

**BOIS BLANC TOWNSHIP
SPECIAL MEETING
November 9, 2018
Bois Blanc Township Hall**

Meeting was called to order at 9:44 a.m. by Township Clerk, Diane Akright

Pledge of Allegiance.

Members present were: Anne Kennedy, Diane Akright, and Tom Wybranowski and Louise Sullivan Absent: Brent Sharpe

Others: Graham Whipple, Curtis Plaunt

In the absence of Supervisor Brent Sharpe, it was determined that Clerk D Akright would lead the meeting.

- Agenda was submitted for approval. It was noted that the date was corrected to read Nov. 9, 2018 instead of Oct 18, 2018. Motion was made by T Wybranowski, 2nd by L Sullivan that the agenda be approved. Roll call vote: Ayes: A Kennedy, T Wybranowski, L Sullivan, D Akright Absent: B Sharpe **Motion 2018-118 carried.**
- **Approval for Phase 2 Environmental assessment was presented for approval:** Discussion. Motion was made by T Wybranowski, 2nd by L Sullivan to sign the contract and move forward with the Phase II Environmental on the Cheboygan River property with Mackinac Environmental Technology. Roll call vote: Ayes: A Kennedy, T Wybranowski, L Sullivan, D Akright Absent: B Sharpe **Motion 2018-119 carried.**
- **Soil borings report for the Cheboygan River property previously done by the prior owner of the property:** The board discussed the existence of a prior soil borings report that the previous owner agreed to sell to us for \$500. Prior boring costs were over \$4000. Seeing as this information will be prudent to have and to do the borings ourselves would cost much more, a Motion was made by L Sullivan, 2nd by T Wybranowski to approve the expenditure of \$500 for the soil borings report. Roll call vote: Ayes: A Kennedy, T Wybranowski, L Sullivan, D Akright Absent: B Sharpe **Motion 2018-120 carried.**
- **Approving the hiring of an outside law firm to represent Bois Blanc Township (as well as its bodies, commissions, officials, officers, employees and agents) with regard to any lawsuit or legal challenge to the Township's purchase of the Cheboygan River property and to authorize any legal fees and court costs attributable to such legal proceedings, challenge or litigation to be paid out of the Township's harbor/marine/docks millage fund.** A motion was made by D Akright, 2nd by L Sullivan that the Bois Blanc Township retain the law firm of Miller Canfield (through it's Grand Rapids, MI office) to represent and defend Bois Blanc Township (as well as any of it's commissions, bodies, officials, officers, employees or agents) relative to any lawsuit or Michigan Tax Tribunal proceedings filed challenging or involving Bois Blanc Township's purchase of the Cheboygan River parcel and that the monies or funds to pay for such legal representation of Bois Blanc Township shall be taken from the voter-approved marine/harbor/docks millage fund for Bois Blanc Township.

Discussion: Graham Whipple asked about the funds being taken from the Marina Fund and asked that he be e-mailed any minutes, expenses and actions that would pertain to the Cheboygan River Property going forward. He asked if a case of litigation has been filed? (answer) No, not at this time, only communication from an attorney representing Plaunt Transportation noting that depending on future actions of the board that they would file suit. It was explained that Bloom Sluggett, PC is our municipal attorneys for township business, but they are not litigation (trial) lawyers and we cannot wait for litigation to happen but must prepare in the face of a threat.

Curt Plaunt noted that he still opposed the use of Marina funds for the Cheboygan River property or anything associated with it.

Roll call vote: Ayes: A Kennedy, T Wybranowski, L Sullivan, D Akright Absent: B Sharpe
Motion 2018-121 carried.

Approve a time extension addendum for the Purchase Agreement for the Cheboygan River parcel (still subject to paragraph 19 thereof) Motion was made by L Sullivan, 2nd by A Kennedy to confirm a contingent Purchase Agreement of September 18, 2018 regarding the Cheboygan River parcel purchase and hereby authorize the Township Supervisor and Township Clerk to negotiate and sign an addendum to that Purchase Agreement to extend the closing deadline by up to 65 days (which addendum must also confirm and retain Paragraph 19 of the original Purchase Agreement) and to pay the seller interest at the rate of 6.5% per annum (based on 365 days) during the time that closing is delayed beyond November 29, 2018. Interest will first accrue beginning November 30, 2018, and continue to accrue through the date of closing (if applicable), prorated per diem for each day that the closing is so delayed, to be paid at closing. Roll call vote: Ayes: A Kennedy, T Wybranowski, L Sullivan, D Akright Absent: B Sharpe **Motion 2018-122 carried.**

There being no further business, meeting was adjourned at 10:08am

Respectfully Submitted,
Diane M Akright
Bois Blanc Township Clerk