

THE BENZIE COUNTY BOARD OF COMMISSIONERS
September 16, 2008

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, September 16, 2008, in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

Present were: Commissioners Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse
Absent: None

The Invocation was given by Commissioner Kelley and the pledge of allegiance was given.

Motion by Walterhouse, seconded by Smeltzer, to approve the agenda as amended, removing Planning Commission Public Hearing and changing the 2:00 POLC Grievance to 1:15 p.m. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Motion by Pitcher, seconded by Walterhouse, to approve the regular meeting minutes of August 19, 2008 as presented. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Motion by Pitcher, seconded by Walterhouse, to approve the special meeting minutes of September 9, 2008 as presented. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

9:05 a.m. PUBLIC INPUT

Bob Smith, Frankfort, states that Dr. Lynn Harvey with MSU number one item with county government is the budget; you have worked a great deal on this budget and people always attempt to make changes; urge you to pass it as is; compliment you on your good job.

Kathy Ralston, Homestead Township, reads a statement as Chairman of the Planning Commission and their actions on September 11.

Paul May, Frankfort, reads a statement for his wife which is a part of the record.

Eric VanDussen, Benzonia, talks about the transparency of the meetings with recording; Mr. Clarke gets two full time secretaries and still doesn't do his job; set hearing date on removal of Mary Pitcher from the Planning Commission; why are there four building dept vehicles; how do you expect the Prosecutor's Office to run with one full time prosecutor; why use the budget to micro-manage the Planning Commission; communication is key in the Wyckoff report and there is a growing distrust in the employees – keep them informed and include them in decisions.

Katherine Ross, Planning Commission vice chair, states that you need an evaluation process so that the employees know the process and where they stand; put trust in the HR idea to evaluate with good job descriptions.

Al Brown states that the budget meetings were open to everyone; there is an opportunity to solve the problem and move forward here.

Don Tanner, Joyfield Township and Planning Commissioner says keep up the good work and states that PA 33 of 2008 defines the budget process regarding planning commission for county boards to follow and states that that wasn't done; this is not about personnel or the budget, but about the process; this is an assault on the county planning commission and you are not getting your own way; this circumvents all the planning commission trust.

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Karen Roberts, Planning Commissioner, states that this a painful time for all of us; does planning have a function in Benzie County – it is a non-mandated function; they feel they are being ambushed; ask you to take a look at whether or not you want planning in Benzie County.

9:27 a.m. PUBLIC INPUT CLOSED

ELECTED OFFICIALS & DEPT HEAD COMMENTS

Linda Wilson, County Treasurer reports on the junk yard; asks permission to move forward with a tire grant application.

Motion by Smeltzer, seconded by Pitcher, to direct the County Treasurer to pursue the scrap tire grant for the subject property, 669 Salvage. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Waltherhouse Nays: None

Craig Seger, Zoning Administrator, provides the board with a summary of his completed tasks and activities; feels that at the Sept 11 Planning Commission meeting there were some misunderstandings and miscommunications together with a vote of no confidence against him; feels that those issues can be worked out and will continue to make efforts to build good relationships with the Planning Commission.

Board of Commissioner Comments:

Comm Damm states that this board authorized the Planning Commission to look at the budget – they need more time than one week.

Comm Stobie states that being new as a board of commissioner, she has voiced her views at the committee meetings and she believes: Elimination of the Planner is a mistake; budgets are not the way to handle personnel issues; disagree with filling positions with clerks – they should have college education; this is not the time to give 2.5% raises.

Comm Waltherhouse states that this board needs to go on record of not allowing the zoning administrator to handle planning too.

Motion by Waltherhouse, seconded by Kelley, that this board not give the planning functions to Craig Seger to oversee – he is zoning & soil erosion, keep them separate.

Comm Roper states that we should have more funds in the Planning and request all zoning ordinance rewrites be taken from Craig Seger – they should go to the consultant and the Planning Commission should direct it.

Comm Waltherhouse asks who will lead Planning.

Comm Stobie states that we need a professional to do this.

Comm Damm says she doesn't object at all to having a consultant to help complete the ordinance; Craig has three titles now; we still could have a Planner with the comprehensive plan she says we are required to have a planner.

Comm Smeltzer feels the motion is premature; if we adopt the budget, we can look at it later; we talked about this and if the revenues shape up, we can look at it again.

Comm Stobie says it is working well in Frankfort that the Planning Commission runs it, but one person works about 30 hours per week.

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Comm Walterhouse says we need a department head and someone to answer the phone; we are here to serve the public.

Vote on motion: Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Dave Neiger says whether he is here or not, it is the atmosphere in the building; Craig Seger thinks what he says is fact – it isn't; you can't fill the Planning Dept with a clerk – it takes a professional; sorry it has come to this; he never heard one word from the County Administrator after his evaluation; people in the community knew he was going to be terminated before he did; people trust him; sorry things have gone this route – people are upset; the original intent was to get as many townships under county planning.

ADOPTION OF BUDGET FOR FY 2008-2009

Motion by Smeltzer, seconded by Kelley, to adopt the Benzie County Budget for FY 2008-2009 as presented.

Comm Pitcher says that she has spent a lot of time talking with voters and constituents and this has not been easy; hope we can harness citizens in the community. Adds: 1) budgets are amended all the time; 2) we have an end of the month deadline to adopt a budget; 3) Board of Commissioners need to work with the County Administrator on the bumping; 4) another evaluation needs to be completed on Chuck Clarke. A memo received from Chris Flynn and Mr. Figura.

Comm Damm asks if the budget is adopted, Dave Neiger would have no job?

Comm Roper says yes, effective October 1, 2008.

Comm Walterhouse says we need to review funding for this year; where would the master plan go?

Comm Pitcher says ZORC is with Craig Seger; Master Plan is with Planner.

Vote on motion: Roll call. Motion carried. Ayes: Kelley, Pitcher, Roper, Smeltzer and Walterhouse Nays: Damm and Stobie

GENERAL APPROPRIATIONS ACT FOR FY 2009

Motion by Smeltzer, seconded by Pitcher, to adopt the General Appropriations Act Resolution for FY 2009, in the amount of \$17,514,515 as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Appendix A

Motion by Pitcher, seconded by Smeltzer, to approve Appendix A – Appointed Official Wages/Salaries for FY 2009 as presented. Roll call. Motion carried. Ayes: Kelley, Pitcher, Roper, Smeltzer and Walterhouse Nays: Damm and Stobie

Appendix B & B Miscellaneous

Motion by Smeltzer, seconded by Kelley, to approve Appendix B – Technical, Paraprofessional, Office & Service Wages/Salaries for FY 2009 and Appendix B Miscellaneous, as presented. Roll call. Motion carried. Kelley, Pitcher, Roper and Smeltzer Nays: Damm, Stobie and Walterhouse

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Elected Officials

Motion by Smeltzer, seconded by Kelley, to adopt the Elected Officials Salaries for FY 2009 as presented, with 2.5% raises. Roll call. Motion denied. Ayes: Kelley and Smeltzer Nays: Damm, Pitcher, Roper, Stobie and Walterhouse

Motion by Stobie, seconded by Kelley, to set the Elected Officials Salaries for FY 2009 at the 2008 rate. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Stobie and Walterhouse Nays: Smeltzer

Motion by Pitcher, seconded by Smeltzer, that the Board of Commissioners complete a performance evaluation of Chuck Clarke by December 2008 board meeting, with the Chairman to put together a committee a three commissioners; with the committee to bring back in October 2008, their process to follow of the evaluation. Motion carried. Ayes: Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: Damm

10:20 a.m. Break

10:35 a.m. Reconvene

Fund 244: EDC Enterprise Fund

Motion by Smeltzer, seconded by Damm, to adopt the proposed budget for fund 244 for FY 2008-2009 as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

COMMITTEE REPORTS

Committee of the Whole

Finance

Chairman Roper presents Finance Consent Calendar items 1-8.

Motion by Pitcher, seconded by Walterhouse, to approve Finance Consent Calendar items 1-8 as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Claiming Reports:

Motion by Smeltzer, seconded by Walterhouse, to approve the claiming report as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Prepaid Vouchers:

Motion by Walterhouse, seconded by Damm, to approve the Prepaid Vouchers as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Budget Amendments:

Motion by Smeltzer, seconded by Kelley, to amend the 2008 budget by increasing the revenues and expenditures as follows:

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Fund 201: Road Commission

Revenues:

201-201-691.00 Budgeting Use of Fund Balance \$500,000.00

Expenditures:

201-201-800.00 Contracted Services \$500,000.00

Fund 214: Advance Life Support

Revenues:

214-655-637.00 EMS Fees \$100,000.00

Expenditures:

214-966-999.00 Contingency \$100,000.00

Fund 221: Benzie-Leelanau District Health Dept

Revenues:

221-000-691.00 Budgeted Use of Fund Balance \$150,000.00

Expenditures

221-000-800.00 Contracted Services \$150,000.00

Fund 230: Betsie Valley Trail Management

Revenues:

230-000-674.00 Contributions and Donations \$ 10,000.00

Expenditures

230-000-800.00 Contracted Services \$ 10,000.00

Fund 415: Railroad Point

Revenues:

415-000-664.00 Endowments \$ 1,800.00

Expenditures:

415-000-800.00 Contracted Services \$ 1,800.00

Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse
Nays: None

Animal Control Contract with Grand Traverse Band

Motion by Walterhouse, seconded by Damm, to enter into a contract with the Grand Traverse Band of Ottawa and Chippewa Indians and Benzie County for Animal Control services for one year, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Personnel

Chairman Roper presents Personnel Consent Calendar item 1.

Motion by Walterhouse, seconded by Smeltzer, to adopt Personnel Consent Calendar item 1 as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

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Animal Control – No report

EMS – No report

COUNTY ADMINISTRATOR’S REPORT

Resolution in support of 9-1-1 Funding; Auditor letter with contract from Rehman Robson; Appeal re Crystal Lake Property Rights Association – letter from Mr. Bedells.

Motion by Pitcher, seconded by Stobie, to approve the Resolution in support of E-911 Funding as presented, sending copies of Governor Granholm, Senator McManus and Representative Palsrok. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse
Nays: None

Motion by Damm, seconded by Smeltzer, to authorize Chairman Roper to sign the contract with the Auditing firm of Rehman, Robson. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse
Nays: None

Motion by Smeltzer, seconded by Stobie, to amend the 2008 budget by increasing revenues and expenditures as follows:

Fund 244: EDC Enterprise Fund

Revenues:

244-000-665.00	Interest on Deposits	\$ 25,000.00
244-000-666.11	Frankfort Mfg – Interest	6,150.00
244-000-666.19	Village of Benzonia – Interest	3,200.00
244-000-691.00	Budgeted Use of Fund Balance	<u>800,000.00</u>
	Total	\$834,350.00

Expenditures:

244-000-815.30	Administration Fees	\$ 35,000.00
244-000-967.00	Project Investments	<u>799,350.00</u>
	Total	\$834,350.00

Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse
Nays: None

Motion by Roper, seconded by Kelley, to send a letter to the Planning Commission with a copy of Mr. Figura’s letter regarding budget cuts. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse
Nays: None

CORRESPONDENCE

- Parks & Recreation minutes of July 28, 2008 received.
- Parks & Recreation Resolution: Motion by Pitcher, seconded by Damm, to adopt the resolution of support for further study of the joining of the TART & Betsie Valley Trail Systems. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse
Nays: None
- Little Platte Lake & Crystal Lake Elevation Reports received.

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- Letter from Dept of Labor regarding building official – information only.
- Huron County resolution re HB 5398 Michigan Vehicle Code – information only.

11:15 a.m. Chip Johnson, Community Mental Health

Chip presents the board with a 3 year accreditation certificate from CARF; it is the highest award; CMH is working with Manistee County to possibly have a motor pool there; Comm Smeltzer says thank you for working with this county in getting our funding up to where it should be.

CORRESPONDENCE CONTINUED

- EDC Minutes from August 28, 2008 received; Comm Pitcher states that the State of Michigan keeps putting restrictions on the EDC.
- Letter received from Sheriff Blank regarding ORV law and additional staffing.
- Northern Michigan Counties minutes of July 21, 2008 received.
- Frankfort City County Airport Authority minutes of August 7, 2008 received.

11:30 a.m. Kathy Ralston, Intergovernmental Communications Committee

Kathy passes out a written report and refers to it; she states that this committee did not start with the Summit; November 13, 2007 the Summit meeting did occur and participants rated issues of importance to them; nearly all units of government were represented and there needs to be continued collaboration; she also provides the mission statement of the group; they are looking at February 2009 for the next Summit meeting.

11:45 a.m. Marlene Wood-Zylstra, Solid Waste Coordinator

Marlene presents four renewal contracts for approval by this board; also gentleman from American Waste is present with her to introduce himself.

Motion by Walterhouse, seconded by Pitcher, to adopt an Agreement between Benzie County and the Platte River Campground for recycling services, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

Motion by Pitcher, seconded by Kelley, to approve the three contract with American Waste for five years as presented, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer, Stobie and Walterhouse Nays: None

12:00 p.m. Break for Lunch

1:04 p.m. Reconvene

CORRESPONDENCE CONTINUED

- Building Department report for August, 2008 received.
- Frankfort City County Airport Authority minutes of September 4, 2008 received.
- Letter received from Dept of Labor regarding building official – information only.
- Letter from Dept of Human Services with report from August 14, 2008 audit.

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- Letter from Sherry Taylor, Homestead Twp, regarding reduction of staff in Register of Deeds Office.
- Northern Michigan Substance Abuse Services minutes of July 7, 2008 received.
- Letter received from Mr. Ed McIntosh regarding National Park Service.

1:15 p.m. POLC Grievance

Jerry Caster and Bonnie Anchak are present for the union. Mr. Caster presents their side of the issue – that the incorrect person was contacted to fill in a vacancy – that issue is not disputed. They want to be paid for the time without working it; the grievant has been offered other time to work for it and has refused. The union contends past practice.

Undersheriff Rory Heckman and Sheriff Robert Blank are present and state that the grievant was on vacation and was skipped over – error on our part; there is nothing in writing regarding past practice; grievant wants something for nothing and don't believe we should give people something; admitted the error and offered her a chance to work another day.

Sheriff Blank states that all unions have the same language and the other unions do not have an issue with this; they worked it would and worked time to cover it. The key here is they worked.

Mr. Caster says a past practice is never in writing, it develops over time; this has been the normal remedy back to 1999; any settlement in another union has no bearing on this union; to remedy one employee could cause another grievance by offering it to her.

Undersheriff Heckman states that the day she was offered, the supervisor was covering the shift.

Comm Kelley does not agree with Mr. Heckman; Sheriff knows this isn't it; this is Tom's daughter-in-law.

Comm Walterhouse asks what time we are talking about. 8 hours overtime

Chuck Clarke says they understood the problem and would recommend that the commissioners deny the grievance. This will be discussed as part of union negotiations now.

Mr. Caster says it is important to keep in mind that a past practice can't be changed unilaterally, should bring it to the table.

Corrective measures: Supervisor takes home the schedule now and calls someone even if they are on vacation to offer it to them.

Motion by Smeltzer, seconded by Stobie, to grant the POLC grievance as presented. Roll call. Motion denied. Ayes: Smeltzer, Stobie and Walterhouse Nays: Damm, Pitcher and Roper Abstain: Kelley

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Comm Pitcher states that she really wanted to hear about the bumping committee and evaluation committee today.

Comm Kelley provides a written report.

Comm Stobie stated that someone in Elberta would like to be on the Betsie Valley Trail Committee – how do they do that? Need to apply to the Village as their representative; there were discussions regarding the ORV ordinance.

Comm Damm states that the Village of Beulah is replacing sidewalks and putting in angle parking on one side of the street; Benzonia Township is very unhappy about the Planning Dept; in touch with the new people handling the HR study.

Comm Walterhouse feels that Mr. Bedells letter doesn't say much.

Chuck Clarke states that we don't ask for an appeal, let the state (DNR) handle it.

Comm Walterhouse is also concerned with the Planning Dept and asks the board to extend that department until October 31. Why? The Planning Commission has not had a chance to work out the details, with funds to come from contingency; this is so important for Benzie County and the townships.

Motion by Walterhouse, seconded by Damm, to extend the Planning Department head for 30 days to October 31, 2008 to finalize details, with funds to come from contingency.

Comm Smeltzer says we are just delaying a decision that needs to be made – let the Planning Commission go to work.

Vote on motion: Roll call. Motion carried. Ayes: Damm, Roper, Stobie and Walterhouse Nays: Kelley, Pitcher and Smeltzer

Comm Smeltzer reported on Mr. May's comments regarding Craig Seger being safe for now – we are delaying decisions that need to be made; letter from Sheriff Taylor regarding HR people, he feels they do help the entire county too; Mr. Tanner told Mr. Seger in a public meeting that he was an erosive individuals, back stabber and conniving weasel.

Comm Roper appointed a bumping committee: Comm Walterhouse, Comm Kelley, Mr. Clarke and Carol Merrill (union president).

Evaluation committee for Chuck Clarke: Comm Stobie, Comm Smeltzer & Comm Pitcher.

Chuck Clarke asks what the board wants to do about the Crystal Lake letter from Mr. Bedells. Comm Walterhouse says send it to the Parks Commission.

Motion by Stobie, seconded by Smeltzer, to not to appeal Court of Appeals ruling. Roll call. Motion carried. Ayes: Kelley, Pitcher, Roper, Smeltzer and Stobie Nays: Damm and Walterhouse

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2:45 p.m. PUBLIC INPUT

Cathy Demitroff clarifies what Mr. Kelley said that Homestead/Inland did a master plan without a Planner but have since hired one; Mr. Smeltzer stated that Manistee did it without a Planner – they are presently working with one.

Eric VanDussen states that Mr. Smeltzer's comment regarding Mr. Seger – he is a weasel; he was undermining Dave Neiger in the community; who gave Mr. Clarke the authority to hire Mr. Figura for an opinion; You should send Mr. Bedells a commendation – he won at the Court of Appeals; was there a conspiracy to keep the public away from the budget process.

Lisa Tucker says thank you to Mr. Smeltzer for mentioning the letter from Sherry Taylor and her inaccuracies; she should be held accountable for her actions; we should all be offended by the comments of the lady here this morning, she made a lot of comments regarding this building but never here to see them.

Dawn Olney states that Mr. Kelley talks about reality checks – it should be that no one received raises with the budget like it is.

2:55 p.m. PUBLIC INPUT CLOSED

Motion by Pitcher, seconded by Smeltzer, to adjourn until October 21, 2008, or the call of the chair. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Waltherhouse Nays: None

Mark E. Roper -- Chairman

Dawn Olney – Benzie County Clerk

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1. Approved the agenda as amended.
2. Approved the regular meeting minutes of August 19, 2008 as presented.
3. Approved the special meeting minutes of September 9, 2008 as presented.
4. Directed the County Treasurer to pursue the scrap tire grant for the subject property, 669 Salvage.
5. Approved that this board not gives the planning functions to Craig Seger to oversee – he is Zoning & soil erosion, keep them separate.
6. Adopted the Benzie County Budget for FY 2008-2009 as presented.
7. Adopted the General Appropriations Act for FY 2009 as presented.
8. Approved Appendix A – Appointed Official Wages/Salaries for FY 2009 as presented.
9. Approved Appendix B – Technical, Paraprofessional, Office & Service Wages/Salaries for FY 2009 and Appendix B Miscellaneous, as presented.
10. Denied motion to adopt the Elected Officials Salaries for FY 2009 as presented, with 2.5% raises.
11. Approved setting the Elected Officials Salaries for FY 2009 at the 2008 rate.

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12. Authorized the Board of Commissioners complete a performance evaluation of Chuck Clarke by December 2008 board meeting.
13. Adopted proposed budget for fund 244 EDC Enterprise Fund for FY 2008-2009 as presented.
14. Approved Finance Consent Calendar items 1-8 as presented.
15. Approved the claiming report as presented.
16. Approved the Prepaid Vouchers as presented.
17. Approved various amends to the 2008 budget by increasing the revenues and expenditures for the following funds: Fund 201: Road Commission; Fund 214: Advance Life Support; Fund 221: Benzie-Leelanau District Health Dept; Fund 230: Betsie Valley Trail Management; Fund 415: Railroad Point.
18. Authorized to enter into a contract with the Grand Traverse Band of Ottawa and Chippewa Indians and Benzie County for Animal Control services for one year, authorizing the chairman to sign.
19. Adopted Personnel Consent Calendar item 1 as presented.
20. Approved the Resolution in support of E-911 Funding as presented, sending copies of Governor Granholm, Senator McManus and Representative Palsrok.
21. Authorized Chairman Roper to sign the contract with the Auditing firm of Rehman, Robson.
22. Approved to amend the 2008 budget by increasing revenues and expenditures for the following fund: Fund 244: EDC Enterprise Fund.
23. Authorized to send a letter to the Planning Commission with a copy of Mr. Figura's letter regarding budget cuts.
24. Adopted the resolution of support for further study of the joining of the TART & Betsie Valley Trail Systems.
25. Received CARF accreditation certificate from Chip Johnson, CMH.
26. Adopted an Agreement between Benzie County and the Platte River Campground for recycling services, authorizing the chairman to sign.
27. Approved the three contracts with American Waste for five years as presented, authorizing the chairman to sign.
28. Denied motion grant the POLC grievance as presented.
29. Approved to extend the Planning Department head for 30 days to October 31, 2008 to finalize details, with funds to come from contingency.
30. Approved to not appeal Court of Appeals ruling of the Crystal Lake boat launch at Railroad Point.