

Speaker Township Board Meeting Minutes

October 3, 2023

Meeting called to order **Maitland** @ 7:00 p.m., Five(5) Board members present.

Pledge of Allegiance said

Approval of Meeting Agenda:

Motion to approve October 3, 2023 Meeting Agenda made by Murray, second by Stanley. Motion carried.

Approval of September 5, 2023 Meeting Minutes: **Motion to approve September 5, 2023 Meeting Minutes made by Maitland, second by Stanley. Motion carried.**

Approval of September 2023 Treasurer's report: **Sheldon**(Treasurer) advised tax collection has gone well and less than 1% over Summer taxes are uncollected. **Motion to approve September 2023 Treasurer's Report made by Maitland, second by Stanley. Motion carried.**

Approval September 2023 bills:

Motion to approve September 2023 bills (Township bills \$21,126.08 made by Murray, second by Maitland(Fire Dept. bills \$1,372.50) made Sheldon, second by Stanley, (Township payroll 5,261.65) made by Maitland second by Murray) Motion carried.

Fire Report: Trevor Stone(Fire Chief)absent but report was presented by **Assistant Chief Jeff Withey** .

September was a good month as there were no fire runs.

Discussion on the MI Fire Equipment Grant awarded to Speaker Township that will pay for 5-complete sets of turn-out gear, 11-new firefighter helmets, 24-pair of gloves, and 10-pair of Diamond Firefighter boots.

Speaker Township Fire Department will be participating in the Orchard Fest again this year at Speaker Orchards on October 14, 2023 and October 15, 2023.

Planning Report: Steinhoff(Planning Commission) advised next Planning meeting will be October 10, 2023 @ 7:00 p.m. Will be discussing solar ordinance.The Special Land Use Public Hearing will be held on October 23rd, October 24th, October 30th, and October 31st in Peck at the Carman Hall.

Steinhoff(Planning Commission Chairperson) stated he wished to discuss some items on a personal level and thought he should probably wait, but **Maitland**(Supervisor) stated he could go ahead with his comments. **Steinhoff**(Planning Commission Chairperson) went on to say he was trying to make sense of the wind ordinance referendum. The Planning Commission did not expect the second amendment to the ordinance to weaken the ordinance as a "No" vote on the referendum made the ordinance less restrictive for the wind companies, and the intent was to make it a more restrictive ordinance.

Commented on the fact that the wind company were urging voters to vote “No” on the ordinance. **Steinhoff**(Planning Commission Chairperson)**Maitland**(Supervisor) stated that was all explained when the ordinance was voted on by the Board and the people voted “No” to make the ordinance less restrictive. Steinhoff(Planning Commission Chairperson) wanted to see if the Board members were interested in a Moratorium and opening the Wind Ordinance back up. Sheldon(Treasurer) stated the township is legally bound to by the vote. **Maitland**(Supervisor) stated the Planning Commission needs to proceed with Special Land Use Public Hearing at this point.

Steinhoff(Planning Commission Chairperson) apologized for abstaining from voting on the By-Law changes at the Planning meeting. Found out he should have voted.

Steinhoff(Planning Commission Chairperson) requesting Board to appoint a member to the Zoning Board of Appeals. He had talked with **Attorney Brian Garner** about appointing an alternate as well. **Maitland**(Supervisor) stated he would like the Planning Commission to make a recommendation.

Zoning Report: Sproul(Zoning Administrator) SEE ATTACHED).

Old Business: None

New Business:

Change November Regular Speaker Township Board meeting from Tuesday, November 7, 2023 to Wednesday, November 8, 2023:

Maitland(Supervisor) explained the November 7, 2023 regular board meeting needs to be re-scheduled to November 8, 2023 due to the Special election. **Motion to approve the Speaker Township Regular Board Meeting to be rescheduled to from Tuesday, November 7, 2023 to Wednesday, November 8, 2023 @ 7:00p.m. made by Maitland, second by Stanley. Motion carried.**

Approval of Conflicts of Interest and Standards of Conduct Ordinance 2023-2:

Maitland(Supervisor) explained the need to approve a Conflict of Interest and Standards of Conduct Ordinance. Reviewed the highlights of the document and the need to be able to build a quorum when members of the Board and/or committees are conflicted. Need a hard and fast rule to follow. Document drafted by Attorney Brian Garner and is the same as Fremont Township. **Motion to adopt Conflicts of Interest and Standards of Conduct Ordinance 2023-2 made motion by Maitland, second by Sheldon. Roll Call Vote Ayes: Sheldon, Stanley, Maitland, Cubitt & Murray. NAYS: 0. Motion carried.** **Ken Dambacher**(Planning Commission Vice-Chair) asked that the letter he submitted prior to the meeting be added to the record(SEE ATTACHED) and he read his letter which included his

opinion/suggestions on how to handle the conflicts, etc. He had been in contact with Attorney Brian Garner and he was investigating to see if there were other options.

Public Comment:

Carolyn Fairman(Public): gave her review of the court hearing held in Circuit Court involving Fremont Township. Requesting a moratorium on the wind ordinance for the health and welfare of everyone. Discussion held on the gravity of the cost of not giving Liberty Power due process with the Special Land Use permit application.

Lisa Cook Gordon(Public) advised she was new in coming to the township meetings. She apologized to Ken Dambacher for the Board not reading his letter prior to voting on the ordinance.

Maitland(Supervisor) advised each board member had received the letter prior to the meeting.

James Brown(Public) approached the podium giving his opinion on the conflicts of interest with a person receiving money for from a wind turbine vs. a person who lives close to the wind turbine.

Maitland(Supervisor) reiterated there needs to be a hard and fast rule to follow in order to make decisions.

Monique Hoffman(Public) advised she had been falsely accused of making threats to township board members, and had been contacted by law enforcement. Made her distain known and feels basically it is a result of her being against the wind turbines. **Maitland**(Supervisor) advised there are audio recordings of the threats on record.

Motion to Adjourn meeting @ 7:50p.m. made by Maitland, second by Sheldon. Motion carried.

Dawn M. Cubitt

Speaker Township Clerk

TOWNSHIP OF SPEAKER

CONFLICTS OF INTEREST AND STANDARDS OF CONDUCT ORDINANCE

Ordinance No. 2023-2

An ordinance to define conflicts of interest and provide standards of conduct for all Township officers and employees of Speaker Township and to rebuild a quorum in the event that it is lost due to conflicts of interest.

THE TOWNSHIP OF SPEAKER ORDAINS:

ARTICLE I Purpose and Intent

Section 1.01. This Ordinance shall not in any manner amend or modify the terms of Act No. 318 of the Public Acts of 1968, being sections 15.301 to 15.310 of the Michigan Compiled Laws.

Section 1.02. This Ordinance is intended as a code of ethics for Township officers and employees and not as a rule of law for public contracts. A contract in respect to which a Township officer or employee acts in violation of this Ordinance, shall not be considered to be void or voidable unless the contract is a violation of a state statute or another Township ordinance which specifically provides for the remedy.

ARTICLE II Definitions

Section 2.01. For the purpose of this Ordinance, certain terms are herein defined.

Conflict of Interest. A conflict of interest exists when:

- (a) The Township officer or employee has a business or financial interest involved in the request or has a business or financial interest in the applicant's company, agency or association.
- (b) The Township officer or employee owns or has a financial interest in nearby property. For the purposes of this Ordinance, nearby property shall include any property lying within three hundred (300) feet of the property which is the subject of the application.

- (c) An immediate family of the Township officer or employee is involved in any request for which the Township Officer or employee is asked to make a decision or a recommendation.

Governmental Decision. A determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, ordinance, or measure on which a vote by the members of a legislative or governing body of a public entity is required and by which a public entity formulates or effectuates public policy.

Immediate Family Member. An immediate family member is Township officer's or employee's spouse, children, step-children and their spouses, grandchildren and their spouses, parents and step-parents, brothers and sisters and their spouses, grandparents, fathers and mothers-in-law, or any person residing in the Planning Commission member's household.

Township Officer. Township officers include both elected or appointed Township officials.

ARTICLE III Prohibited Conduct

Section 3.01. A Township officer or employee shall not divulge to an unauthorized person confidential information acquired in the course of employment in advance of the time prescribed for its authorized release to the public.

Section 3.02. A Township officer or employee shall not represent his or her personal opinion as that of the Township.

Section 3.03. A Township officer or employee shall use Township resources, property, and funds under the officer or employee's official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.

Section 3.04. A Township officer or employee shall not solicit or accept a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the state, which tends to influence the manner in which the public officer or employee or another public officer or employee performs official duties.

Section 3.05. A Township officer or employee shall not engage in a business transaction in which the Township officer or employee may profit from his or her official position or authority or benefit financially from confidential information which the Township officer or employee has obtained or may obtain by reason of that position or authority.

Section 3.06. Except as provided in Article IV, a Township officer or employee shall not engage in or accept employment or render services for a

private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer or employee's official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of official duties.

Section 3.07. Except as provided in Article IV, a Township officer or employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, approval of applications, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the public officer or employee has a conflict of interest.

ARTICLE IV Exceptions to Prohibited Conduct

Section 4.01. Subject to Section 4.02, Section 3.06 and 3.07 shall not apply and a Township officer shall be permitted to vote on, make, or participate in making a governmental decision if all of the following occur:

- (a) The requisite quorum necessary for official action on the governmental decision by the public entity to which the Township officer has been elected or appointed is not available because the participation of the Township officer in the official action would otherwise violate Section 3.06 or 3.07.
- (b) The Township officer is not paid for working more than 25 hours per week for this Township. For the purposes of this provision a salaried Township Board member shall not automatically be presumed to work more than 25 hours per week for the Township.
- (c) The Township officer promptly discloses any personal, contractual, financial, business, or employment interest he or she may have in the governmental decision and the disclosure is made part of the public record of the official action on the governmental decision.

Section 4.02. If a governmental decision involves the awarding of a contract, Section 3.06 and 3.07 shall not apply and a Township officer shall be permitted to vote on, make, or participate in making the governmental decision if all of the following occur:

- (a) All of the conditions of Section 4.01 are fulfilled.
- (b) The Township officer will directly benefit from the contract in an amount less than \$250.00 or less than 5% of the public cost of the contract, whichever is less.
- (c) The Township officer files a sworn affidavit containing the information described in subdivision (b) with the Township Board.

- (d) The affidavit required by Section 4.02(c) is made a part of the public record of the official action on the governmental decision.

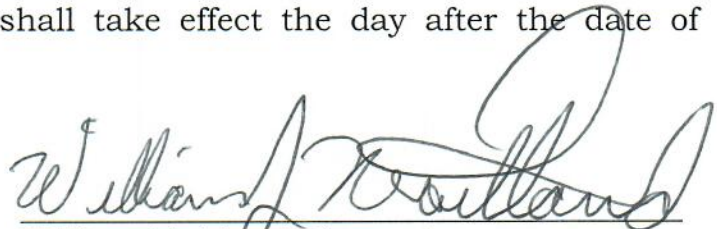
**ARTICLE V
Severability**

Section 5.01. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**ARTICLE VI
Enactment and Effective Date**

Section 6.01. This Ordinance was adopted by the Speaker Township Board at a meeting duly held on the 3rd day of October 2023, and it was published in the Sanilac County News on the ~~11th~~ day of October 2023.

Section 6.02. This Ordinance shall take effect the day after the date of publication.



William Maitland, Supervisor



Dawn Cubitt, Clerk

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

In the Matter of: Speaker Township
Ordinance No. 2023

County of Sanilac, ss:

Jody Woltman, being duty sworn, deposes
and says that she is the Publisher of the

Sanilac County News

a newspaper printed, published and circulated
in the County of Sanilac and State of Michigan,
and that the notice attached hereto is an exact
copy of a notice which was printed in the aforesaid
Newspaper, on the following dates, to wit:

Dates:

October 11, 2023

Signed: Jody Woltman

Sworn to and subscribed before me, a Notary
Public in and for the State of Michigan, this
11th day of October 2023.

Signature: Evon Pfeilstucker

My commission expires: March 16, 2029

EVON PFEILSTUCKER
Notary Public, State of Michigan
County of St. Clair
My Commission Expires March 16, 2029
Acting in the County of Sanilac

**TOWNSHIP OF SPEAKER
NOTICE OF ORDINANCE ADOPTION**

**Conflicts of Interest and Standards of Conduct
Ordinance No. 2023-2**

The Speaker Township Board has adopted a
Conflicts of Interest and Standards of Conduct
Ordinance. This Ordinance takes effect thirty (30) days
after the date of publication of this Notice. The following
summary of the Ordinance is being published pursuant
to Public Act 78 of 1989:

- ARTICLE I** This article provides the purpose and intent of this Ordinance to establish a code of conduct for all Township officers and employees and to provide standards for conflicts of interest.
- ARTICLE II** This article provides definitions for "Conflict of Interest", "Governmental Decisions", "Immediate Family Member", and "Township Officer".
- ARTICLE III** This article defines and specifies prohibited conduct for Township officers and employees.
- ARTICLE IV** This article provides limited exceptions to some of the prohibited conduct outlined in Article III.
- ARTICLE V** This article provides that the provisions of this Ordinance are severable.
- ARTICLE VI** This article provides the enactment and publication dates, and it specifies when the Ordinance will go into effect.

CERTIFICATION OF CLERK

The Clerk of the Township of Speaker hereby certifies that Conflicts of Interest and Standards of Conduct Ordinance No. 2023-2 was duly adopted by the Speaker Township Board at a meeting held on the 3rd day of October 2023 and that this Ordinance summary was published in the Sanilac County News on the 11th day of October 2023. The ordinance becomes effective thirty (30) days after the date of publication. Copies of the complete Ordinance can be inspected or obtained by contacting the Speaker Township Clerk during regular business hours at: (810) 404-9768.

Dawn Cubitt, Clerk



Friday, October 6, 2023

Checking

	July			Aug			Projected	
	Reconciled Balance	Checks / Debits	Deposits	Service Charges	Interest	Balance	Interest Rate	
Tri-County Bank								
Fire Truck Fund 0435	\$79,952.09		\$1,000.00		\$66.38	\$81,018.47	1.00%	
Operating Fund 0242	\$64,701.36	\$1,372.50			\$48.60	\$63,377.46	1.00%	
Liberty Exp. Reimb. 3293	\$44,452.40				\$36.55	\$44,488.95	1.00%	
ARPA Funds 5040	\$130,975.25				\$107.69	\$131,082.94	1.00%	
Choice One Bank								
General Fund 0128	\$205,425.25	\$27,001.15	\$20,364.00		\$198,788.10		1.00%	
Social Security 9110	\$1,041.68	\$1,004.26	\$1,004.26		\$1,041.68		0.01%	
Tax Fund 7556	\$69,568.81	\$197,795.39	\$227,358.38		\$99,221.97		0.50%	
Petty Cash								
Change for taxpayers	\$300.00					\$300.00		

CD's

	Aug Balance	Date of Interest Pd 4x/yr	Interest	YTD Int	Interest Rate	Maturity Date
Tri-County Bank						
CD3844	\$51,335.76	8/14/2023	\$19.41	\$57.57	0.15%	2/14/2024
CD3852	\$51,335.76	8/14/2023	\$19.41	\$57.57	0.15%	2/14/2024
CD4166	\$51,292.28	7/14/2023	\$19.18	\$57.52	0.15%	4/15/2024

Speaker Township - General Fund Payroll Summary October 1 - 3, 2023

	Baumeister, Shelly M		Cubitt, Dawn M		Kesteloot, Debra A	
	Hours	Rate	Hours	Rate	Hours	Rate
Employee Wages, Taxes and Adjustments						
Gross Pay						
Assessor Wages	1	1,245.80				
Clerk Wages		0.00	1	1,083.34	1	
Deputy Clerk		0.00		0.00		
Deputy Treasurer		0.00		0.00		
Supervisor Wages		0.00		0.00		
Treasurer Wages		0.00		0.00		
Zoning Wages		0.00		0.00		
Total Gross Pay	1	1,245.80	1	1,083.34	1	
Adjusted Gross Pay	1	1,245.80	1	1,083.34	1	
Taxes Withheld						
Federal Withholding		-81.00		-125.00		
Medicare Employee		-18.06		-15.71		
Social Security Employee		-77.24		-67.17		
MI - Withholding		0.00		0.00		
Medicare Employee Addl Tax		0.00		0.00		
MI - Cities Res Tax		0.00		0.00		
MI - Cities Work Tax		0.00		0.00		
Total Taxes Withheld		-176.30		-207.88		
Net Pay	1	1,069.50	1	875.46	1	
Employer Taxes and Contributions						
Medicare Company		18.06		15.71		
Social Security Company		77.24		67.17		
MI - Obligation Assessment		0.00		0.00		
Total Employer Taxes and Contributions		95.30		82.88		

Speaker Township - General Fund Payroll Summary October 1 - 3, 2023

	Kesteloot, ...		Maitland, William J		Sheldon, Tracy S		Sproul, Bo...	
	Oct 1 - 3, 23	Hours	Rate	Oct 1 - 3, 23	Hours	Rate	Oct 1 - 3, 23	Hours
Employee Wages, Taxes and Adjustments								
Gross Pay								
Assessor Wages	0.00		0.00		0.00		0.00	
Clerk Wages	0.00		0.00		0.00		0.00	
Deputy Clerk	495.00		0.00		0.00		0.00	
Deputy Treasurer	0.00		0.00		0.00		0.00	
Supervisor Wages	0.00		666.67		0.00		0.00	
Treasurer Wages	0.00		0.00		0.00		1,083.34	
Zoning Wages	0.00		0.00		0.00		0.00	
Total Gross Pay	495.00		666.67		1,083.34		1,083.34	
Adjusted Gross Pay	495.00		666.67		1,083.34		1,083.34	
Taxes Withheld								
Federal Withholding	0.00		0.00		-2.00		-15.71	
Medicare Employee	-7.17		-9.67		-15.71		-67.16	
Social Security Employee	-30.69		-41.33		0.00		0.00	
MI - Withholding	0.00		0.00		0.00		0.00	
Medicare Employee Addl Tax	0.00		0.00		0.00		0.00	
MI - Cities Res Tax	0.00		0.00		0.00		0.00	
MI - Cities Work Tax	0.00		0.00		0.00		0.00	
Total Taxes Withheld	-37.86		-51.00		-84.87		-84.87	
Net Pay	457.14		615.67		998.47		998.47	
Employer Taxes and Contributions								
Medicare Company	7.17		9.67		15.71		67.16	
Social Security Company	30.69		41.33		0.00		0.00	
MI - Obligation Assessment	0.00		0.00		0.00		0.00	
Total Employer Taxes and Contributions	37.86		51.00		82.87		82.87	

Speaker Township - General Fund Payroll Summary October 1 - 3, 2023

	Sproul, Bonnie		Wolf, Deborah		TOTAL	
	Rate	Oct 1 - 3, 23	Rate	Oct 1 - 3, 23	Rate	Oct 1 - 3, 23
Employee Wages, Taxes and Adjustments						
Gross Pay						
Assessor Wages	0.00		0.00		1.00	1,245.80
Clerk Wages	0.00		0.00		1.00	1,083.34
Deputy Clerk	0.00		0.00		1.00	495.00
Deputy Treasurer	0.00		187.50		1.00	187.50
Supervisor Wages	0.00		0.00			666.67
Treasurer Wages	0.00		0.00			1,083.34
Zoning Wages	500.00		0.00			500.00
Total Gross Pay		500.00		187.50	4.00	5,261.65
Adjusted Gross Pay		500.00		187.50	4.00	5,261.65
Taxes Withheld						
Federal Withholding	0.00		0.00			-208.00
Medicare Employee	-7.25		-2.72			-76.29
Social Security Employee	-31.00		-11.62			-326.21
MI - Withholding	0.00		0.00			0.00
Medicare Employee Addl Tax	0.00		0.00			0.00
MI - Cities Res Tax	0.00		0.00			0.00
MI - Cities Work Tax	0.00		0.00			0.00
Total Taxes Withheld		-38.25		-14.34		-610.50
Net Pay		461.75		173.16	4.00	4,651.15
Employer Taxes and Contributions						
Medicare Company	7.25		2.72			76.29
Social Security Company	31.00		11.62			326.21
MI - Obligation Assessment	0.00		0.00			0.00
Total Employer Taxes and Contributions		38.25		14.34		402.50

SPEAKER TOWNSHIP ZONING REPORT

September 5, 2023

9/6/23 Call from builder for Rob Gaston on Townhall Rd., questioning sq footage of house being built, referred to Sanilac County Building Dept.

9/7/23 Violation letter sent to 574 W. Burnsline Rd for construction without LUP.

9/8/23 Mr. Watkins from 7212 Jordan Rd., wants to put electric pole 200 am in for generators of campers. Letter sent to Sanilac County Building Dept. stating no permits needed from township.

9/15/23 Enforced violation on LUP violation at 574 W. Burnsline Rd. Resident did get permit and is in compliance.

9/29/23 Chad requesting zoning for 3720 Melvin Rd. Said that Elk Twp. Insisted that it was ours which it isn't, but gave him the requested info from GIS.

10/2/23 Call re: what day is trash pickup in the township; explained that township does not do that, and referred caller to his private trash service.

Bonnie Sproul, Zoning Administrator

September fire report.

Speaker Twp Fire Chief <firechief@speakertwpmi.gov>

Tue 10/3/2023 12:26 PM

To:Speaker Twp Clerk <clerk@speakertwpmi.gov>

There were no fire runs to report in September.

We have been awarded a couple separate small equipment grants which you all have been helping with. Jeff can elaborate on the grants if clarification is needed .

We will be participating in orchard fest again this year at the Speaker Orchards on October 14th and 15th.

Trevor

Get [Outlook for iOS](#)

Speaker Township Board, 10-3-2023

I am sorry that I may not be able to attend tonight's township board meeting but I would like to express my opinion as a member of the Planning commission as to reconstituting a Quorum of the commission in order to conduct business.

I believe Mr. Garner will introduce a possible amendment to the township board that he feels will stand the test of law, however I feel that the language is far too broad and in the case of our planning commission would reseal 4 conflicted members onto a 7 member commission.

I feel that the township board should only reseal the necessary number of members necessary to make the quorum whole. Perhaps this could be done by selecting the "least" conflicted members as necessary in order to reseal the number of members necessary to reestablish a quorum.

I am aware that Mr. Garner feels that there is no legal precedence for doing this, as we have discussed the matter previously, but perhaps you, the township board, should take the first step in establishing a solution for a long standing problem other than relying on language in the law from the 1970s.

I feel that the approach taken by Fremont Township was wrong, from a conscientious stand point, as now there are no conflicted members on their Planning Commission as it relates to the consideration of the special land use hearing before them now. Of course in their situation they may have had no other choice.

I realize that this is a very "touchy" issue but I would appreciate your consideration of my input prior to making a decision on this very important issue.

Respectfully,

Ken Dambacher

Speaker Township Planning Commission vice Chairman

SPEAKER TOWNSHIP

MEETING SIGN IN SHEET

DATE:

10/3/23

PURPOSE

Monthly Board Meeting

PRINTED NAME

Brenda Murray

Bonnie Sproul

James Brown

SPEAKER TOWNSHIP

MEETING SIGN IN SHEET

DATE:

10/23/23

PURPOSE

Monthly Board Meeting

PRINTED NAME

Fred MURRAY

Ben Skindhoff

Jan Priess

SPEAKER TOWNSHIP

MEETING SIGN IN SHEET

DATE:

10/3/23

PURPOSE

Monthly Board Meeting

PRINTED NAME

Jeff Withey

Barb Withey

SPEAKER TOWNSHIP

MEETING SIGN IN SHEET

DATE:

10/3/23

PURPOSE

Monthly Board Meeting

PRINTED NAME

Marilyn Strickler

Theresa K. Strickler

Carolyn Fairman

Carolyn Fairman

MARK FAIRMAN

Mark Fairman

Blank lined area for additional sign-in entries.