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email from Law counsel to Bruce Deckinga

Ellis Boal <ellisboal@voyager.net>

Wed, Aug 17, 2022 at 1:15 PM

To: Tom Darnton <tdarnton@me.com>, Bruce Deckinga <bdeckinga@gmail.com>, Rex Greenslade <greensladerex@gmail.com>, Rod Slocum <rodslocum@gmail.com>, Janice Whipple <jvwhipple65@gmail.com>
Cc: Todd Millar <tmillar@parkerharvey.com>, Ron VanZee <supervisor@hayestownshipmi.gov>, kristin baranski <clerk@hayestownshipmi.gov>, Harry K Golski <hgolski@cvxlaw.com>, "Jennifer J. Schafer" <jennifer@nmilawyers.com>, LuAnne Kozma <luannekozma@gmail.com>

ZBA members,

Below is our transcript of an excerpt of the recording we made of the approximate 2-hour ZBA proceeding on August 15.

For completeness, the excerpt and transcript include several paragraphs back and forth on the subject whether the Laws do or do not plan to proceed immediately. The recording, a 3½-minute .mp3 file, is attached and playable.

On request we will provide the entire recording. We tried to be careful in transcribing, but if anyone notices mistakes we will correct them.

For now, my question only concerns the first paragraph below, a statement by Bruce at the beginning of deliberations, saying he received an email concerning the above subject two days previously, which would be Saturday, August 13, from Law counsel.

This email was not announced at the hearing, nor was it in the package of public comments which Kristin produced at LuAnne's request during set-up.

Questioned whether Tom as Chair had received "submissions of the parties" on the question of jurisdiction -- referred to in his August 14 email containing the revised agenda -- he denied there were any, other than what LuAnne had written in her December appeal/interpretation.

We were surprised to learn of the email to Bruce, and are prompted to wonder if the same email or other correspondence with the Laws may have been received or sent by other ZBA members.

Please, each ZBA member including the Chair, provide copies of all correspondence or comments outside of the hearing, including notes of phone calls or texts, between Law counsel and yourselves, touching on appeals or interpretations about the Law property, whether sent individually or collectively. Please provide complete threads, including any responses or replies, regardless of the initiator.

Thank you.

Ellis

1:11:06 ZBA member Bruce Deckinga:

I have a question. I'm kind of confused. I hear from Ellis that there's a statement that they're trying to accomplish this by Christmas and I received a email two days ago from the attorneys for the Laws - to the contrary. So I'd like Ms. Schafer or Mr. Golski to speak to that. I mean because if they're not going to proceed this is all a waste of time.

1:11:49 Jennifer Schafer:

We're actually, we're not saying it this currently is a waste of time because there is no zoning permit. There is no pending application for a zoning permit. There is no current plan to get a zoning permit for this boathouse, the way it was, or anything. There is literally nothing there right now. This is something that occurred in the past, that is now expired, not valid, gone, and not being renewed, and not going forward. Like right now there is no plan for it. It is just, we're talking about something that's not there. And this is the thing, if we talk about it now in a vacuum and say "Well they asked for it at some point but we should just interpret all these sections of the Ordinance around what may have been asked for previously but isn't any more, isn't currently any decision to be made," then how are we wasting time then we go forward, there's any different zoning permit for anything, we're covering the same ground then, we're doing - again this is just a waste of time because there is nothing there to be talking about, how to interpret these sections, and what if the boathouse is connected to the house or not, there is no plan for a boathouse, there is no permit for a boathouse.

1:13:06 Bruce Deckinga:

You covered what I wanted to but you expounded on it and I don't need all the rest of that. If they are not planning to proceed I wanted that in the record, so that all this verbiage is irrelevant.

1:13:28 Ellis Boal

May I say what she said in court? I just wanted to read a statement that Jennifer made in court the other day. This is a quote, and I will give you a copy. And we have the tape recording from the court. This is her talking now:

"I appreciate the question he asked [meaning myself], Why won't the Laws just put down their shovels? Because their shovels are working on other things. They [the Laws] are trying to put together a very nice whole-family home. They literally have five adult children. Every one of those is married and have 2-to-3-plus of their own kids. It is a huge family. And they literally want a place where, you know, on Christmas rather than going to a local restaurant going 'hey can you seat 50 people?' they'll have a place they can all eat together, they've got nice little activities out there that of course people up north really like to enjoy. That's what they're working on. They don't want to put the shovels down. And so when Mr. Boal asks why would the Laws be so adamant in opposing a stay that would only last a few weeks or months."

So I'm going to give you a copy of this.

End 1:14:46



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