



**ACME TOWNSHIP SPECIAL BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
10:00 a.m. Monday, November 8, 2004**

Meeting called to Order at 10:00 a.m.

Members present: R. Agruda, D. Amon, D. Hoxsie, N. Knopf, C. Walter
Members excused: None

INQUIRY AS TO CONFLICTS OF INTEREST; None noted.

- A. Discuss strategy for CCAT Lawsuit filed October 20, 2004 against Acme Township and the Current Board of Trustees:** Amon stated that Knopf requested that he call the special meeting and asked her to present her concerns. Knopf stated that on Friday afternoon she asked Corpe for a status update regarding the lawsuit. Corpe didn't know, so she called Christopherson who told her that a deadline to respond to the initial filing had been extended to December 28. It was then discovered that there had been correspondence between Christopherson and James Pagels discussion the extension copied only to Amon and Corpe. She does not know why the balance of the Board was not included in the correspondence, and doesn't know why Christopherson would have proceeded in this fashion without Board approval. It does appear that some information was forwarded to Ken Petterson and Tim Stoepker, attorneys for The Village at Grand Traverse. Knopf is concerned about the extension having occurred without the Board's knowledge, extending the time to file a response to the new Board's administration.

Christopherson stated that he did not obtain approval from the Board to seek the extension, nor did he feel it necessary. He stated that he makes decisions about suits on behalf of clients every day without input as to every individual item, although certainly things like settlements would require Board approval. He kept the Supervisor informed. Knopf felt Christopherson should have extended the courtesy of consulting with the Board first. Christopherson stated that he could file an answer right now, but the new Board could file an amended answer in a few weeks that would supersede anything filed now. He believes that filing now is only going to waste the taxpayer's money. If the new Board files an amended answer, anything filed now will never have any force or effect and will not further the current Board membership position.

Amon asked for confirmation that the entire Board had received a copy of the initial lawsuit filing itself. Knopf stated that she does not trust the incoming Board members to file a comprehensive and "unprejudicial" response to the lawsuit. She would therefore prefer that the current Board make a filing. Even if it is ultimately overridden she believes it is an important step to take. She does not want to leave the initial filing to a group of people who have "harassed" the current Board.

Hoxsie asked for and received clarification that any response filed, no matter who the individual Board members are at the time, must be based on the minutes and other records of the proceedings. Christopherson agreed; however, he also noted that there are conclusions and assertions made based on this record that must be addressed. For instance, the suit alleges that approval to The Village project has been granted illegally. Knopf is concerned that a response filed by the new Board will say, "Yes, we agree."

It seems that The Village at Grand Traverse may choose to intervene in the suit. Walter asked if there is a timeline for doing so; Christopherson stated that there is not, but that intervention is subject to approval by both the township and CCAT. A motion by the Board requesting that The Village intervene is not required. The Village will need to file a motion to intervene with the Court. Hoxsie confirmed again that any response must be based on the historical record of what has occurred provided by minutes. He also recognizes that a new

Board, and perhaps a new township attorney, may respond by saying that the township did act inappropriately. Christopherson noted that this may occur and be binding even if the current Board members file a response. Knopf feels it important to at least establish that the current Board wishes to defend its actions vigorously against the claims CCAT has made. She asked the Board to support her request to compel Christopherson to respond to the lawsuit on the township's behalf as soon as possible.

Amon noted that the township is a continuing entity regardless of which individuals are on the Board at any given time. He asked if it is important for The Village to file for intervention before the December 28 deadline to respond to the initial filing. Christopherson replied that there is no firm deadline for intervention, although if it will be done it should occur sooner rather than later. Judges are less inclined to permit intervention when much has already occurred. Amon asked what would happen if the new Board takes a substantially different course through the lawsuit; Christopherson responded that The Village can still be an intervening party and represent its own interests in the case. Knopf stated that she doesn't trust the local judicial system.

Hoxsie asked what the cost to the township would be if an immediate filing is made. Christopherson estimated it at less than \$2,000. Hoxsie observed that what is filed could be modified and if so would lose all force and effect. On the other hand, the document might not be modified and might remain in effect. He is trying to weigh the possible benefit against the certain cost. Knopf feels the filing is important, even if only to cause people to ask why a new Board which has not experienced the process and defense of the first lawsuit from the township's perspective has changed the township's course. Perhaps it will cause the Court or others to ask why the new Board has changed the filing. Knopf stated that the new board members are CCAT members and were sponsored by CCAT. She stated that they are part of a special interest group.

Walter noted that the suit names the Township and the Board of Trustees. Christopherson stated that the Board has not been named as individuals – the reference to the Board will carry over to the new Board. Walter stated that if he were coming into office as a new Trustee, he would want to eliminate any lawsuit as quickly as possible. He believes the lawsuit will cease to exist when the new Board takes office or shortly thereafter. Then The Village will have to “shoulder the whole burden” and it will “become very nasty.” He believes that a response should be filed on behalf of the current Board members. He also told Christopherson that he was very unhappy that the letters regarding the extension were copied to Amon and Corpe only, and that neither had the courtesy to copy the rest of the Board. He has not seen enough productivity to believe that they were too busy to do so. Christopherson stated that in 85% or better of his correspondence he copies Amon and the office only and is willing to provide proof. Knopf stated that it was Amon's responsibility to make the Board aware. Several Board meetings have been held during this time period, and neither Corpe nor Amon mentioned anything about it so that the issue could be discussed if necessary. Amon stated that he accepted responsibility for not having acted differently and that it was not done purposefully. Christopherson stated that he would have given a report at tomorrow's meeting, and there was no intent to conceal anything.

Knopf asked for consensus from the Board that The Village is welcome to intervene in the lawsuit, and would like it to be a matter of record that the current members of the Board have invited them to do so. Walter, Hoxsie and Amon all stated that they would support this statement. Agruda nodded his head in agreement.

Motion by Knopf, support by Walter, to have Christopherson file a response to the October 20 CCAT lawsuit as soon as possible, but no later than November 15.

Agruda asked about extensions. Christopherson stated that there is usually a deadline for a primary response to a lawsuit, and if we had not received an extension the Township could have been found to be in default and would have lost the case.

Motion carried by a vote of 3 in favor (Agruda, Walter, Knopf) and 2 opposed (Hoxsie, Amon).

PUBLIC COMMENT/OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

Walter stated that he came in to the office the other day and observed Kurtz leaving with a full copy of the new SUP application filed by The Village at Grand Traverse. He asked if Kurtz had paid for the copy. Corpe responded that it is on loan to him until November 10, and that sufficient other copies exist to continue to do business in the meantime. Walter feels that this was inappropriate. This individual is part of a group that is adversarial to the township and has filed a lawsuit against the township. He should have been made to examine the materials on-site, or to produce a Freedom of Information Act (FOIA) request and pay for them, and should not receive them before the township officials do. Hoxsie stated that he disagrees to some extent. Kurtz is a member of an incoming Board that will take office in a few days and they need to be up to speed. It is in the best interests of the township for things to continue smoothly. Corpe stated that applications provided to her are public information and that any member of the public has a right to inspect them. While the individual in question may be seen by the current Board as an adversary, she sees each member of the township as having equal rights. She strongly suspects that members of the current Board will become adversaries of the incoming Board, and she will treat them with the same consideration as she treats the currently adversarial group or any other person. Corpe stood behind her actions, further noting the materials had already been distributed to the Planning Commission so that they could begin to study them since there is a lot to review. Amon stated that he was aware of the situation and consented to it. Knopf stated that she cannot help but have mixed feelings, since the individuals coming into office have created an adversarial situation. Amon stated that the challenges of having seven entirely new Board members take office, regardless of the politics, are significant. He feels that the current Board has a fiduciary responsibility to ensure that the transition occurs as smoothly as possible. Knopf feels it is still important for the current Board to fulfill its responsibilities right up until noon on November 20, but that it is not the current Board's responsibility to assist the new board after that time. Hoxsie believes that everyone who truly has the township's best interests at heart will be helpful to the new Board members as necessary.

Meeting adjourned at 10:37a.m.