

**CHARTER TOWNSHIP OF ELMWOOD  
REGULAR BOARD MEETING  
OCTOBER 8, 2024  
IN THE TOWNSHIP HALL**

**Call to Order**

Supervisor Shaw called the meeting to order at 6:00 p.m.

**Pledge of Allegiance**

Supervisor Shaw led the Pledge of Allegiance.

**Roll Call**

**Present:** Terry Lautner, Dave Darga, Kyle Trevas, Jeff Shaw, Jordan Gallagher, and Connie Preston

**Excused:** Chris Mikowski

**Declaration of Conflict of Interest**

Clerk Preston declared a conflict with the FOIA appeal hearing as she is the FOIA coordinator that rendered the original denial. MOTION BY TRUSTEE TREVAS, SECONDED BY TRUSTEE DARGA TO EXCUSE CLERK PRESTON FROM THE FOIA APPEAL. The motion passed unanimously by a voice vote.

**FOIA Appeal Hearing**

Hearing opened at 6:02.

Clerk Preston explained that the FOIA requesting a copy of the Attorney-Client Privilege from Attorney Bryan Graham was denied due to the Attorney-Client Privilege nature of the memo. Attorney Bryan Graham reviewed his 10-3-2024 memo explaining that based on attorney-client privilege, that denial was legally correct. However, the township has a legal obligation to separate the exempt from the nonexempt information contained within the memo.

The hearing was closed at 6:05 p.m.

Attorney Graham included a proposed motion in his 10-3-24 memo

MOTION BY TRUSTEE TREVAS, SECONDED BY TRUSTEE DARGA, THAT BASED ON THE MEMO PROVIDED BY THE TOWNSHIP ATTORNEY DATED OCTOBER 3, 2024, THE BOARD HEREBY UPHOLDS, IN PART, THE FOIA COORDINATOR'S DENIAL OF MR. KELLY'S AUGUST 27, 2024 FOIA REQUEST (RECEIVED ON AUGUST 28, 2024), BUT HEREBY AUTHORIZES THE DISCLOSURE OF A REDACTED COPY OF THAT MEMO WHICH ONLY INCLUDES THE NONEXEMPT MATERIAL.

The motion passed 5-0 by a roll call vote.

**Public Comment**

None

**Consent Calendar:**

**Department Reports:**

Treasurer  
Planning/Zoning  
Fire Chief  
Harbormaster

**Committee Reports:**

**Minutes:**

9-9-24

**Post Audit Invoices 9-1-24 through 9-30-24**

MOTION BY TRUSTEE DARGA, SECONDED BY CLERK PRESTON TO APPROVE THE CONSENT CALENDAR AS PRESENTED. The motion passed unanimously by a voice vote.

**Agenda approval**

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE DARGA, TO APPROVE THE AGENDA AS MODIFIED WITH THE ADDITION OF 11.i. SCHEDULE A SPECIAL MEETING FOR MARINA CHANGE ORDERS. Motion passed unanimously by a voice vote.

**Supervisor Remarks**

Supervisor Shaw submitted a written report and added that he spoke with the Fire Chief about possibly combining departments.

**Trustee Remarks**

Trustee Lautner stated that he would like to recognize that our former Fire Chief Ray Haring passed away. Supervisor Shaw remarked that the Department is looking into holding a memorial service

**Engineer's Report**

None

**Other Officer Remarks**

None

**Communications from the Clerk**

Clerk Preston reminded the Board that our next regular meeting is November 12 as was approved last December. This was done due to the second Monday being Veteran's Day.

**Old Business**

None

**New Business**

**Conceptual Site Plan for Cherry Bend Park**

Tim Knutsen of Beckett & Raeder presented the conceptual site plans for Cherry Bend Park, concentrating on Plan 3 that was unanimously recommended by the Parks and Recreation Committee. The Board responded with feedback as to traffic flow, parking spaces, and other amenities. He will incorporate recommendations into a final conceptual plan which the Township can use in applying for grant funding.

**Marina Dock Fire Suppression System Repair**

Harbormaster Dan Jenuwine informed the Board that Leelanau County Building Safety is requiring that we get our fire suppression system repaired.

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE LAUTNER TO GET THREE BIDS TO GET THE FIRE SUPPRESSION SYSTEM REPAIRED.

The motion passed unanimously by a voice vote.

**Harbor Master Request to Attend Dock Expo**

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE TREVAS TO AUTHORIZE THE HARBORMASTER TO ATTEND THE DOCK EXPO AND MARINA CONFERENCE IN NASHVILLE.

The motion passed unanimously by a voice vote.

**Payment of Construction Invoices**

Mr. Jenuwine explained that the contractor and subcontractor are having to wait too long for payments on the marina project. They would like to not have to wait for a board meeting to approve the pay requests.

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE LAUTNER TO HAVE THE SUPERVISOR AND/OR THE CLERK SIGN OFF AS LONG AS THEY ARE BUDGETED ITEMS. The motion passed

unanimously by a voice vote.

### **Health Insurance Renewal**

Clerk Preston stated that it was a 10% increase in rates which were being seen by all small groups.  
MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE LAUTNER TO RENEW THE HEALTH INSURANCE AT OPTION A. The motion passed unanimously by a voice vote.

### **BPW 2023 Master Specification and Detail Updates**

Supervisor Shaw explained that the City is requiring all of the participating townships to approve the updates included in the 2023 Master Specification and Detail Updates.

MOTION BY TRUSTEE TREVAS, SECONDED BY TRUSTEE LAUTNER TO APPROVE THE SPECS LISTED IN THE MEMO DATED 2-7-2024, RE PROJECT 23029. The motion passed unanimously by a voice vote.

### **MDOT Contract/Sidewalk and Shared Use Path**

The Board was presented the contract between MDOT and the Charter Township of Elmwood specifying that MDOT will construct the sidewalk and shared use path along M-72/M-22 from the south Township limits northerly to Cherry Bend Rd. and the Township will take ownership of the path.

MOTION BY TRUSTEE TREVAS, SECONDED BY TRUSTEE DARGA TO APPROVE RESOLUTION 13 OF 2024 APPROVING THE CONTRACT. The motion passed 6-0 by a roll call vote.

### **Budget Amendment Resolution/Cherry Bend Trail Design/Fire Department**

Clerk Preston explained that the Cherry Bend Trail Design was not originally budgeted back in November. The amendment for the fire department is to pay for the equipment that will be on the new ambulance.

MOTION BY TRUSTEE LAUTNER, SECONDED BY CLERK PRESTON TO APPROVE RESOLUTION 14 OF 2024, A BUDGET AMENEMENT RESOLUTION. The motion passed 6-0 by a roll call vote.

### **Schedule Special Meeting**

Supervisor Shaw proposed holding a special meeting to review all marina construction change orders.

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE DARGA TO SCHEDULE A SPECIAL MEETING FOR WEDNESDAY, OCTOBER 16 AT 4:30 P.M. The motion passed unanimously by a voice vote.

### **Payment of Invoices**

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE DARGA TO PAY THE INVOICES IN THE AMOUNT OF \$321,527.40. Motion passed unanimously by voice vote.

### **Extended Public Comment**

Chase Pasicznyk

### **Adjournment**

Supervisor Shaw adjourned the meeting at 8:05 p.m.