

ARLINGTON TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING

REGULAR MEETING DECEMBER 1, 2021

The meeting was called to order by temporary chair Donna Romanak at 6:03 pm.

Pledge of Allegiance was recited.

Roll call: Joe Wooding, Donna Bell, Rick Leland, Jill Sanborn, Tina Loomis, Georgette Peterson, Donna Romanak. All commissioners were present.

Others Present: Scott Graham (Township Attorney), Annie Davidson-Funke (Resident), Fred Day (High Power Farm LLC {HP}), Barry Singer (HP). Jill Cowan (HP), Lorraine Crandall (Resident), Phil Sanborn, Sandy Aernie, other unidentified visitors.

Public Comments on Agenda Items

Annie Davidson-Funke said she is pleased the PC is getting back to business; electing officers and setting standing meetings.

Selection of Officers for the PC

Joe made a **Motion** with support from Donna Bell to: **Elect Donna Romanak as Chair for 2022.** Roll call vote; all in favor **Motion** passed.

Joe made a **Motion** with support from Georgette to: **Elect Tina Loomis as Chair for 2022.** Roll call vote; all in favor. **Motion** passed.

Donna Romanak made a **Motion** with support from Joe to: **Elect Georgette Peterson as Secretary for 2022.** Roll call vote. All in favor. **Motion** passed.

Approval of Meeting Minutes

~~12/01/21~~ 11/03/2021 Minutes. Joe Wooding, Rick Leland, Tina Loomis, Donna Romanak—Ayes
Donna Bell, Jill Sanborn, Georgette Peterson—Abstained due to not having been in attendance.
Minutes approved as written.

Schedule of Mandatory Quarterly Meetings for 2022

March 2, 2022

June 1, 2022

September 7, 2022

December 8, 2022

High Power MLB/SUP Renewal Application

Fred Day commented that he only found out about the meeting on 11/23/21 2 days before it was held, said he was sick, and he was unsure why a 25% partner was the only one present. He added that he has paperwork with agreement to buy Jill Cowen out. He said there are 3 different fundings coming in. Attorney Graham commented that the matter was tabled on 11/23/21 so the PC could gather information and that the PC was “starting from scratch” in regarding the information it would receive and consider.

Fred Day said it is to be an indoor grow only and they would begin growing within 45 days; they need the time to complete the building. Attorney Graham asked if marijuana had been grown in the HP building at any time. Day said that the prior master grower had grown in the building. This person told Day that this was legal.

Attorney Graham asked Mr. Day if he filed a supplemental application. His response was that he did not need to because he only has a 9% stake. Attorney Graham read and distributed to the PC members a copy of the percentages owned by each owner as submitted to the State and the ones that are noted as being the actual percentages as shown in a Master Agreement.

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The percentages as written are:

State

- Fred 9%
- Barry 48%
- Jill 25%
- Armand 9%
- CJ (Curt) 9%

Master Agreement

Fred 28%

Barry 28%

Jill 25%

Armand 10%

CJ 9%

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Armand was the initial Master Grower, had a Caregiver license, and grew 72 plants in the building. Attorney Graham asked who owns the property; the response was that it is Fred Day's mother and Barry Singer. Barry said he sent documentation to Scott Graham yesterday. Scott illustrated the difference in the amount of paperwork that HP originally provided, and the amount which appeared to have increased by several multiples between the time of the initial submission and the submission during the 5-day cure period.

Mr. Day stated there are no financial lenders. Attorney Graham said State documents show lenders. Mr. Day said the owners are financing; per his verbal report to the PC, Jill Cowan \$350,000. Her husband, Max, \$46,000 (with no written agreement), and 3 others to acquire \$600,000 more. Fred Day stated he submitted a sealed Site Plan. Scott Graham said it was a Construction Draft. Rick Leland commented that he was present at the meeting when Fred brought in papers and threw them on the floor saying one was the sealed Site Plan. Rick said he is a builder and what he brought in that day was a Construction Draft.

Attorney Graham asked Mr. Day if he bought flower from Danny Higgs. Mr. Day said he did not recall and then said that he did not. He added that Josh is the new Master Grower. When asked who owned the property, the response from HP was Barry Singer and Fred Day's mother. Barry said he sent documentation to Scott Graham yesterday. Scott Graham illustrated the difference between the initial submission of paperwork and what was submitted during the 5-day cure period (the time to submit the missing paperwork). The volume appeared to have doubled.

Barry Singer said he did not anticipate the Covid impact including being unable to find employees and the costs going up beyond expectations. Georgette Peterson asked if they received the letter regarding the renewal requirements and the November 15th deadline; Fred Day said they did and added the Township lost documents. Scott Graham said he does not believe this to be true.

Jill Cowan said that Brant Johnson had attended law school but had not taken the bar exam. He provided services to HP as an attorney. John Shultz was to do a Site Plan as Fred Day had said. She said Fred wrote a check to him for \$10,000 and wrote a check to cash for \$5,000. Fred cashed his check first and the Shultz check bounced. She said there are no records or receipts. She said he paid Armand \$8,000 for consulting. She said Fred had to show 9% ownership because of prior bankruptcy and hides his ownership under Barry Singer. She added that he adds and removes members at will. Jill said she advised Fred on required documentation to submit for renewal. She said she filed a complaint with the police against some members. Some issues with documentation at this time are with the Road Commission and Drain Commission per Jill. Nothing has been done to the property in the past year.

When asked by Rick Leland about permits, Josh said they don't need a septic because they will have a holding tank that will be pumped and they do have a permit for that. Jill said they have to hire someone who is licensed to empty it.

Fred said he has been living there because they were robbed. He was told by Attorney Graham that it is against the ordinance.

Lorraine Crandall commented that they have wetlands on the property.

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Motion by Tina with support from Georgette to: **Close the public hearing on High Power.** All in favor.
Motion carried.

Board Discussion on High Power

Joe Wooding said they don't give straight answers.

Jill Sanborn said she assumed there is a check list and the teeth in this ordinance is holding people responsible. She asked what precedent are we setting?

Donna Bell said we can't vote if we don't know if all documents are there.

Tina Loomis said we are trying to turn things around in this Township.

Scott Graham informed the PC that we already have a Special Meeting scheduled for 12/13/21. **Motion** by Jill Sanborn with support by Donna Bell to: **Table the decision until 12/13/21 to allow time for review of the documentation submitted during the 5-day cure period.** Roll call vote:

Ayes: Joe Wooding, Jill Sanborn, Donna Bell, Georgette Peterson, Donna Romanak

Nays: Rick Leland, Tina Loomis **Motion** passed.

Update on Marijuana SUP Renewals

Scott Graham reported 15 application files have been submitted. 5 have gone to the Board and the 5 have been approved. There are 10 in the queue. 14 of the applications submitted have most, if not all of the documentation required-only 1 exception.

Scott thinks 5 of the remaining 10 will come to the PC and 5 will go directly to the Board for approval.

Public Comment on Non-Agenda Items

Scott will update a Draft of the Zoning Ordinance by the March meeting for the PC to review and revise as needed. The only issue that will be started from scratch will be the lake communities.

The PC needs to work on bylaws. Donna R. said the MTA has a sample Planning Commission Bylaw.

Meeting adjourned at 8:20 pm

Respectfully Submitted,

Georgette Peterson - Secretary