

REGULAR MEETING
July 25, 2023

PERE MARQUETTE CHARTER TOWNSHIP BOARD
held at 1699 S. Pere Marquette Highway, Ludington MI 49431

Board members present: Supervisor Gerald Bleau; Clerk Rachele Enbody; Treasurer Karie Bleau; Trustees: Andrew Kmetz, James Nordlund, Sr., Henry Rasmussen, and Ronald Soberalski.

Board member(s) absent: No members were absent.

Also present: Matt Holland, Gabridge & Company, Mason County Sheriff Deputy David Barnett, Riley Kelley (Ludington Daily News), and numerous guests.

The meeting was called to order at 6:00 p.m. by the Supervisor. Invocation was given by Nordlund; Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES: **Moved** by Nordlund, seconded by Soberalski to approve the minutes of the June 27, 2023 regular meeting as presented.

Motion carried.

PUBLIC COMMENT: Deputy David Barnett introduced himself as the School Resource Officer/Road Patrol Deputy and gave a brief overview of his qualifications, background, and experience.

PUBLIC COMMENT: Public comment was held.

APPROVAL OF AGENDA: **Moved** by Soberalski, seconded by Kmetz to add Item E. "Cease and Desist Order" to the agenda and approve the agenda as amended.

Motion carried.

UNFINISHED BUSINESS: Board members discussed the status of the property purchase at 932 and 946 S. Pere Marquette Hwy. G. Bleau reported that he has been engaged with the Township Attorney, Fahey Shultz Burzych Rhodes to enforce the purchase agreement and address code violations.

NEW BUSINESS: A. **Presentation of the 2022 Audit** – Matt Holland, staff accountant with Gabridge & Co. presented a summary of the 2022 audit. The Township was issued an unmodified opinion, which is the best opinion possible, assuring that the financial statements are presented fairly in all material aspects and that there are no material budget deficiencies. Mr. Holland reviewed the Township's fund balance across all funds, reviewed the Statement of Net Position and the Statement of Activities as reported as part of the financial statements.

B. **Consider Revision of Compensation Schedule to Pay Board of Review for Training** – Board members reviewed the current compensation schedule. G. Bleau explained that the schedule does not include a training compensation amount specific to Board of Review members and Board of Review members have not been compensated for training they attended earlier this year. The compensation schedule includes a training compensation amount of \$90.00 for all other board and commission members and a \$50.00 per training compensation amount for Election Inspectors. It was noted that previous Board of Review training compensation was paid at a rate of \$50.00 per half day of training.

Moved by G. Bleau, seconded by Soberalski to confirm the Board of Review Training compensation amount at \$100.00 per day and \$50.00 per half day of training for all Board of Review members.

Motion carried.

C. **Consider Resolution #2023-9 to Authorize Sale of Property – First Street Business Park Lot 11** – The following resolution was offered by Soberalski and supported by Nordlund:

WHEREAS, the Township owns certain real property within the Pere Marquette First Street Business Park also known as Lot 11 and legally described in **Exhibit A** attached hereto (the "Property"); and

WHEREAS, the Township Board finds the Property is no longer needed for public use by the Township;

WHEREAS, the sale of the Property is determined to be in the best interests of the Township;

WHEREAS, Great Lakes Fishery Commission (the "Purchaser") made an offer to purchase the "Property" for a total purchase price of Twenty Thousand Dollars (\$20,000.00), subject to certain terms and conditions; and

WHEREAS, the Board wishes to confirm its acceptance of the Purchaser's offer to purchase the Property.

NOW, THEREFORE, BE IT RESOLVED by the Township Board of Pere Marquette Charter Township, Mason County, Michigan, as follows:

1. The Township Board approves the sale of the Property to the Purchaser for a total purchase price of Twenty Thousand Dollars (\$20,000.00).
2. The Supervisor and the Township Attorney are authorized to negotiate the details of the Offer from the Purchaser to purchase the Property.
3. The Supervisor, Clerk and Treasurer are authorized to sign the documents necessary to memorialize the terms of the transaction and otherwise close the sale of the Property to the Purchaser.
4. All resolutions in conflict in whole or in part with this Resolution are revoked to the extent of such conflict.

**EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY**

PARCEL 11(0.93 GROSS ACRES, 0.80 NET ACRES)

THAT PART OF THE SE 1/4 OF SECTION 13, T18N, R18W, PERE MARQUETTE CHARTER TOWNSHIP, MASON COUNTY, MICHIGAN DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE N86°35'00"W 1766.56 FEET ALONG THE SOUTH LINE OF SAID SECTION 13; THENCE N03°19'31"E 602.16 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF COMMERCE DRIVE (100 FEET WIDE) AND THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE CONTINUING N03°19'31"E 159.95 FEET; THENCE N62°30'26"E 232.88 FEET; THENCE S03°19'31"W 251.24 FEET; THENCE N86°40'29"W 0.49 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE; THENCE WESTERLY 118.44 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE ON A 600.0 FOOT RADIUS CURVE TO THE LEFT THE LONG CHORD BEARING S87°40'14"W 118.23 FEET; THENCE S82°00'56"W 83.46 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE PLACE OF BEGINNING.

SUBJECT TO EXISTING WETLAND PRESERVATION EASEMENT F, AS RECORDED IN LIBER 575 ON PAGES 3219-3226 OF MASON COUNTY RECORDS.

SUBJECT TO A 10-FOOT-WIDE PUBLIC UTILITIES EASEMENT LYING NORTHERLY OF, AND ADJACENT TO, THE NORTHERLY RIGHT OF WAY LINE OF COMMERCE DRIVE.

Roll call vote: Yes: Soberalski, Rasmussen, K. Bleau, G. Bleau, Enbody, Kmetz, and Nordlund.
No: None.
Absent: None.

Resolution declared adopted.

D. Consider Request from FOIA Coordinator – Board members reviewed a memo from the Clerk/FOIA Coordinator. The memo discloses a potential conflict-of-interest in regards to a FOIA request received for all emails that have been sent and received by Rachelle Enbody and for all text message sent and received by a township employee. The Clerk/FOIA Coordinator is requesting that the Township Attorney of Dickinson Wright be authorized to handle any FOIA requests involving township personnel in order to eliminate any conflict of interest that could be perceived with the Clerk as the appointed FOIA Coordinator.

Moved by Nordlund, seconded by Kmetz to confirm the Township Clerk as the FOIA Coordinator and, in order to eliminate the perception of a conflict of interest, authorize Township Attorney Ronald Bultje of Dickinson Wright to handle any FOIA requests received from Township employees and/or Board members or that involve persons employed and/or compensated by the Township.

Motion carried with G. Bleau, K. Bleau, and Soberalski opposed.

E. Cease and Desist Order (added) – R. Soberalski stated he had received a Cease and Desist letter from an attorney representing Gerald and Karie Bleau concerning ongoing and potentially actionable defamation. The correspondence is notification to immediately cease and desist making defamatory and inaccurate statements regarding Mr. and Mrs. Bleau. The letter further states an investigation is ongoing and that the legal counsel is continuing to review statements made in public and on social media that may fit the legal and actionable definition of defamation. Soberalski stated he was

concerned, confused and is unsure of what he has said or done that could be considered defamatory. Soberalski asked the board for assistance in informing him of what he has done. Soberalski stated he has not put anything on social media and that the letter indicates that he has. Soberalski stated that the letter is attempting to stifle him and that he is concerned that the Bleau's are trying to control the board and shut down the township by undermining our form of government. K. Bleau responded that the letter does not apply to Soberalski as a Trustee. Soberalski responded that he believes the letter is directed to him as an elected official and that he believes this was done with the intent to damage him.

COMMITTEE OF THE WHOLE: Moved by Kmetz, seconded by Soberalski to move into Committee of the Whole at 6:44 p.m. Motion carried. Various topics discussed with no action taken:

Kmetz asked about the status of the written report from the forensic audit. G. Bleau said he does not know the current status, that he provided them with copies of the recently adopted polices and that he will check on the status of the report.

Kmetz asked about the status of the blight elimination grant for the property on S. Pere Marquette Hwy. G. Bleau stated that the Township was denied and that it was determined that the site was not blighted, but that it posed an environmental hazard. G. Bleau stated that he is working with the County Treasurer on using a land bank in order to clean up the property and is also working with Republic Services to see if there is any funding available to clean up the property.

Kmetz questioned the status of the Pere Marquette Charter Township Brownfield Authority. There are currently no accounts set up to record the financial transactions, there has been no approval for funding for the Authority, there has been no compensation approved for Authority meeting pay and no Bylaws have been established or approved. Kmetz requested that the Township revert to using the Mason County Brownfield Authority. G. Bleau stated that with the Township having its own Brownfield authority it gives developers another tool in the tool box, and if the Township Authority is abolished it will force developers to go to the County Brownfield Authority. Kmetz added that we have continued to pay the Brownfield consultant for assistance with the Township Authority while the County Authority provides the administration at no cost to the Township.

Moved by Kmetz, seconded by Enbody to return to regular session at 6:49 p.m. Motion carried.

The board discussed meeting compensation for Pere Marquette Charter Township Brownfield Authority members. G. Bleau stated he had received information from the Township Attorney that members could be paid as a legal expenditure of the Township Board.

Moved by Kmetz, seconded by Enbody to abolish the Pere Marquette Charter Township Brownfield Authority, to conduct all Brownfield Authority redevelopment projects through the Mason County Brownfield Authority and to approve meeting pay compensation for all prior meetings of Pere Marquette Charter Township Brownfield Authority members at the same meeting compensation rate as all other Township standing board/committee/commission members. G. Bleau clarified that Township employees would not receive compensation/meeting pay for meetings held during regular working hours.

G. Bleau requested a roll call vote.

Roll call vote: Yes: Rasmussen, Enbody, Kmetz, Nordlund, and Soberalski.
No: K. Bleau and G. Bleau.
Absent: None.

Motion carried.

ANNOUNCEMENTS: Rasmussen stated that the Zoning Board of Appeals will meet on August 2, 2023. K. Bleau received a notice of an upcoming hearing for DTE Energy's waste reduction plan. The hearing will take place on August 17, 2023.

EXTENDED PUBLIC COMMENT: Public comment was held.

ADJOURNMENT: The meeting was adjourned by consent at 7:15 p.m.