

**MINUTES
SPECIAL ATTORNEY/CLIENT
TOWN BOARD MEETING
JULY 1, 2016**

The meeting was called to order at 9:00 a.m. in the Administrative Conference Room, 1281 Hammond Road.

Present: Supervisors: Kermes, Prudhon, Ruzek; Clerk: Short; Attorney: Kelly, Lemmons & Reuvers.

APPROVAL OF AGENDA: (Additions/Deletions): Ruzek moved approval of the Agenda with the addition of 6.A. – Bald Eagle Island and 6.B. – Liquor Ordinance.

CONSENT AGENDA: None.

OLD BUSINESS: Stoddard Property Litigation: The Chair asked Attorney Lemmons if the meeting should be moved to a closed session, the Attorney said yes it should.

9:05 a.m. Prudhon moved that the meeting be entered into a closed session due to on-going litigation. Ruzek seconded. Ayes all. Attorney Kelly recorded the closed session.

Attorney's Lemmons, Kelly & Reuvers gave the Town Board a status report on the on-going litigation and gave an overview of the appraisal for the Stoddard property recently completed for the Township by McKenzie Metro Appraisal. The Board discussed various alternative courses of action.

Prudhon moved to authorize Attorney Reuvers to submit a settlement to the Stoddard's attorney consisting of an offer to purchase the land for the amount indicated in the appraisal described as "unimproved land" and reasonable attorney's fees. Ruzek seconded. Ayes all.

Prudhon moved to end the closed session at 10:35 a.m. Ruzek seconded. Ayes all.

Adjourn Special Town Board Meeting.

NEW BUSINESS: None.

ADDED AGENDA ITEMS:

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Bald Eagle Island: The Clerk stated that he met with Han's Stachowiak this morning at 8:00 a.m. to discuss Mr. Stachowiak's concerns about the requirements in the Conditional Use Permit. He summarized the meeting by noting that Mr. Stachowiak stated that the requirement for a bond/surety to cover demolition of the accessory building was making it very difficult to finance. He said he could provide a bond to assure completion of the project but not one to demolish the building at some unforeseen future date. The Board discussed the matter at length. The Board indicated that their primary concern was to make sure that the project once started, would be completed. The Town Attorney's explained that the Board has the procedures and authority in other ordinances to cover demolition of a completed building, in the future it becomes unsafe or hazardous.

Ruzek moved that the Town Board clarify the language in the Conditional Use Permit to better reflect their intent that the bond/security was to cover completion or removal of the new building should it not be completed by the applicant. Kermes seconded. Ayes: Ruzek, Kermes. Nay: Prudhon.

The Clerk noted that this clarification may cause the applicant to need more time to acquire the bond.

Ruzek moved to amend the requirement from 90 days to 6 months so as to coincide with the deadline for initiating a project. Kermes seconded. Ayes: Ruzek, Kermes. Nay: Prudhon.

Liquor Ordinance: The Clerk and Town Paralegal gave the Town Board an overview on the status of the recent amendment to the liquor ordinance regarding definition of a restaurant for on-sale licenses for liquor and wine. They indicated that the actual language of the amendment could be interpreted as no less than 40 seats for on-sale wine and on-sale liquor. It was the consensus of the Board that it was their intent to change the definition for "restaurant" under the on-sale wine section to allow seating of no less than 40 seats but to keep the definition for "restaurant" for on-sale liquor at no less than 100 seats.

Prudhon moved to schedule for the July 6th Town Board meeting to call a moratorium on issuance of liquor licenses for 60 days in order for the Township to correct this language. Ruzek seconded. Ayes all.

RECEIPT OF AGENDA/SUPPLEMENTS: Prudhon moved to receive all of the agenda materials & supplements for today's meeting. Ruzek seconded. Ayes all.

The meeting adjourned at 11:30 a.m.

Respectfully Submitted,

William F. Short,
Clerk-Treasurer

Approved as Official Meeting Minutes

Town Board Supervisor

Date