

**CHARTER TOWNSHIP OF OSCODA
SPECIAL BOARD MEETING
AGENDA'D & NOTICED
December 13, 2023 – 02:00 PM
Robert J. Parks Library
6010 N. Skeel Ave.
Oscoda MI 48750
(989) 739-3211**

Posted Date: December 11, 2023

Press Notification Date: December 11, 2023

Posted By: Joshua Sutton

CALL TO ORDER

ROLL CALL

AGENDA ADDITIONS / CHANGES:

PUBLIC HEARING: Presentation of INDEPENDENT ETHICS COUNSEL OPINION

Case: Tammy Kline Complaint against Jeff Linderman

NEW BUSINESS:

1. Possible action on INDEPENDENT ETHICS COUNSEL OPINION Case: Tammy Kline Complaint against Jeff Linderman
2. Generators for Old Orchard Park

PUBLIC COMMENT:

ADJOURNMENT

INDEPENDENT ETHICS COUNSEL OPINION

Case: Tammy Kline Complaint against Jeff Linderman

Date: November 7, 2023

By: Marc Kaszubski, Esq.

O'REILLY RANCILIO, P.C.
12900 Hall Road, Suite 350
Sterling Heights, MI 48313
(586) 726-1000

I. Introduction/Executive Summary

I have been asked by Township Clerk, Joshua Sutton, to conduct an ethics investigation into a complaint raised by the Superintendent, Tammy Kline (“Kline”) related to statements and actions attributed to Planning Commissioner, Jeffery Linderman (“Linderman”).

Kline’s complaints include allegations that Linderman:

1. Intentionally made false statements and slanderous statements against her in a public letter sent both the Township Board and Planning Commission. These statements include:
 - a. That she engaged in “subversion” in decision making.
 - b. Violated “chain of command”
 - c. Misused township resources “Township Attorney”
 - d. Stated falsely that she told a developer that she would approve all site plans going forward in violation of Township Ordinances.
2. Kline also raised claims that Linderman has had multiple meetings with a local developer (Tom Maxwell) regarding a development that was before Planning Commission outside of the Planning Commission meetings, and that she believes these meetings were not disclosed to the Planning Commission, in violation of the Planning Commission’s by-laws.

Kline has identified Joshua Sutton (“Sutton”) and Robert Tasior (“Tasior”) as witnesses, and as part of my investigation I have interviewed Kline, Sutton, and Tasior regarding these allegations. I have requested the interview of Linderman on multiple occasions to discuss Kline’s allegations. To date, Mr. Linderman has refused to provide dates to be interviewed. I contacted him on October 17th, 23rd, 30th, and November 2nd seeking that he schedule a time and date for his interview. On each occasion, he either asked for more information and/or attempted to direct how the investigation should be conducted. In the opinion of the Investigator, Linderman has engaged in delay of the investigation.

Linderman’s decision not to be interviewed, does not, in and of itself, indicate a violation of the Township of Oscoda’s Code of Ethics, Responsibilities of Public Office (“EO”). With that said, Linderman has stated that all statements in his email are true. Therefore, an analysis of the claims and statements from the witnesses above, must be taken into consideration as it relates to the EO, along with any documents, or other materials relevant to the review.

Under the Township of Oscoda’s Code of Ethics, Responsibilities of Public Office and Employment Section 1.03(b), township officials shall safeguard public confidence by being honest in the performance of their official duties. In this regard, Section 1.03(b) states as follows:

1.03. Responsibilities of Public Office and Employment.

(b) All township officials and employees shall safeguard public confidence by being honest, fair and respectful of all persons with whom they have contact, and in the performance of their official duties, and by avoiding conduct which may tend to undermine respect for township officials and employees and for the township as a public body.

1.06. Violations.

Violations of any provisions of this code should raise conscientious questions for the township official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the township. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

II. Background

The origin of this matter stems from a request for engineering comments and other information related to a Special Land Use Application (“SLUA”) for a development commonly known as the “Maxwell Storage Project.” Trustee and Planning Commissioner Tasior, had requested the Township Engineer’s comments from the former Township Planning and Zoning Director, Nicole Vallette (“Vallette”), related to a revised site plan for the Maxwell Storage Project that was to be the subject of an upcoming Planning Commission meeting. (Attachment A).

As it turned out, neither the Township’s Engineer, nor the Township’s Planning Contractor had reviewed or commented on the revised site plan, prior to the SLUA being scheduled for Planning Commission by Vallette. *Id.* Vallette, who reportedly approved the site plan, did so without receiving comments from the Township Engineer, which was a precondition for site plan approval at the June 5, 2023, Planning Commission Meeting.

Tasior, having concerns over the SLUA vote going forward without the Engineer’s review, contacted Kline to discuss the matter. Kline, along with Tasior, then contacted the Township’s Attorney to discuss questions related to the project and how best to proceed. After speaking with the Township’s Attorney, Kline and Tasior notified Vallette and Linderman that the Township’s Attorney had recommended the matter be postponed until such time as the site plans could be reviewed and commented on by the Township’s Engineer and Contract Planner (John Iacoangeli), so that the Planning Commissioners could have complete information on the agenda item. At that time, Vallette and Linderman were informed that Tasior intended to seek a postponement of the item. Tasior made a motion to postpone the item at the PC meeting so that the revised site plans could be properly reviewed and commented on.

III. Specifics of Complaint

A. Allegations of Misrepresentations/False Statements

On August 24, 2023, Linderman sent an email correspondence (Attachment B) to the Township's Board of Trustees, Supervisor, and Planning Commission. The email accused Kline and others of acting to "subvert the Planning Commission's decision making" and violating the "chain of command" of the Planning Commission, as a whole, and individually. The email further accuses Kline of "unauthorized" use of the Township Attorney, and implies that Kline's actions have put the Township in "legal jeopardy."

As part of her Complaint, Kline has identified multiple statements that are false and damaging to her reputation, and believes they were made intentionally to harm her reputation and that of the Township, in violation of the EO.

Statement 1.

"On Monday August 7th at approx. 3pm I entered Ms. Vallette's office to review the full size plan documents in preparation for the PC meeting that evening. Ms. Vallette was in conversation with Superintendent Kline about removing case 108-2023 (Maxwell Storage Project) when I arrived. Ms. Vallette indicated the agenda change would need to be updated, reposted, and notifications sent to all Planning Commission members. **I was not aware of any issues. Nothing had been communicated or relayed to myself or Ms. Vallette (as she indicated in the subsequent meeting).**"

Evidence of False Statement.

- a. Linderman was made aware of Tasior's request for information from the Township's Engineer as early as Thursday, August 3, 2023, by Vallette. See, Attachment C. Tasior requested to see the Township Engineer's recommendation, after noting that there were changes in the site plan, and maintaining that he believed the vote on the new site plan would be dependent on the engineer's review. Both Vallette and Linderman were aware of these issues prior to the August 7, 2023, Planning Commission meeting.
- b. Linderman (and Vallette) was aware as early as July 31, 2023, that the Township's Engineer had raised issues related to the storm water infrastructure design (permeable pavement) (Attachment D).
- c. Kline informed Linderman and Vallette that the Township Attorney was notified that there was a change in the proposed site plans and that the engineer had not reviewed and commented on the plans. As such, the Township Attorney advised to postpone the item until such time as the Engineer's review could be completed. This was relayed to Linderman and Vallette prior to the Planning Commission meeting.

Statement 2.

“During the Planning Commission meeting on Monday August 7th as per our normal agenda protocol, item #6 Agenda Additions & Corrections, Mr. Tasior motioned to postpone case 108-2023 until we can review public comments from engineering and planner on the advice of our attorney to make an informed decision. **As the Planning Commission Chairperson, I inquired with Mr. Tasior how this came about as it was the first anyone on the Planning Commission and Ms. Vallette were aware that our Township Attorney was consulted on this case.**”

Evidence of False Statement

- a. Both Vallette and Linderman were aware that Tasior had requested more information and were made aware of the fact that Tasior and Kline had spoken with the Township’s Attorney on how best to handle the matter prior to the Planning Commission Meeting.

Statement 3.

“Why would the Chain of Command for the Planning Commission not be followed and **the Chairperson of the Planning Commission not be made aware of concerns**, of which would then be included to Ms. Vallette as the Planning and Zoning Director from the Township Administration side, then carried forward to the Superintendent if concern was still warranted?”

Evidence of False Statement

- a. As noted in the email chain, Linderman and Vallette were in fact aware of Tasior’s concerns related to the site plan and need for information.
- b. Tasior is a Board Trustee, and also sits on the Planning Commission. Whether as a Board Trustee or Planning Commissioner, Tasior asked Vallette for the information, and that information was not presented.
- c. The email chain from August 3, 2023, between Vallette and Linderman is in direct contradiction to the statements made in Linderman’s email, as he (Chairperson) was in fact made aware of these concerns by Vallette, the Planning and Zoning Director.

Statement 4.

“This is a total disregard for not only the **hierarchy of the Township and the Chain of Command policy**, but a blatant disregard for the Planning and Zoning Director, along with the Chairperson of the Planning Commission **and a misuse of our attorney**, considering we didn’t even have the details presented by Mr. Maxwell?”

Evidence of False Statement

- a. Kline sought to assist Tasior's procedural question by contacting the Township Attorney for advice given the underlying circumstances and lack of information.
- b. Linderman's statement that this is a "misuse of our attorney" is not a correct statement and is contrary to past practice of utilizing the Township Attorney for legal advice for boards and commissions.
- c. Linderman is a Planning Commissioner. As Chairperson, he presides over all meetings, appoints members to committees, assigns tasks and performs such other duties as ordered by and deemed necessary by the Township Board. (Attachment E, By-Laws) There is no reporting requirement in the by-laws supporting Linderman's assertion that a Planning Commissioner must report issues they have first to the Chairperson or to the Planning and Zoning Director, before raising the issue with Kline.

Statement 5.

"If Ms. Kline was aware, I'm assuming since she would have to be made aware either by the attorney or Mr. Tasior, **wouldn't she request this be brought back to the Planning and Zoning Director and the Planning Commission Chairperson prior to the meeting to not blindsided the Planning Commission?"**

Evidence of False Statement

- a. The August 3, 2023, email string contradicts this statement.
- b. Both Linderman and Vallette were made aware of Tasior's request for information.
- c. Both Linderman and Vallette were informed prior to the meeting that Tasior would be seeking a postponement.
- d. There is no reporting requirement in the by-laws supporting Linderman's assertion that a Planning Commissioner must report issues they have first to the Chairperson or to the Planning and Zoning Director, before raising the issue with Kline. Regardless, Linderman was well-aware of Tasior's issues, and made aware of the fact Tasior would make a motion to postpone prior to the meeting, and as such was not "blindsided."

Statement 6.

"Absent a sound reasoning for these actions **it almost appears intentional to expose the Planning Director and the Planning Commission Chairperson to an unprepared and unauthorized situation.** When did this conversation with the

Township Attorney occur and who authorized it, assuming there is a written correspondence for the record and accounting of the fees?”

Evidence of False Statement

- a. The August 3, 2023, email string, noted above, contradicts his allegation that Tasior and Kline’s actions were “intentional to expose the Planning Director and Planning Commission Chairperson to an unprepared and unauthorized situation.”
- b. Both Linderman and Vallette were made aware of Tasior’s request for information, and were informed prior to the meeting that Tasior would be seeking a postponement.

Statement 7.

“Ms. Kline concluded the meeting advising Mr. Maxwell going forward that she, **Ms. Kline, will administratively approve all site plans.**”

Evidence of False Statement.

- a. Kline asserts that this is a false statement as she did not advise Maxwell that *she* would be the person approving all site plans.
- b. Instead, the contracted Township Planner and Township Engineer would review all site plans administratively, make sure that it met all Township ordinance requirements before it would be presented to the Planning Commission for approval.
- c. At no time has Kline approved or disapproved a site plan for Planning Commission.

B. Allegations of undisclosed meetings with developer, Linderman, and Vallette.

Kline has alleged that she has witnessed Lindeman engaging in several meetings with Tom Maxwell while his matter was pending before the Planning Commission, stating that she has seen Linderman in the planning office during this time and on multiple occasions. Kline identified Sutton and Tasior as individuals that could confirm her statements.

I have interviewed Sutton on this topic. Sutton confirms witnessing the developer meeting with Linderman and Vallette in Vallette’s office on 10 to 12 separate occasions while the Maxwell Storage Project was pending before the Planning Commission. Most notably, Sutton recalled that Linderman, Vallette, and Maxwell met for three hours on the day of the PC meeting (August 7, 2023), 2 hours on the Friday before the PC meeting (August 4, 2023), and for some period of time on the Thursday before, (August 3, 2023). The August 3rd meeting occurred on the same date that Vallette was reprimanded for not providing information to all PC Members, and tendered her resignation.

I also interviewed Tasior regarding Kline's assertion. He confirmed that he witnessed Linderman, Vallette, and Maxwell meeting on at least three occasions while Maxwell's site plans were before the Planning Commission. Tasior brought one of the meetings to Kline's attention, and he witnessed Kline walk down to Vallette's office and inform Linderman that he should not be in a meeting with Maxwell, and asked him to leave.

Neither Kline, Tasior, nor Sutton could confirm the topic of these meetings, and/or whether they involved the Maxwell Storage Project before the Planning Commission. The exact subject of these meetings have yet to be disclosed by Mr. Linderman. With that said, Linderman did not disclose these meetings, or their topics, with the Planning Commission, and/or in his email dated August 24, 2023, to the Township Board, which stated only:

[T]here seems to be some chatter that I had ex-parte communications with Mr. Maxwell. I have seen him in the community at events on Dwight Street, just as I have seen many of you, as well as at the recent Public Participation Meetings. We've spoken about the renewed energy the town is experiencing as well as the fantastic attendance at events, public participation meetings and discussed future event ideas in support of Oscoda. I did not discuss his site plan or ongoing case with the Planning Commission.

Given the proximity to the meeting dates (August 3rd, 4th, and 7th), issues related to the parking lot, and Tasior's request for information, there is at least an appearance that these meetings involved Maxwell's project that was scheduled to proceed on the evening of August 7, 2023.

Planning Commission By-laws (Attachment E) state that the member "shall" disclose any communications and disclose the details of the communications at the commission meeting after the introduction of the item of which the ex-parte communication pertained. Mr. Linderman has failed to identify any these meetings and/or their topics of discussion at the Planning Commission meetings.

CONCLUSION

Under the Township of Oscoda's Code of Ethics, Responsibilities of Public Office and Employment Section 1.03(b), township officials shall safeguard public confidence by being honest, fair, and respectful of all persons, and must avoid conduct which may tend to undermine respect for township officials and employees, and for the township as a public body.

As noted above, Lindeman's statements contain misinformation and/or unsupportable allegations of misconduct by Township officials. Whether intended or not, the statements made publicly and in the August 24, 2023, email had the cumulative effect of undermining the respect for township officials and/or for the Township as a public body, in particular Kline and Tasior. (Attachment F, Article by Manuela Kress). This prompted the City to issue a Press Release to explain the process and reasoning behind the postponement and deficiencies in the Maxwell Storage Project. (Attachment G, Press Release). Mr. Linderman has refused to be interviewed in this matter, though given the opportunity on multiple occasions to do so.

As such, in the opinion of the investigator, Kline's complaints are justified, and Linderman's statements are in violation of Section 1.03(b) of the Townships Code of Ethics. Pursuant to the CE, such violation may constitute a cause for suspension, removal from office, employment, or other disciplinary action, deemed appropriate by the Township's Board, and the Township Board is advised to discuss any such disciplinary action it may choose to take with the Township Attorney.

ATTACHMENT A

Tammy Kline

From: Nichole Vallette
Sent: Monday, August 7, 2023 7:56 AM
To: Robert Tasior; Tammy Kline
Subject: RE: packet

Good morning Bob,

I have not received feedback from John yet, that is why there is nothing in the packet from him. He was supposed to get back with me last week and did not.

Nichole Vallette
Planning & Zoning Director
Charter Township of Oscoda
110 S. State St.
Oscoda, MI 48750
989-569-6580
zoning@oscodatownshipmi.gov



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From: Robert Tasior <bob.oscodaplanning@gmail.com>
Sent: Friday, August 4, 2023 12:42 PM
To: Nichole Vallette <zoning@oscodatownshipmi.gov>; Tammy Kline <superintendent@oscodatownshipmi.gov>
Subject: Re: packet

Hi again Nichole, well I stated that Rick does not have final approval as stated in the Planning enabling Act that can only come from the Planning Commission. BUT with that said I still need to see our engineers comments for me to make a decision based on the opinion of a professional consultant that works for the Township. I am not trying to be difficult, I am trying to do my due diligence as a PC member that took an oath to do just that. If our Planner and Engineer can give me an opinion I have to respect that opinion just as I would an attorney that is getting paid for those opinions. Please forward any opinions of our consultants so I can prepare for the meeting on Monday.
Thank you



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On Fri, Aug 4, 2023 at 12:17 PM Nichole Vallette <zoning@oscodatownshipmi.gov> wrote:

I thought that the problem you had was Rick was not to review and approve site plans, that is why it is back on the agenda (because there were two changes) so the PC can approve or deny. That was the motion for the previous site plan, this one changed and needs a new motion. My recommendation won't work? Tammy and I talked about it and agreed that it needed to go back to the PC for final approval.....

Nichole Vallette

Planning & Zoning Director

Charter Township of Oscoda

110 S. State St.

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From: Robert Tasiar <bob.oscodaplanning@gmail.com>
Sent: Friday, August 4, 2023 10:59 AM
To: Nichole Vallette <zoning@oscodatownshipmi.gov>
Cc: Tammy Kline <superintendent@oscodatownshipmi.gov>
Subject: Re: packet

Hello Nichole, I looked at the storage unit site plan and I can see the differences in the site plan but again I would like to hear Rick's opinion on this drainage plan and the rest of the plan as agreed in the motion made at the Special Use Permit plan hearing.

Also I know John worked with AZ on the Ausable Development Plan did he also have any comments on the final site plan.

Thank you.

On Thu, Aug 3, 2023, 3:30 PM Robert Tasiar <bob.oscodaplanning@gmail.com> wrote:

I will need to see our engineers recommendation for the storage units. The original motion was dependent on his approval. I believe a new site plan will also be dependent on his approval.

ATTACHMENT B

From: Jeff Linderman <jlinderman437@gmail.com>

Sent: Thursday, August 24, 2023 10:21 AM

To: Bill Palmer <wpalmer@oscodatownshipmi.gov>; Tammy Kline <superintendent@oscodatownshipmi.gov>; Jaimie Mcguire <treasurer@oscodatownshipmi.gov>; Joshua Sutton <clerk@oscodatownshipmi.gov>; oscoda@tlcummings.com; Jeremy Spencer <jspencer@OscodaTownshipMi.gov>; Steve Wusterbarth <swusterbarth@OscodaTownshipMi.gov>; rtaior@oscodatownshipmi.gov

Cc: Rick Freeman <FreemanR@OscodaTownshipMi.gov>; Tim O'Connor <tjo.oconnor@gmail.com>; Ann Victoria Hopcroft <hopcroftlaw@gmail.com>; Greg Schulz <greg.schulz@gmail.com>; jacquelinemackenzie@aol.com; christineb@wolverinescu.com

Subject: Oscoda Township Planning Meeting-August 7th, 2023

Monday, August 24, 2023

To the Oscoda Township Board of Trustees, Superintendent, and Supervisor,

I take no pleasure in having to relay the below information but feel at this point, and in light of recent public communications and conduct at the recent public meetings, the Board must review and consider action on behalf of the Township Administration, Superintendent Kline and Trustee Tasiar. These actions have not only affected potential new business development, but also put the Township, its policies and procedures in question, involve subversion in decision making, chain of command violations against the Planning Commission as a whole, and individually. These actions could have far reaching implications both legally and ethically and could deter potential volunteers for future boards and commission appointments if left unchecked.

The following is a detailed outline of items and the resulting status:

- On Monday August 7th at approx. 3pm I entered Ms. Valette's office to review the full size plan documents in preparation for the PC meeting that evening. Ms. Valette was in conversation with Superintendent Kline about removing case 108-2023 (Maxwell storage project) when I arrived. Ms. Valette indicated the agenda change would need to be updated, reposted, and notifications sent to all Planning Commission members. I was not aware of any issues. Nothing had been communicated or relayed to myself or Ms. Valette (as she indicated in the subsequent meeting). Ms. Kline stated at the attorney's request, Mr. Tasiar will request the case be removed from the evening's agenda during the meeting, and Ms. Kline left.
 - Question: Why would the Director of the Planning and Zoning Department and the Chairperson of the Planning Commission have no idea that the attorney was not only contacted, but what information was discussed that would result in a last minute removal of an agenda item in this manner?
 - Why wasn't the Chain of Command that has been enforced in prior months vehemently supported by the Board of Trustees, of which Mr. Tasiar was in support of, as well as Ms. Kline, who was the one that had the

ongoing challenges to get the Township administration in line with her authority and position, but now wasn't even a consideration?

- During the Planning Commission meeting on Monday August 7th as per our normal agenda protocol, item #6 Agenda Additions & Corrections, Mr. Tasior motioned to postpone case 108-2023 until we can review public comments from engineering and planner on the advice of our attorney to make an informed decision. As the Planning Commission Chairperson, I inquired with Mr. Tasior how this came about as it was the first anyone on the Planning Commission and Ms. Valette were aware that our Township attorney was consulted on this case. Mr. Tasior replied that he had asked for an engineering review on the site plan and did not receive it and asked our attorney what I should do in this case and also got a call from John Iaconangeli telling him that he did not have time to send a review on the case and therefore Mr. Tasior didn't think we had all the information we need to make a decision based on those recommendations from the Principle Planner and Engineer. Mr. Tasior then advised that the attorney advised him to make a motion to postpone this until we have all the information. I then asked Ms. Valette since there was no discussion of any of this and she informed the Planning Commission and audience that she was not aware or included in the meeting with the attorney or Mr. Iaconangeli and had not been advised by Mr. Iaconangeli that he did not have time to review the case. With 2 dissenting votes, the Motion passed and case 108-2023 was removed from the agenda.
 - Why would the Chain of Command for the Planning Commission not be followed and the Chairperson of the Planning Commission not be made aware of concerns, of which would then be included to Ms. Valette as the Planning and Zoning Director from the Township Administration side, then carried forward to the Superintendent if concern was still warranted? This is a total disregard for not only the hierarchy of the Township and the Chain of Command policy, but a blatant disregard for the Planning and Zoning Director, along with the Chairperson of the Planning Commission and a misuse of our attorney, considering we didn't even have the details presented by Mr. Maxwell? The Planning Commission could have then postponed a decision after hearing his presentation. There's no justification for Mr. Tasior's action to withhold the situation from the Planning Commission.
 - If Ms. Kline was aware, I'm assuming since she would have to be made aware either by the attorney or Mr. Tasior, wouldn't she request this be brought back to the Planning and Zoning Director and the Planning Commission Chairperson prior to the meeting to not blindside the Planning Commission? Absent a sound reasoning for these actions it almost appears intentional to expose the Planning Director and the Planning Commission Chairperson to an unprepared and unauthorized situation. When did this conversation with the township attorney occur and who authorized it, assuming there is a written correspondence for the record and accounting of the fees?
 - When was the Planning Commission Policy, Procedures and Ordinances updated requiring approval from outside retained contractors for a site plan approval? I as well as the Planning Director and other members of the Commission were not aware or authorized any changes so in this specific case, 108-2023 the implied effect is that we are treating this situation outside of normal standard protocol and policy, without any justification? This sets a bad precedent for undue bias to a potential business development.
 - Mr. Maxwell also indicated during public comment, as well as his mother Cathy Maxwell, their disappointment with the Township. Mr. Maxwell stated Mr. Tasior approached him at his project site and had discussions about his project. This is a bad precedent for treating long-standing business and residents of the community with the Maxwell family having over 40+ years in Oscoda as stated, and well the timeline and discussions should have never occurred.
- On August 11th Superintendent Kline sent an email to all Planning Commission members outlining the Townships contracted Planner and Engineer comments regarding the site plan that wasn't presented at the Monday August 7th Planning Commission meeting. Later that same day Ms. Valette emailed the Planning Commission members regarding a special meeting request by Mr. Maxwell regarding his case 108-2023. Subsequently on Tuesday, August 15th I received an email from Superintendent Kline stating that no meeting would take place until the site plan had met administrative approval and that the Planner and Engineer

comments were forwarded to Mr. Maxwell. Also, Ms. Kline and I exchanged emails to further clarify who would be the Planning/Zoning Director contact going forward in light of Ms. Valette's resignation? I was informed the contracted Township Planner will be present going forward until a replacement is found.

Lastly, there seems to be some chatter that I had ex-parte communications with Mr. Maxwell. I have seen him in the community at events on Dwight Street, just as I have seen many of you, as well as at the recent Public Participation Meetings. We've spoken about the renewed energy the town is experiencing as well as the fantastic attendance at events, public participation meetings and discussed future event ideas in support of Oscoda. I did not discuss his site plan or ongoing case with the Planning Commission.

One item that left me bewildered so I'll share this to clarify:

- On Wed. July 19th I was contacted by Ms. Valette for availability for a meeting which took place on July 20th with Ms. Kline, Ms. Valette and Mr. Maxwell. During that meeting Mr. Maxwell expressed concerns with the Planning process for his project approval. I did not contribute any feedback to the meeting or offer any verbal input during the meeting. Ms. Kline concluded the meeting advising Mr. Maxwell going forward that she, Ms. Kline will administratively approve all site plans.
- Below are excerpts from the Township of Oscoda's Zoning 165 Ordinances. The Superintendent can't amend the 165 Ordinances on her authority alone.

Section 7.3.1-Intent and Purpose:

- This Article governs the processes and standards for all uses and structures for which site plan approval is required under other provisions of this ordinance. Site plans for permitted uses and special uses *shall be approved by the Planning Commission*. Site plans for planned developments shall receive a recommendation from the Planning Commission and a final decision by the Township Board.

Section 7.3.7-Site Plan Application Determinations:

- Upon review of a site plan review application, the Planning Commission or Development Review Committee *shall* make a determination to approve the application, require any conditions it may find necessary, or deny the application.
 1. **Approval:** The site plan shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
 2. **Conditional Approval:** The Planning Commission may approve a site plan, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies. Conditions imposed shall meet each of the following objectives:
 - A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
 - B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity;
 - C. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
 3. **Denial:** If the Planning Commission determines that a proposed site plan does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written decision which clearly sets forth the reason for such denial.

- On August 7th Ms. Valette contacted me at the request of Superintendent Kline, advising me that I was to be reprimanded for attending the July 19th meeting. Ms. Valette did give me a verbal reprimand. Why? I was asked to attend this meeting, conducted in Superintendent Kline's office, attended by Ms. Vallette and Mr. Maxwell. I didn't initiate this meeting, however I was requested to attend, and could have been asked to leave if any level of impropriety was presumed since Ms. Kline is the 2nd highest Chain of Command under the Board. This makes absolutely no sense to anyone, including me. I again feel blindsided and undermined by these unknown actions. If it was a problem, why didn't Ms. Kline ask me politely to leave?

All of this is concerning to me, as a resident, taxpayer, and as a volunteer appointed by the Board to the Planning Commission. I, as well as my wife, not only look to volunteer and promote our town, but also support the township and its growth. I feel blindsided and that my role as the Planning Commission Chairperson has been undermined by Mr. Tasior. It appears comments by Ms. Valette in the local paper indicate there has been more than one instance and continued ongoing and deliberate actions, that Oscoda Township Officials, Boards and Commissions are left out of decision making discussions. This sets a bad precedent. I would ask that an investigation be immediately initiated by an outside agency, and a formal censure from the Oscoda Township Board to Trustee Tasior be initiated. Additionally, I believe a conflict of interest is present, and Mr. Tasior should recuse himself from case 108-2023 in the future.

I'm requesting that this action be addressed as soon as possible.

Jeffrey Linderman-Oscoda Township Planning Chairperson

CC: Oscoda Township Planning Commission, Oscoda Township Engineer

ATTACHMENT C

Joshua Sutton

From: Nichole Vallette
Sent: Thursday, August 3, 2023 4:46 PM
To: Jeff Linderman
Subject: FW: packet
Attachments: image001.jpg

This is the email that has me fuming. We will chat tomorrow

Nichole Vallette
Planning & Zoning Director
Charter Township of Oscoda
110 S. State St.
Oscoda, MI 48750
989-569-6580
zoning@oscodatownshipmi.gov



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From: Robert Tasior <bob.oscodaplanning@gmail.com>
Sent: Thursday, August 3, 2023 3:31 PM
To: Nichole Vallette <zoning@oscodatownshipmi.gov>
Subject: Re: packet

I will need to see our engineers recommendation for the storage units. The original motion was dependent on his approval. I believe a new site plan will also be dependent on his approval.

On Thu, Aug 3, 2023, 2:15 PM Nichole Vallette <zoning@oscodatownshipmi.gov> wrote:

Hi everyone,

Attached is the packet for Monday's meeting. If you would like a printed copy, please respond only to myself and let me know. Thanks!

Nichole Vallette
Planning & Zoning Director
Charter Township of Oscoda
110 S. State St.
Oscoda, MI 48750

ATTACHMENT D

Joshua Sutton

From: Nichole Vallette
Sent: Monday, July 31, 2023 4:00 PM
To: Jeffrey Linderman
Subject: RE: Check this out from MSU CANR

Interesting read, especially since it is saying permeable pavement is beneficial..... Where as our twp eng seems to think it could be problematic... Hmm

Nichole Vallette
Planning & Zoning Director
Charter Township of Oscoda
110 S. State St.
Oscoda, MI 48750
989-569-6580
zoning@oscodatownshipmi.gov

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-----Original Message-----

From: Jeffrey Linderman <jlinderman437@gmail.com>
Sent: Monday, July 31, 2023 3:44 PM
To: Nichole Vallette <zoning@oscodatownshipmi.gov>
Subject: Check this out from MSU CANR

Check out this site <https://www.canr.msu.edu/news/green-stormwater-infrastructure-building-sustainable-and-resilient-communities>.

ATTACHMENT E

CHARTER TOWNSHIP OF OSCODA

Planning Commission

By-Laws

The following By-Laws hereby adopted by the Oscoda Township Planning Commission to facilitate the performance of its duties as outlined in the Township Planning Act, Public Act 168 of 1959, as amended, Michigan Public Act 33 of 2008 as amended. (Being the Michigan Planning Enabling Act, M.C.L 125.3801, et.seq) and Article IV, Division 3, Sec. 2-138 of the Oscoda Township Code of Ordinances.

Section 1: Officers

- A. **Selection and Tenure:** At the first regular meeting in June of each year, the Planning Commission shall select from its membership a chairperson, vice chairperson and secretary. An elected township official shall not hold office on the Planning Commission. All officers shall serve a term of one year, or until their successors are selected and assume office. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. **Chairperson:** The chairperson shall preside at all meetings, appoint members to committees, assign tasks and perform such other duties as ordered by and deemed necessary by the Township Board.
- C. **Vice Chairperson:** The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the Planning Commission shall elect a successor to the office of vice chairperson for the unexpired term.
- D. **Secretarial Duties:** The Secretary shall execute documents in the name of the Planning Commission, perform the duties listed below and shall perform such other duties as determined by the Planning Commission.
 - 1. **Minutes:** The Secretary and/or Planning & Zoning Director shall be responsible for keeping a permanent record of the minutes of each meeting and shall have them preserved as required by the Township Clerk. The minutes shall contain a clear description of the meeting, including all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 - 2. **Correspondence:** The Secretary and/or Planning & Zoning Director shall be responsible for issuing formal written correspondence with other groups or persons as directed by the Planning Commission. All communications, petitions, reports or other written materials received pertaining to the Planning Commission shall be forwarded to each board member at the earliest opportunity. This includes an annual report of the previous year's activities drafted by the Planning & Zoning Director or Secretary which shall be given to the Planning Commission for review/revision,

prior to submission to the Township Board.

3. **Submit:** Per Diem as required.
 4. **First Yearly Regular Meeting:** At the first regular meeting of the year (January), the Planning Commission shall adopt a resolution setting the regular meeting dates for the upcoming year.
- E. **Zoning Board of Appeals—Planning Commission—Representative:** The Planning Commission, shall appoint a representative to the Zoning Board of Appeals, which shall be appointed annually by the Planning Commission during their yearly June elections. He/she reports the actions of the Zoning Board of Appeals to the Planning Commission and updates the Zoning Board of Appeals on actions of the Planning Commission.
- F. **Economic Improvement Committee – Planning Commission Representative:**
The Planning Commission, being the authoritative Board, has a representative to the Economic Improvement Committee, which shall be appointed annually by the Planning Commission during their yearly June elections. He/she reports the actions of the Economic Improvement Committee to the Planning Commission and updates the Economic Improvement Committee on actions of the Planning Commission.
- G. The Township Board shall appoint a representative to the Planning Commission, which they appoint, and who has the duty of reporting the actions taken by the Township Board back to the Planning Commission. He/she also reports the actions of the Planning Commission back to the Township Board.

Section 2: Meetings

- A. **Meetings:** Meetings of the Planning Commission shall be held on the first Monday of each month or as otherwise directed. Unless directed otherwise, all meetings shall take place at the Robert J. Parks Library.
- B. **Notice:** All meetings shall be noticed in accordance with the requirements of the Zoning Ordinance. Meeting notices shall state the purpose, time and location of meetings and shall be posted in accordance with the Open Meetings Act.
- C. All meetings, minutes, records, documents, correspondence and other materials of the Planning Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- D. A majority of the sitting members of Planning Commission shall constitute a quorum for transacting of business and taking official action for all matters. The Planning Commission shall not conduct business unless a majority of the members are present.
- E. **Voting:** An affirmative vote of the majority of the Planning Commission membership is

required to adopt any part of the Master Plan or amendments to the plan (MCL 125.3843). Unless required by statute, other actions or motions placed before the Planning Commission may be adopted by a majority vote of the membership in attendance, as long as a quorum is present. Voting shall be by voice roll call vote. All Planning Commission members, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last (with the exception of a conflict of interest).

F. **Agenda:** The Planning & Zoning Director shall be responsible for preparing an agenda for Planning Commission meetings. The order of business for meetings shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Welcome of Guests
4. Roll Call of Members
5. Approval of Minutes
6. Additions to the Agenda
7. Public Comment Period (for Scheduled and Non-Scheduled agenda items)
8. Scheduled Public Hearings/Agenda Items
9. Comments of Planning Commission Members
10. Report of the Zoning Board of Appeals Representative
11. Report of the Township Board Representative
12. Report of the Planning Commission Sub-Committees
13. Report of the Economic Improvement Committee
14. Report of the Planning & Zoning Director
15. Adjournment

G. **Public Hearings:** All public hearings held by the Planning Commission shall be held as part of a regular or special meeting of the Planning Commission. The following procedure shall apply to Public Hearings held by the Planning Commission:

1. Chairperson announces the subject and requests a motion to open the Public Hearing. All motions throughout the Public Hearing process will be restated by the Chairperson along with the names of the Commissioners who made and seconded the motion. All voting shall be done by voice roll call vote.
2. Chairperson summarizes procedures/rules to be followed during the Public Hearing.
3. Planning & Zoning Director provides input/analysis.

4. Applicant/Representative presents his/her request.
 5. All comments regarding the Public Hearing will be directed to the Chairperson. Public comment shall be limited to four (4) minutes per person. The Chairperson will accept opposing comments (including letters read by the Planning & Zoning Director) first asking the person's name and address. Once opposing comments have been heard, comments in favor (including letters read by the Planning & Zoning Director) will be heard in the same manner. All persons will be allowed to speak once. After all persons had the opportunity to speak, the Chairperson can allow questions from the Commission. At the discretion of the Chairperson, additional comments may be permitted by the audience prior to the motion to close Public Hearing.
 6. Chairperson requests a motion to close the Public Hearing period.
 7. Chairperson opens deliberations for the Planning Commission members, who will be individually recognized to speak.
 8. When deliberations are complete, the Chairman will close deliberations.
 9. For Special Land Use Permit cases, Site Plans and PD's, any conditions attached to an approval or denial motion shall be read as part of the motion.
 10. Chairperson asks for a motion on the application/petition with a roll call vote.
 11. Chairperson informs the applicant of the Board's decision.
 12. Explanation of Appeal Process upon an application denial.
- H. **Special Meetings:** Applicants to the Planning Commission may request a special meeting, for which all costs (as set by Township Board Resolution) shall be paid by the applicant; if there is more than one applicant, the costs shall be shared equally between all applicants. All special meetings of the Planning Commission will be held in compliance with the Open Meetings Act.

Section 3: Duties of the Planning Commission

- A. Take such action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance and/or Master Land Use Plan as required.
- B. Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board, as needed.
- C. Provide assistance to the Township Board in developing a Capital Improvements Plan.

1. A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
 2. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
 3. The Planning Commission member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance, or;
 4. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict;
 5. A reasonable appearance of a conflict of interest as determined by another Planning Commission member, or another third party shall be discussed. A Planning Commission member can be asked to abstain from voting at the discretion of the Chairperson.
- B. The Planning Commission member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the Commission. The member should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict should not make any presentations to the Planning Commission as a representative of the proposal.

Section 6: Amendments

These By-Laws may be amended at any meeting by a vote of at least four members of the Planning Commission and reviewed in its entirety at the first meeting of May each year and signed by the standing Chairperson.

Adopted by the Oscoda Township Planning Commission on December 2, 2019
Amended by the Oscoda Township Planning Commission on October 3, 2022



Jeff Linderman, Chairperson
Oscoda Township Planning Commission

- D. Site Visits are required and are critical in rendering a proper decision. While visiting a site, some precautions should be used:
1. More than one board member visiting a site at the same time should be avoided. However, the Chairman may authorize a group site visit if necessary. If a group visit is warranted or necessary, the visit shall be posted as a public meeting of the Planning Commission as required by the Open Meetings Act.
 2. Although applicants give members permission to inspect property, members must be cautious not to trespass on adjacent properties without permission, unless they are open to the public (such as a shopping center).
 3. If a board member cannot avoid contact with the applicant or neighbors, etc., the board member must share information obtained with other members during a public meeting. This will avoid "ex parte" (from one point of view) contact.
 - i. For purposes of these Rules, ex parte communication shall mean oral or written, off-the record communication made to or by Commissioners, without notice to parties that is directed to the merits or outcome of a business item.
 - ii. The Planning Commission desires to conduct all proceedings fairly, to create a record that includes all of the evidence upon which recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions. To this end, Commission members should avoid ex parte communication and if any such communications are received, Commission members shall disclose the details of the communication at the Commission meeting after the introduction of the item of which the ex parte communication pertained.
- E. Annual Reports to the Township Board shall include attendance by Planning Commission members for all meetings, work sessions, and training sessions.

Section 4: Resignations and Vacancies

- A. A member may resign from the Planning Commission by sending a letter of resignation to the Township Supervisor, Township Board or the Planning Commission Chairperson. Vacancies shall be filled by appointment of the Township Supervisor and confirmation of the Township Board.

Section 5: Conflict of Interest

- A. Planning Commission members shall disclose any conflict of interest and shall abstain from voting and participating as a member of the Public in a hearing or deliberations on a request when:

ATTACHMENT F

Museum and the Oscoda Rotary Club had a busy weekend hosting the 2023 fly-in.

According to organizer Judy Shuler, a total of 42 planes flew in over the mornings of Aug. 19 and 20. The museum saw 304 visitors over the two days. A pancake breakfast hosted by the Oscoda Rotary Club served over 440 breakfasts consisting of plain, chocolate

for the pilots.

According to Rotary President Cathy Wusterbarth, the club ran out of pancake mix on Saturday, and ran out of chocolate chips, blueberries and plastic ware on Sunday, necessitating some quick trips to the store. The record breaking attendance was attributed to

See Fly-in, Page 11A

PFAS at several WAFB sites, and the ways in which some of these efforts will be expedited.

(For more details on the AF's plan to achieve this, as well as the related discussions that took place in the latest RAB meeting, see the story which begins on page 1B).

Favorable feedback on the announcement has since been shared by community members, Governor

Environment, Safety and Infrastructure – is pictured during the Aug. 16 Wurtsmith Restoration Advisory Committee meeting in Oscoda. In an announcement being lauded by the advocate to combat contamination in the area, Lynnes revealed that to expedite projects aimed at addressing the spread of PFAS at the former AF base in Oscoda.

Gretchen Whitmer, U.S. Senator Gary Peters (D-MI), Congresswoman Elissa Slotkin (MI-07),

various other officials and representatives of such organizations as See WAFB, Page 4A

Planning Commission approves final site plan for apartments, delays storage units, arguing ensues

by Manuela Kress

OSCODA – The August 7 Planning Commission (PC) meeting was fraught with controversy and emotion.

The disputes started when PC Member Robert Tasior made a motion to postpone discussion on case 108-2023, Tom Maxwell's plan to build storage units along US-23 north of downtown on a piece of property he owns between Janis Tire and the Citgo gas station.

Tasior said he had asked for an engineering review of the site plan but had not received it. He indicated that Township Engineer Rick Freeman had some concerns. Tasior also said that Planner John Iacoangeli said that he didn't have time to review the plan.

Tasior, who apparently circumvented the chain of command, said that the township's attorney advised him to make a motion to postpone discussion of the case. Reportedly Tasior and Superintendent Tammy Kline spoke to the attorney without having Planning and Zoning Director Nichole Vallette or Planning Commission Chair Jeff Linderman in attendance. Tasior also stated that he had gone out to the site and had spoken with Maxwell.

Member Vicki Hopcroft provided support to Tasior's motion

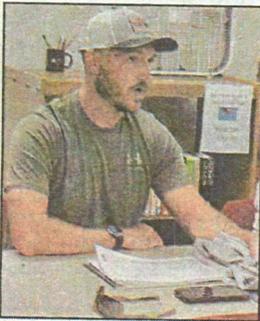


Photo by Manuela Kress

DISAPPOINTED – Tom Maxwell tells Planning Commission members that he is disappointed that they voted to postpone discussion of his site plan.

to postpone discussion.

As previously reported, Vallette announced her resignation at the end of the meeting. One of the reasons she gave for resigning was constantly being undermined by Tasior.

An example of the power struggles between Vallette and Tasior played out at the Aug. 7 meeting.

Vallette approved the final site plan for Maxwell and put the case on the agenda for discussion and final approval.

"Since receiving final site plan approval at the June 5th, 2023 meeting, the site plan has changed and is being brought back to the Planning Commission for approval," Vallette said in the meeting packet.

"The applicant is now using porous asphalt, which negates the need for water retention on the US-23 side of the property, making it so he can put in an entrance on the US-23 side as well. The applicant

has applied with MDOT (Michigan Department of Transportation) for their approval. (No.) 20 of the Site Plan Application Requirements (Section 7.3) states: A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management

practices," Vallette continued.

"My recommendation is to approve the changes made for the final site plan review as it meets the requirements of Section 7.3 and Section 10.3. Please review Sections 7.3 and 10.3 in the Ordinance for all applicable approval standards," Vallette concluded.

See Planners, Page 9A

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LOCAL NEWS

PLANNERS

Continued from Page 1A

According to Valente, the plan met the code requirements and included the use of porous asphalt which is preferred according to the code.

In a vote of 5 to 2, with Linderman and PC Member Tim O'Connor voting no, the PC voted to postpone discussion of the case. Linderman said he was blindsided by the motion to postpone the case. Maxwell spoke during public comment to say he was pretty disappointed that the PC voted to postpone discussion on his project. Maxwell reported that Tastor came on site to his project and spent 15 minutes talking with him and told him his plan needed to go to the PC to be reviewed again. Maxwell said given Tastor's standing in the community, he followed his instructions. Maxwell said there are a lot of inconsistencies in how he is being treated and how other developers have been treated. He said he was disappointed with how he was being treated.

Maxwell pointed out that his engineer, Rebecca Rivard, who is licensed by the state, stamped and signed the plans which Maxwell described as "green and forward thinking." The meeting packet included a Drainage Design Checklist for Accessing State Trunkline Drainage System that was completed by Rivard.

"I'm pretty disappointed in

all of you," Maxwell told the PC members.

Rob Young, owner of Mancino's, said he commended Tastor for looking at the porous asphalt which he claimed has a 75% failure rate according to studies conducted by the Environmental Protection Agency (EPA).

Young reiterated his concerns about the proposed privacy fence being located five feet and six inches from his house. Young said he was 100% against the project and added, "It's wrong."

"I have been in this community for 40 years. I am very disappointed in the board," said Cathy Maxwell, who owns Cathy's Hallmark in downtown Oscoda.

She noted the tax revenue that her business brings into the township. Cathy described what she said was a lack of professionalism. She reminded the PC that her son Tom is proposing a development that is a legal use of the property according to the township.

Cathy said that porous asphalt is green and is used in East Tawas and Florida.

"We've been stonewalled," Cathy concluded. She added that it was hard to understand and that their business had stayed in Oscoda when times were rough.

"During public comment, Art Cruse said he thought the proposed apartments on Skeel Avenue are

"fabulous" but he asked about a privacy fence between the apartments and some rental houses he owns on California Street.

Brian Haley said he was glad the township was going to do a structural needs assessment. He asked that the township define what a community center is and get input from people about what they want in a community center.

Supervisor Bill Palmer said he is in favor of development but it has to be done correctly. He talked about fully utilizing the resources available including Lacangel, who is employed as a contractor with the township.

Palmer addressed the issues that had come up regarding the size of the water mains feeding the Holiday Inn Express that is being built near the Oscoda Beach Park. Palmer said there were different diagrams indicating different pipe sizes. Palmer talked about being on the PC for the preliminary site plan review for the storage units. The two changes since are the proposed entrance along US-23 and the use of porous asphalt.

"At this point the meeting started to get personal with Art Cruse talking about his original plans to purchase property for storage units being rejected. Since then Cruse has built storage units on Forrester Road and is in the process of renting out the units."

"That's big talk for an old guy," Tom Maxwell told Cruse after the two exchanged bars.

The PC went on to discuss the apartments proposed by Developer Ed Bolanowski, doing business as AuSable Development. The 216 unit complex will be built on Skeel Avenue, just north of the Veteran's Memorial Park. Bolanowski said that a six foot tall privacy fence is planned along California Street.

Hopcroft asked a number of questions about the siding that will be used on the buildings. She asked about the material that is going to be used and the color. Bolanowski said the colors haven't been chosen yet but that he plans a modern look and something more modern than the existing buildings on the former base.

Bolanowski discussed the need for charging stations for electric cars and that it would be more cost effective to put the charging stations into the plans than after the fact. Currently there is one township owned charging station in the parking lot behind The Office Lounge and Grill downtown.

Bolanowski said that there will be a masonry enclosure for the dumpster.

Motion by Tastor to approve the final site plan submitted by AuSable Development with local and state regulations being met, support from Member Jackie MacKenzie, passed unanimously.

A public hearing was opened at 6:42 p.m. to discuss the addition of gas stations, with or without

Land Use Permit.

Cruse made the only public comment during the hearing. He stated that he lives behind Parry and Food on Van Effelt Creek and that he was already being "dumped on" by Oscoda Plastics and Tip Top Sorew. Cruse said he has to bring in fresh water and that he moved here for the quality of life. Cruse was told that the public hearing was about the ordinance, not the proposed addition of a gas station to Parry and Food. The public hearing closed at 6:45.

During deliberations, Tastor said that the amendment was to the R-47 Corridor Business District but that the township is also working on an ordinance to address filling stations in general and that a meeting was being held on Thursday.

Hopcroft and Linderman both said that they had grammatical corrections that were non-substantive.

O'Connor said he was glad the township is addressing the oversight. Linderman noted that the amendment does not apply to an address. Deliberations closed at 6:49.

Motion by Tastor to move the addition to the Board of Trustees, support from Schultz, passed unanimously.

Motion by Hopcroft, support from Schultz, to approve the by-laws revision with grammar edits, passed unanimously.

The PC went on to review the Capital Improvement Plan (CIP). Schultz asked about the budget and expressed concern about there not

PEAS

Continued from Page 4A

the one he worked on during the Korean Crisis.



Photo by Manuela Kress
IT'S WRONG – Rob Young, who owns Mancino's, tells Planning Commission members he is 100% opposed to the site plan.

cutouts around downtown at local businesses, the township hall, the Oscoda Beach Park and the Robert J. Parks Library.

During member comments, Hopcroft thanked the Maxwells and said she didn't know why Rick Freeman didn't attend the meeting.

"I hate to see you be discouraged," Hopcroft told the Maxwells. She said that the PC's mission is to make sure we do it right. "Thank you and I'm sorry," Hopcroft concluded.

Tasior said that when he went to the gas station and talked to Maxwell that he assumed that Freeman had approved the site plan. He claimed he did not have an ex parte communication with Maxwell. Tasior said if there were concerns from the engineer the PC should have seen them.

"That's why we have engineers and planners. Good decision are part of RRC," Tasior said referring to the Redevelopment Ready Community status of the township.

Linderman said he liked Furtaw Field being used for events and mentioned the Guns n Hoses softball tournament between the police and fire departments. He added that he community was coming alive with events.

Vallette concluded the meeting by encouraging the PC members to read the ordinance.

"I thought I could make a decision but apparently I couldn't," Vallette said. She added that the ordinance specifically encourages the use of porous asphalt and that the entrance on US-23 was an issue between Maxwell and the Michigan Department of Transportation (MDOT).

After the meeting emotions continued to run high. Haley told Ta-



Photo by Manuela Kress
POSTPONED – Planning Commission Member Robert Tasior made a motion to postpone discussion of Maxwell's case despite it being approved by Planning and Zoning Director Nichole Vallette.

sior he should be the one to resign. Devon Tasior started arguing with Rose Lathan and Deb Rauch, the three have had ongoing arguments via social media. Devon ended up being escorted out of the room by her husband.

It appears that Young was referring to an EPA fact sheet from 1999 that addressed the failure rate of porous asphalt if not properly installed or maintained. The fact sheet, "Storm Water Technology Fact Sheet Porous Asphalt" states that not many contractors had the necessary expertise to install porous asphalt. The fact sheet addresses both the pros and cons including some risk of contamination of ground water.

Based on the research by this publication, porous asphalt allows water to drain to a base layer below and eventually to the water table thereby reducing puddling and eliminating the need for a separate drainage system. Porous asphalt requires proper installation and quarterly maintenance to ensure its longevity which is 20 years, if properly maintained, which is the equivalent to the longevity of asphalt.

After the meeting, Tom Maxwell made two requests for a special meeting to discuss his case. Both of the requests were denied by Kline. Special PC meetings were held for the MacDonalds and Bolanowski this summer.



Photo by Manuela Kress
AIRPLANE ENTHUSIAST – Jim Sanford drove up from AuGres to attend the fly-in. Sanford is pictured with a fully restored 1947 Stinson that flew in on Sunday morning from Kalkaska.

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ATTACHMENT G

PRESS RELEASE REGARDING MAXWELL SPECIAL LAND USE APPROVAL

Oscoda Township, October 2, 2023. There has been a fair amount of misinformation circulating regarding the recent special land use application for the property located at N US 23 / Cedar Lake Road. Oscoda Township would like to set the record straight.

The Michigan Zoning Enabling Act governs the zoning and planning process in Michigan. The Michigan Zoning Enabling Act allows a local government, in its discretion, to allow for special land uses in some or all of its zoning districts. It provides that if special land uses are authorized by local government, then site plans must be submitted, reviewed and approved as part of the special land use application.

Pursuant to the Michigan Zoning Enabling Act, Oscoda Township adopted a Zoning Ordinance. The Township's Zoning Ordinance allows for special land uses in several Zoning Districts, and echoes the state law requirements that special land use applications include a "complete site plan." Article IX, Section 9.5.2.D. Article IX, Section 9.5.4 of the Township Zoning Ordinance provides that special land use and site plan approvals "*shall be concurrent.*" Finally, Article X, Section 10.5 of the Zoning Ordinance provides that approvals for site plans reviewed in conjunction with a special land use application shall be conditioned upon approval of the special land use by the Planning Commission.

These zoning ordinance provisions were not properly considered and applied to the Maxwell Special Land Use process. Specifically, on March 16, 2023, the Oscoda Township Planning Commission was asked to consider the special land use application for a proposed mini-storage development on property located on North US-23, aka the Maxwell Project. Importantly, there was no site plan presented to the Planning Commission as part of the special land use approval request as required by the Michigan Zoning Enabling Act and the Township's Zoning Ordinance, as more fully explained above. The-then Planning and Zoning Director incorrectly advised the Planning Commission at that meeting that site plan review comes "later." In reliance on the Planning and Zoning Director's inaccurate statement, the Planning Commission approved the Maxwell Special Land Use Permit without the required site plan.

On June 5, 2023, a site plan for the Maxwell project was presented to the Planning Commission. The Planning Commission voted to approve the site plan, *subject to* the review and approval of the Township Engineer. The Township Engineer never approved the site plan and, therefore there was no approved final site plan for the Maxwell Project.

In the meantime, on July 7, 2023, despite not having an approved final site plan nor construction permits issued by the Township, the Township was notified by the Michigan Department of Transportation that construction on the Maxwell Project had begun, including the creation of an entrance onto US-23 for which a MDOT permit had not been obtained. Additionally, the work that

had started on the property was not in conformance with the site plan considered by the Planning Commission.

The matter was scheduled for the August 7, 2023, Planning Commission meeting to consider approval of a revised site plan, adding the proposed entrance on to US-23. Trustee Tasior raised concerns regarding the process, which prompted conversations between the Township Attorney, Superintendent Kline and Mr. Tasior. The matter was properly postponed in order to review the handling of the Maxwell Special Land Use Approval and determine how best to proceed. It has been determined that the Planning Commission should consider rescinding its prior improper approval of the Special Land Use Permit and reconsider it along with an updated site plan at an upcoming Planning Commission meeting. The Township is awaiting an updated site plan from the applicant so it can move this process along.

Memo

To: Tammy Kline, Township Superintendent

From: Al Apsitis, Parks and Recreation Director

Date: December 7th, 2023

Regards: Generators C.I.P. Purchase

Superintendent Kline,

Old Orchard Park Campground would like the board to consider Banning electric of West Branch for installation of two 26kWh back-up generators and associated electrical work as bid in the RFP.

Generator (X2)/Distribution box/electrical install	- \$34,702.00
Hook-up to propane (X2)	- \$600.00
Additional hardware	- \$150.00
Total install/Equipment	\$ 35,452.00

Thank you for your consideration,

Al Apsitis

The Charter Township of Oscoda
Parks and Recreation Director



Charter Township of Oscoda
110 South State Street
Oscoda, Michigan 48750
Office of Supervisor: (989)739-3211
Office of Clerk: (989)739-4971
Office of Treasurer: (989)739-7471
Office of Superintendent: (989)739-8299
Fax: (989)739-3344

December 7, 2023
2023 OOP Generators
Bid Tabulation

Jent Electric	
Total	\$35,530.00
Banning Electric	
Total	\$34,702.00

CHARTER TOWNSHIP OF OSCODA
Purchase and Installation of two (2)
Stand-by Generators and Electrical Upgrades
Old Orchard Park Campground

BIDDER'S TOTAL SUM BASIC BID: will be for Two (2) stand-by 26 kWh generators with outlined accessories, including all wiring, equipment, labor, and permits required to complete the installation as well as the outlined electrical upgrades located at two campground buildings, respectively.

Company Name: Banning Electric

Primary Point of Contact Name: Brent Banning

Address: 1963 Urban Ridge Rd.
West Branch Mi 48661

Phone Number: 989-345-3905 Fax: 989-345-4888

Email: banningelectric@aol.com

Written Bid Amount Total: _____

\$ 34,702.00
(Numerical amount)

Submitted and signed this 27th Day of November, 2023.

Signature of person(s) authorized to legally bind the Supplying Vendor:

Brent Banning
Signature

Typed or Printed Title: _____

Typed or Printed Name: Brent Banning

CHARTER TOWNSHIP OF OSCODA
Purchase and Installation of two (2)
Stand-by Generators and Electrical Upgrades
Old Orchard Park Campground

BIDDER'S TOTAL SUM BASIC BID: will be for Two (2) stand-by 26 kWh generators with outlined accessories, including all wiring, equipment, labor, and permits required to complete the installation as well as the outlined electrical upgrades located at two campground buildings, respectively.

Company Name: Jent Electric

Primary Point of Contact Name: FRANK Blackwood

Address: 5279 Cedar Lake Rd.

OSCODA MI 48750

Phone Number: 989-306-7356 Fax: _____

Email: FRANK@JentElectric.net

Written Bid Amount Total: Thirty Five Thousand Five Hundred Thirty dollars

\$ 35,530.00

(Numerical amount)

Submitted and signed this 5th Day of December, 2023.

Signature of person(s) authorized to legally bind the Supplying Vendor:


Signature

Typed or Printed Title: FRANK Blackwood - Sales Manager

Typed or Printed Name: FRANK Blackwood

GRETCHEN WHITMER
Governor

Michigan Department of Licensing and Regulatory Affairs
Bureau of Construction Codes

Q762563

Master Electrician License

TIMOTHY A JENT
5279 CEDAR LAKE RD
OSCODA TWP, MI 48750

License No.
6212627

Expiration Date:
12/31/2024

This document is duly
issued under the laws of the
State of Michigan

GRETCHEN WHITMER
Governor

Michigan Department of Licensing and Regulatory Affairs
Bureau of Construction Codes

L339573

Mechanical Contractor License

TIMOTHY A JENT
5279 CEDAR LAKE RD
OSCODA, MI 48750

Classifications:
10D - Fuel Gas Piping

License No.
7118541

Expiration Date:
08/31/2026

This document is duly
issued under the laws of the
State of Michigan



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/01/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hale Insurance Agency, Inc. PO Box 217 Hale MI 48739		CONTACT NAME: PHONE (A/C No. Ext): 989-728-3191 FAX (A/C No.): 989-728-4020 E-MAIL ADDRESS:	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Home Owners Ins Co NAIC # 26638	
		INSURER B: MI Work Comp Placement Facility	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

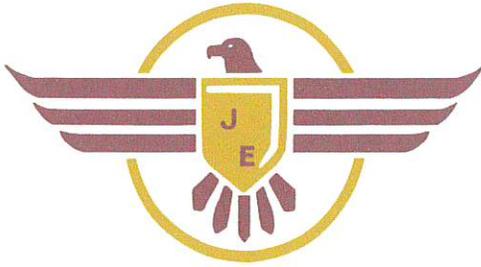
COVERAGES **CERTIFICATE NUMBER:** 20230201135458392 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	N	N	33786415	08/10/2022	08/10/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Fire Legal Liability \$	
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$	
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$	
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	N	ARP12003389100	02/18/2022	02/18/2023	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER Advantage Alliance	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Dava S. Benjamin</i>
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JENT ELECTRIC

Old Orchard Park Campground
883 East River Rd.
Oscoda, MI 48750

(989) 254-7198

oopmaintenance@oscodatownshipmi.gov

ESTIMATE	#20405-1
ESTIMATE DATE	Oct 30, 2023
SERVICE DATE	Oct 27, 2023
EXPIRATION DATE	Jan 30, 2024
TOTAL	\$17,490.00

CONTACT US

5279 CEDAR LAKE RD
OSCODA, MI 48750

(989) 306-7356

frank@jentelectric.net

ESTIMATE

Services	qty	unit price	amount
Service panel	1.0	\$2,795.00	\$2,795.00
Remove existing and install new 200amp 40 slot service panel, install breakers 15/20/30amp as required and run circuits, identify breakers on chart.			
Meter Box	1.0	\$370.00	\$370.00
Remove existing and install 200amp meter box and mast, push line through for connection to power company line and connect main lines into service panel			
Materials	qty	unit price	amount
Generac Guardian Series 26KW	1.0	\$13,950.00	\$13,950.00
INSTALL NEW 26 KW GENERAC STANDBY GENERATOR ON 3 INCH COMPOSITE PAD.			
INSTALL NEW 200 AMP AUTOMATIC TRANSFER SWITCH.			
INSTALL NEW FEEDER WIRE TO GENERATOR.			
INSTALL NEW 200 AMP 4 WIRE SUB FEED TO EXISTING PANEL.			
INSTALL GROUND ROD AND GROUND SYSTEM TO CODE.			
INSTALL LP REGULATOR TO NEW GENERATOR.			
FILE ELECTRICAL/PLUMBING PERMIT(S) AND COORDINATE INSTALLATION WITH CONSUMERS AND TOWNSHIP INSPECTOR.			
Generac Cold Weather Package	1.0	\$375.00	\$375.00
This package consists of			
Air Cooled Battery Heater Kit			
The pad warmer rests under the battery			

Air Cooled Oil Heater Kit
The oil warmer slips directly over the oil filter.

Generac Maintenance kit	1.0	\$0.00	\$0.00
Includes Oil, Oil Filter, Air Filter and Spark Plus.....No Charge			

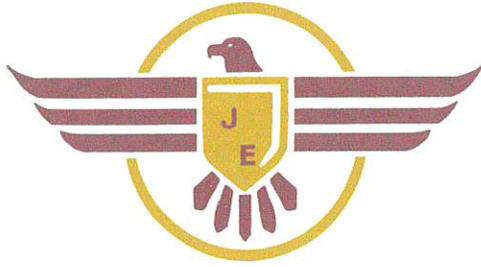
Subtotal	\$17,490.00
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Total	\$17,490.00
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Thank you for choosing Jent Electric. Please visit our website and leave us your feed back or visit us on Facebook or Yelp

JENT ELECTRIC | 6019007

<http://www.jentelectric.net>



JENT ELECTRIC

Old Orchard Park Campground
 883 East River Rd.
 Oscoda, MI 48750

(989) 254-7198
 oopmaintenance@oscodatownshipmi.gov

ESTIMATE	#20405-2
ESTIMATE DATE	Oct 30, 2023
SERVICE DATE	Oct 27, 2023
EXPIRATION DATE	Jan 30, 2024
TOTAL	\$18,040.00

CONTACT US

5279 CEDAR LAKE RD
 OSCODA, MI 48750

(989) 306-7356
 frank@jentelectric.net

ESTIMATE

Services	qty	unit price	amount
Service panel	1.0	\$2,795.00	\$2,795.00
Remove existing and install new 200amp 40 slot service panel, install breakers 15/20/30amp as required and run circuits, identify breakers on chart.			
Meter Box	1.0	\$370.00	\$370.00
Remove existing and install 200amp meter box and mast, push line through for connection to power company line and connect main lines into service panel			
Install duplex outlets	2.0	\$275.00	\$550.00
One on south east corner of building and one on east corner of building for bagged ice cabinets			
Materials	qty	unit price	amount
Generac Guardian Series 26KW	1.0	\$13,950.00	\$13,950.00
INSTALL NEW 26 KW GENERAC STANDBY GENERATOR ON 3 INCH COMPOSITE PAD.			
INSTALL NEW 200 AMP AUTOMATIC TRANSFER SWITCH.			
INSTALL NEW FEEDER WIRE TO GENERATOR.			
INSTALL NEW 200 AMP 4 WIRE SUB FEED TO EXISTING PANEL.			
INSTALL GROUND ROD AND GROUND SYSTEM TO CODE.			
INSTALL LP REGULATOR TO NEW GENERATOR.			
FILE ELECTRICAL/PLUMBING PERMIT(S) AND COORDINATE INSTALLATION WITH CONSUMERS AND TOWNSHIP INSPECTOR.			
Generac Cold Weather Package	1.0	\$375.00	\$375.00

This package consists of

Air Cooled Battery Heater Kit
The pad warmer rests under the battery

Air Cooled Oil Heater Kit
The oil warmer slips directly over the oil filter.

Generac Maintenance kit	1.0	\$0.00	\$0.00
Includes Oil, Oil Filter, Air Filter and Spark Plus.....			No Charge

Subtotal	\$18,040.00
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Total	\$18,040.00
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Thank you for choosing Jent Electric. Please visit our website and leave us your feed back or visit us on Facebook or Yelp

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<http://www.jentelectric.net>