

**LAKE TOWNSHIP
SPECIAL BOARD MEETING**

JUNE 10, 2014

Meeting was called to order at 9:00 A.M. Those in attendance: Valerie McCallum, Dale Hartsell, Clay Kelterborn, Dorothy Fischer, and Claren Russell. Guests in attendance: 2. Pledge of Allegiance was recited.

Purpose of the meeting is to discuss the pending Michigan Tax Tribunal. A pre-hearing conference of June 18th, 2014 has been set and McCallum advised that the township should have legal representation.

Our current attorney firm is Taylor, Butterfield. Of that, the two specialists for Tax Tribunals are David Churchill and Brian Garner. McCallum has been in conversation with our consultant, Frischman Appraisal & Consulting, and they have recommended Thomas Kenny of Varnum Attorneys in Novi, Michigan. McCallum contacted Mr. Kenny and he submitted an engagement letter for representation which would be based on a flat fee. It will cost \$3,000 if the case settles before the pre-hearing, \$7,000 if it settles between the pre-hearing and the actual Tribunal hearing, and \$10,000 if it goes to full hearing. If the Township were to settle at Petitioner's initial request, there would be a total loss in tax revenue for 2012 through 2014 of approximately \$6,700 but Petitioner's latest settlement offer was less than their initial request for reduction and would result in even more tax loss. Our decision now is whether to continue to defend our appraisal, and, if so, who would best represent us?

The floor was opened for public comment. One resident stated he would recommend using our Township attorneys to avoid the larger cost of Varnum Attorneys at Law. It was also asked whether the county ever pitches in money for something like this. Kelterborn responded that it happened one time when a school district pitched in but it is the Township's responsibility to defend tax appeals.

Kelterborn stated he was not confident with Garner's presentation skills and asked if McCallum had checked into whether David Churchill would handle the hearing. Meeting was recessed at 9:30 A.M. while McCallum telephoned the Township attorney to inquire if we could specify Churchill to represent us. Meeting reconvened at 9:45 A.M. McCallum spoke with Gary Howell, who said Churchill's schedule was open but he wouldn't be back to work until tomorrow and Mr. Churchill would have to answer that for himself. Hartsell commented that they should be able to check with Churchill by phone. Kelterborn asked whether the board could recess until tomorrow when Churchill would be in the office. McCallum explained that a decision needed to be made today due to a June 12th deadline for discovery. Russell stated that the Township should hire the Varnum firm. Fischer agreed. Motion to continue the defense procedure with Thomas Kenny of Varnum Attorneys at Law was offered by Dorothy Fischer. Seconded by Russell. All in favor. Motion carried.

Next Board Meeting is Monday, June 16th. Kelterborn motioned to adjourn. Hartsell supported the motion. All in favor. Meeting adjourned at 9:57 A.M.

Respectfully submitted,

Claren Russell, Clerk