported by Treasurer Cribbs, to accept agenda with additions:

- Add Agenda Item 4 (a) – A motion was made by Treasurer Cribbs, supported by Trustee Dodge to accept the resignation of Clerk Paula Starr and Appoint an Acting Clerk. Motion carried unanimously.
- Add Agenda Item 9 (a) – Mr. Shaft is present at the meeting and has asked to give the board an update on the Historical Marker. A motion was made by Treasurer Cribbs, supported by Supervisor Hasse. Motion carried unanimously.
- Add Agenda Item 9 (b) – Paser road report. It was agreed unanimously that this item be added to the agenda.

All Ayes, Motion carried unanimously.

5) Approval of Minutes – August 3, 2016 Regular Meeting

Moved by Trustee Dodge, supported by Trustee Brehm that the meeting minutes from the Regular Meeting on August 3, 2016 be approved. Motion carried unanimously.

4a) Letter of Resignation from Clerk Paula Starr and Appoint a Temporary Clerk

Treasurer Cribbs moved to accept the resignation from Clerk Starr, Trustee Dodge supported the motion. All Ayes. Motion carried.

Supervisor Hasse moved to appoint Patti Cook as an Acting Clerk for September 7, for the purpose of taking minutes. Treasurer Cribbs supported the motion. All Ayes, Motion carried.

6) Board Comments and Reports

- a. Trustee Brehm – Planning Commission

Planning Commission took up the variance for the added garage on Lovejoy Rd. (Variance Application PZBA 16-011 by Myrtle Gorsline) It was supported as presented. The site plan review for the McDonald/Gala rentals was likewise supported with established operating hours. Planning Commission members were also given a Shiawassee Co. hazard litigation plan which they were going to review. Further, Trustee Brehm stated that the SUP issue regarding the dog kennel had been tabled at the County level. A motion to support both the variance and site plan review mentioned above was made by Trustee Brehm, supported by Trustee Dodge. Motion carried unanimously.

Trustee Brehm discussed a letter received from a resident at the meeting regarding Township's legal representation, including concerns regarding costs associated with use of legal representation and the Township's responses to FOIA requests regarding privileged communication. Trustee Brehm referenced current invoices for services provided by law firm as a point of consideration and discussion for the Township Board.

b. Trustee Dodge – Fire Report

Trustee Dodge presented the Fire Report for July, 2016 which included the following information – a total of 24 Fire runs & 24 Ambulance runs in Woodhull Township. Training for the month was education on HIPPA. Henry Cross and Jean Austen were appointed to a committee to discuss ambulance issues. A new purchasing policy and a new policy on “Frequenting the Workplace” were both adopted by the Fire Board. 7 LSW employees volunteered their time (91 hrs. total) at the Shiawassee County Fair. Future events scheduled for LSW personnel include: Ambulance standby at Laingsburg HS football games, Homecoming Parade and Fire Prevention Week Oct. 9-15th. There have been a total of 296 Fire runs and 273 Ambulance runs for the current calendar year.

c. Treasurer Cribbs – Financial Report

Treasurer Cribbs reported that all normal bills had been paid. Additional bills include invoices from legal counsel (\$3,400) and the recent audit (\$11,400), as well as costs of road improvements; (\$118,447). Treasurer Cribbs moved, supported by Trustee Dodge, to accept the financial report as given. A Roll Call Vote was taken. Motion passed unanimously.

d. Clerk Starr -

- i. Election Update – In Clerk Starr's absence due to resignation, Supervisor Hasse indicated that a recount on the Primary Election between Tom Jelenek and Bill Dodge had been completed: Tom Jelenek was reported as the winner, by 1 vote. A recount on the Primary Election between Jim Cribbs and Pam Slee was also held; the winner was Pam Slee by 10 votes.
- ii. Monthly Bills – Board members were presented with a list of monthly bills and payroll for September that need to be paid. Treasurer Cribbs moved to approve payment of the monthly bills, motion supported by Trustee Dodge. A Roll Call Vote was taken. Motion passed unanimously.

e. Supervisor Hasse –

i. FOIA Update. Supervisor Hasse expressed concern as to the number of FOIA requests (79) received in the past 4 months. These requests have come from 3 residents, primarily asking for information that is subject to attorney/client privilege. Providing a legal response to these requests is costly to the Township in money and time.

ii. Other.

Well Lease. Supervisor Hasse stated that regarding the well lease, in 2015 the Township spent over \$ 70,000 to drill a well to support our township Fire Dept. and to ensure quick reliable access to water for the tankers. A lease to protect the Township was never negotiated prior to the well’s completion but the Board is working with the LSW Board to find a successful resolution. In the meantime, she will also look at alternative public safety uses.

Township Hall Repairs. The repairs to the foundation in 2008 did not resolve the problem, the foundation must now be properly supported. It is the intention of the board to get a legal and architecturally sound fix to this information. The board will continue to work on this.

7) Public Comment

5 Residents came forward to offer comments relating to: FOIA requests; the time it takes for a response to the FOIA requests; the redactions to information requested; open communications between board and residents.

8) Closed Session to Consider Written Legal Opinions

At 7:30 p.m., **Supervisor Hasse moved to enter into Closed Session to consider legal opinions, supported by Treasurer Cribbs. Ayes – Treasurer Cribbs, Supervisor Hasse, Trustee Dodge. Nays – Trustee Brehm.** Trustee Brehm did not accompany the other board members into Closed Session.

Following discussion with a Township resident and the Township Attorney, and in the interest of openness at 7:43 p.m., **Treasurer Cribbs moved, supported by Trustee Dodge to resume open session. Motion carried.** The matters to be addressed in closed session would be addressed in New Business.

9) Old Business

a) Michigan Historical Sign – Mr. Mike Shaft presented an update to his efforts to secure, construct and place a Michigan Historical Marker and Brick Walk to the board. On application, the State of Michigan approved a historical marker that would highlight both the Original Shaftsbury School, as well as the Woodhull Township Hall. Mr. Shaft provided a first draft of the proposed language for the marker and a preliminary “sample” flyer for a “Buy A Brick” program that would cover the costs for the brick, engraving of the brick, purchasing the marker and maintaining the marker. The cost of the marker is estimated at \$3,900: a \$300 8x8 platform which could contain up to 288 bricks, each which may be purchased for \$75 a piece. Mr. Shaft seeks support from the Board for proposed fundraising efforts and to place the marker on Township property. Mr. Shaft would like all fundraising efforts to be completed by spring of 2017, so installation could occur after that. After

some discussion on the matter, a motion was made by Trustee Dodge, seconded by Trustee Brehm to place this matter on the next month's regular board agenda.

- b) Paser Report – Treasurer Cribbs reported that he accompanied a contractor on its review of 27.7 miles of Township roads, at a cost to the Township of \$250. The final written report of the road review is forthcoming, hopefully by the next board meeting. Initial reactions are that the roads will require a lot of attention.

10) New Business

- a) FOIA Appeals – Township Attorney Helen Mills presented a discussion on FOIA requests, the attorney/client privilege (and related FOIA exemption from disclosure) and how FOIA responses are received and reviewed: initially, by the FOIA Coordinator and, on appeal, by the Township Board. This discussion facilitated review of several appeals currently before the Board:
 - 1. Appeal re: Ms. Senneker's 8/8/16 request for all communications with the law firm regarding hiring of the law firm, billing, copies of all invoices and checks. The response was granted in part and denied in part by FOIA Coordinator, Supervisor Hasse, on the basis of attorney/client privilege: invoices were made available with limited redaction for the topics discussed by and between the Township Attorney and the Township. The appeal challenged the application of the attorney-client privilege, particularly related to the redaction of invoices from legal counsel. **Treasurer Cribbs moved to support the action of the FOIA Coordinator and uphold the redaction of this attorney invoice. Trustee Dodge supported the motion. Ayes – Treasurer Cribbs, Supervisor Hasse, Trustee Dodge. Nays – Trustee Brehm.**
 - a. Redacted Communications with Counsel. After some discussion and information from legal counsel, **a motion was made by Treasurer Cribbs, supported by Trustee Dodge, to establish a policy to handle each FOIA Appeal request on an individual basis, provide a document that provides the date and recipient and redact items that are considered subject to attorney/client privilege. Ayes – Treasurer Cribbs, Supervisor Hasse, Trustee Dodge. Nays – Trustee Brehm.**
 - b. Further Discussion on Appeal #1. The Board will undertake a review of each of the existing communications or documents that may be responsive to Ms. Senneker's request, specifically communications prior to May 17, 2016 including email communications to determine what should be redacted and how under the statutory exemption for attorney-client privileged communication. The board is mindful that they still have a 10 business day window to respond to the requestor.
 - 2. Appeal re Ms. Senneker's 8/10/16 request for communications since May 16, 2016, including, but not limited to all communications to and from township board members and communications to and from Township attorneys. The response was granted in part and denied in part by FOIA Coordinator, Supervisor Hasse, on the basis of attorney/client privilege. The appeal contends that any communications with its counsel and regarding the well lease should be disclosed, because they have been provided to both Township board members, or, in the case of the well lease, to LSW board members. Because this appeal, too, challenged the attorney-client privilege, which would require further review under the Township's policy, a consensus was reached to take this Appeal up during the Board's proposed future meeting.

3. Appeal re Ms. Lang's 8/10/16 request for how much has been paid to the Township's legal counsel and a copy of all invoices and statements received by the law firm. The response was granted in part and denied in part by FOIA Coordinator, Supervisor Hasse, on the basis of attorney/client privilege: invoices were made available with limited redaction for the topics discussed by and between the Township Attorney and the Township. At 8:25pm Ms. Lang withdrew her appeal dated. The Board did not consider the matter further.
4. Appeal re Ms. Lang's 8/11/16 request for communications to the Township's legal counsel and the Township boards authorization on 8/3/16 relating to the firms "legal advise and assistance to pursue civil and or criminal charges against the former supervisor". Ms. Lang advised that she seeks those portions of any communications that are not subject to attorney/client privilege and is only interested in knowing if a document exists, not actually receiving a copy of the document. Legal counsel advised that this should also be taken up during the Township board's future meeting to further discuss appeals.
5. Appeal re Ms. Slee's request for (1) a copy of a correspondence provided by Fred Junger submitted to the Township Board after the 8/3/16 public comment and (2) a copy of a letter from former Township attorney Burlingame, dated 4/27/16, identified by a specific title and other commentary. The FOIA Coordinator responded by: (1) denying the 1st part of the request, because the Township did not have a document responsive to that request and (2) denying the 2nd part of the request on the basis of attorney/client privilege. At 8:32pm, Ms. Slee withdrew the 1st portion of her appeal. **Following discussion, Treasurer Cribbs moved, supported by Trustee Brehm, to release the Burlingame letter to Ms. Slee, as the Township Board is selecting to waive attorney/client privilege to this specific letter only. Motion carried unanimously.**
6. Appeal re Ms. Lang's 9/7/16 request for clarification on a denial, seeking information regarding scope of redaction due to attorney-client privilege. The requestor was present clarified her request is for invoices before the law firm was hired and before Ms. Hasse was appointed Supervisor, identifying specific entries redacted on the May invoice and, if the township can satisfy the burden of proof to exempt the records under the privilege, the appeal is modified to request modified redaction to show to whom the correspondence was sent and from whom it was received. This appeal will be taken up during the Township board's future meeting to discuss appeals.

A meeting to discuss FOIA Appeals on Tuesday, September 13, 2016 at 10:00am was scheduled with all Township Board members.

- b. Legal Action. Supervisor Hasse motioned, supported by Trustee Dodge that this item be tabled until the next meeting. The motion carried unanimously.
- c. Ambulance Special Assessments. A public hearing was held earlier this evening and Trustee **Dodge moved, supported by Treasurer Cribbs, to spread the levy for the Ambulance Special Assessment District at a cost of \$ 45.00/resident and business. The motion carried unanimously.**
- d. Goose Round Up Application. A representative from the Scenic Lake Board of Directors explained that the SLPOA is hoping for support from the Township Board for their application to the

USDA that would allow Scenic Lake to conduct a goose roundup next spring. The representative explained that adopting the proposed template resolution from the USDA would be appreciated and not cost the Township any money. **A motion was made by Trustee Dodge, supported by Trustee Brehm to support SLPOA's application. Motion carried unanimously.**

e. As Beverly Lange's term on the Planning Commission has expired, **a motion was made by Trustee Dodge, supported by Treasurer Cribbs to appoint Fred Junger to the Planning Commission as the Township's representative. This appointment will begin on September 12, 2016 for a term of 3 years. Ayes – Treasurer Cribbs, Trustee Dodge, Supervisor Hasse. Nay's – Trustee Brehm.**

- 11) Public Comment. 7 residents came forward with comments relating to – retention of legal counsel by the Township; FOIA requests and redactions relating to those requests; the proposed Lease between Woodhull Twp. and the LSW Board; Planning Commission appt.; number of FOIA requests under the former supervisor.
- 12) Board Comment. No board members had comments.
- 13) Adjournment. Seeing no further business to come before the board, **a motion was made by Trustee Brehm, supported by Trustee Dodge to adjourn the board meeting. The meeting was adjourned at 9:05p.m.**

Minutes Respectfully Submitted By:

Patricia A. Cook
Temporary Clerk