



Hayes Township SENTINEL

Keeping Watch and Shining Light on the Politicians and Political News of Hayes Township

Published Monthly and Mailed Free to all Residences of Hayes Township, Charlevoix County

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Repeated Failed Lawsuits Burden Hayes Township Taxpayers

Over the past several years, Hayes Township has been burdened by a series of legal challenges — all ultimately dismissed in court — that have had significant financial and operational consequences for our small, rural community.

From 2022 through today, no less than 68 percent of all legal expenses incurred by the Township were directly tied to the defense of just four lawsuits. In one fiscal year, that number soared to 80 percent, diverting critical funds away from services and priorities that directly benefit our residents. The total cost to date has been over \$130,000 and continues to increase.

What were these lawsuits about?

- Kozma & Foler v. Hayes TWP Zoning Board of Appeals challenged waterfront development approvals, arguing they violated a 100-foot shoreline setback. The court ruled that Kozma and Fowler lacked standing and found no illegal action by the Township.
- Kozma v. Hayes TWP Zoning Board of Appeals related to the same devel-

opment, questioned meeting notices and the eligibility of ZBA members. The Township corrected the procedural errors and the courts again found no merit in the claims.

- The Gravel Pit Case attempted to enforce terms of a decades-old mining agreement but was rejected by the court based on the evidence.
- Supervisor Conklin’s lawsuit alleged the previous Board of Trustees manipulated appointment timelines to limit his authority. The court dismissed the case, upholding the Board’s administrative discretion.

The Township now has two additional lawsuits, both involving LuAnn Kozma and Ellis Boal, concerning the non-acceptance of an appeal to the Zoning Board of Appeals regarding a zoning permit. The appeal request was untimely and submitted incorrectly.

Hayes Township is a small community with limited financial and staff resources. While it is important that residents have legal avenues to raise concerns, the consistent dismissal of these lawsuits—all upheld by the Circuit Court and, in some cases, the Michigan Court

of Appeals—suggests that the claims have lacked sufficient legal grounding to justify the Township’s financial burden in defending them.

When a single case can consume more than half of a year’s legal budget, it comes at a steep cost to the community:

- Funds are redirected away from road repair, park improvements, or planning initiatives.
- Staff must spend time managing legal matters rather than serving residents.
- Public trust can be strained by ongoing, high-profile legal disputes.

A Breakdown of Legal Expenses

Below is a summary of the lawsuits filed against the Township in recent years. All cases were dismissed in favor of the Township, with courts consistently finding either no standing or no legal basis to continue the claims.

The Bigger Picture

Litigation should be a last resort, not a recurring strategy. While every citizen

has the right to legal recourse, the pattern of repeated legal filings — followed by consistent court dismissal — undermines the efficient operation of our Township government and costs every taxpayer.

These lawsuits have not resulted in any changes to Township decisions or policies; they have simply redirected attention, energy, and money away from forward-looking projects and resident services.

A Call for Constructive Engagement

As we look to the future, it’s essential that concerns about governance, zoning, or policy be addressed through collaboration, community forums, and planning processes — not through litigation that continues to cost taxpayers dearly without yielding results.

Hayes Township remains committed to transparency, lawful governance, and serving the public interest. With your support, it can continue to focus on what really matters: building a stronger, more resilient community for everyone.

TAXPAYER COST OF LAWSUITS AGAINST HAYES TOWNSHIP										
Township Fiscal Year (Jul-Jun)	Lawsuits						Impact on Township Budgets			
	Kozma & Fowler v. Hayes TWP Plaintiff Atty - Ellis Boal	Kozma ZBA Appeal Plaintiff Atty - Ellis Boal	Gravel Pit Case Plaintiff Atty - Ellis Boal	Conklin v. Hayes Township	Multiple Plaintiffs v Hayes Township Plaintiff Atty - Ellis Boal	Total Cost of Lawsuits	Total Other TWP Non- Lawsuit Legal Expenses	How Many Times More Did Lawsuits Cost v. Township Normal Legal Expenses?	Township Total Legal Fees for Fiscal Year	Lawsuit Costs as a Percent of all Legal Fees Spent
FY20/21						\$ -	\$ 3,621	-	\$ 3,621	0%
FY21/22	\$ 34,060					\$ 34,060	\$ 8,327	4X	\$ 42,387	80%
FY22/23	\$ 19,393	\$ 11,764	\$ 10,375			\$ 41,532	\$ 13,446	3X	\$ 54,978	76%
FY23/24		\$ 3,824	\$ 23,732			\$ 27,556	\$ 14,619	2X	\$ 42,205	65%
FY24/25				\$ 29,864	\$ 774	\$ 30,638	\$ 18,860	2X	\$ 48,524	63%
FY 25/26 to date				\$ 1,161	\$ 1,247	\$ 2,408	\$ 5,311		\$ 8,493	28%
Total to Date	\$ 53,453	\$ 15,588	\$ 34,107	\$ 31,025	\$ 2,021	\$ 136,194	\$ 64,184		\$ 200,208	68%
OUTCOME	DISMISSED	DISMISSED	DISMISSED	DISMISSED*	ONGOING					
*Conklin has Appealed										

Supervisor Fails to Control Chaotic Board Meeting

The August 11th Board meeting was especially rowdy and lasted for almost four hours. The Board took action on: moving forward with a FEMA grant for storm clean up reimbursement, reducing the number of Township bank accounts from nine to six, and reapproved the Consumers Energy Franchise Agreement.

Supervisor Bill Conklin refused to

have a civil conversation regarding the question of his misappropriation of donated funds. Moreover, when Conklin was asked about the rising costs of his lawsuit against the Township, he stated that "that is not my concern..."

Conklin failed to control behavior of the public in attendance. Despite the Township's rules regarding orderly

public comment (especially Article 5), Conklin allowed public to shout things out and yell during the meeting and berate other board members personally.

Members of the audience were allowed to hold loud side conversations during Board discussions and to accuse Board members of many things, including 'stabbing Bill in

the back', 'disgusting', 'unbelievably horrendous', 'attacking', 'ashamed', and to 'pull their big girl panties up'. Moreover Board members were shouted down during the meeting, yet the Chair never corrected or stopped that behavior.

Hayes Board of Trustees meets every second Monday of the month at 7 P.M.

Planning Commission Makes Progress on Updating Master Plan

At the August 19 meeting of Hayes Township's Planning Commission, the topic of the Master Plan's Future Land Use Map was taken up again. Consensus was achieved that the Green Pit area would not be identified as a future industrial zone but rather as a Development Opportunity Zone with an emphasis on housing, mixed use or agriculture. A clarification in the language under Residential Resort was agreed (that this is not the only zone in which Planned Unit Developments could occur).

A separation of Waterfront development into two separate categories was also agreed so as to not constrain the opportunity for housing as desired in the Master Plan survey. Existing small lot areas and the Farm Forest/Rural Residential break down from 2019 will be kept, versus the most recent Farm/Forest suggestion.

The PC also reviewed and amended several pages of goals and strategies and determined that they would be included in the overall draft of the Master Plan that is being prepared and will be

distributed for comment.

A public hearing on a rezone request was scheduled for September 16th, 2025, the date of the next regular meeting of the Planning Commission.

The PC also decided that public comments must be received by the Sunday evening prior to the Tuesday meeting in order to be included in that month's meeting packets.

Hayes Township Planning Commission meets every third Tuesday of the month at 7 P.M.

Birdland Variance Approved

At a July 23, 2025, Public Hearing, the Hayes Township Zoning Board of Appeals approved a variance to Bill and Pamela Yates for their property at 6995 Birdland Dr. Charlevoix. The requested variance is to construct a new single family residence to replace an existing non-conforming residence. While the proposed new single family residence meets the 100-foot front yard setback from Lake Charlevoix (eliminating a 24 foot non-conformity), the ZBA approved construction within 35 feet of the stream, necessitating a 15-foot variance from the 50 foot stream setback requirement in section 3.14.3 of the Hayes Zoning Ordinance.

In its findings of facts in the case, the ZBA found that the existing physical conditions of the parcel make the property unique and very difficult to develop a new home without the requested variance. In particular, the found that the parcel has poor soil which was not a result of any action of the current or previous property owners.

The ZBA also found that granting the variance will give substantial justice to the applicant and neighboring property owners by eliminating the existing non-conformity on the setback to Lake Charlevoix, which is a primary consideration. The new construction includes the creation of shoreline

protection strips on the lake and stream which will require Shoreland Protection Committee and Planning Commission approval.

Public Comment included requests that the ZBA schedule hearings immediately on an appeal in a separate case. In addressing this, ZBA Chair Ms. Vedder-Whipple referred to the legal opinion of the Hayes Township attorney that "the applicant has failed to follow the rules adopted by the ZBA and filed an incomplete application for appeal by the deadline. Therefore it is my opinion that the ZBA lacks jurisdiction to hear the appeal and the appeal should be rejected as untimely."

What You Can Do

Fed up with the chaos and disorganization at some Township meetings? Worried about the spiraling legal costs protecting your interests? Then speak up!

If you have an opinion, attend meetings, ask questions and express that opinion.

If you are uncomfortable speaking in a meeting, send your opinion by email to clerk@hayestownshipmi.gov. All emails received are added to the packet considered by the Board of Trustees, the Planning Commission and the Zoning Board of Appeals and made part of the record following such meetings.

Demand that the Supervisor consult with the rest of Board and conduct the Township's business in the transparent, participative and open manner that good government requires.

Don't let a small, active and highly vocal minority dominate Public Comment at our meetings.

We're Back!

When you see our editions returning to your mailbox, you may ask yourself, Why? Even, why now?

We're back for the same reasons when we were established in 2018. To fill the information void no longer served by local newspapers.

Our community deserves to know the TRUTH about what is happening in our township and The Sentinel will deliver it. Our articles are based on FACTS—direct quotes and facts from official documentation and events. There are so many mis-statements, disinformation, and flat-out LIES that have been propagated within our area that residents have called for The Sentinel to return. The Sentinel provides clarity on important Township decisions, discussions and topics by delivering researched background, context and perspective.

The Sentinel, keeping watch and a shining light on the politicians, political news and political issues within Hayes Township with truth and facts.

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Muddy Waters and Mixed Messages

Donations collected as Resident, requested as Supervisor

April’s devastating ice storm created challenges for local officials on how to best help their community and clear the massive amount of debris. The Hayes Board of Trustees held several meetings to discuss a potential debris clean up during which Township Supervisor Bill Conklin shared that he had already been to several homes and made promises to homeowners that he would assist in their clean up. He requested Township funds for fuel, wood chipper rental, and truck rental. The majority of Board members were, however, against a volunteer-driven effort. Several local professionals that work with tree cutting and wood chipping supported the four Board members’ reluctance to have untrained individuals working with such equipment. Despite the Board’s position, Conklin declared that he was going to organize his own volunteers and equipment as

a private resident. Yet in both his May 2025 Supervisor report and his June 2024 Voice Supervisor letter, Conklin requested donations from Hayes Residents. The requests were to make a “\$50 or \$100 donation to the Township to defray the cost of the cleanup”. Subsequently, the Board of Trustees did vote to hire a professional company with insurance and experience to remove the storm debris. During the June 23, 2025 Special Board of Trustee meeting, Treasurer Julie Collard asked Conklin if he had any donations from residents to turn into the office to be processed and deposited into the appropriate Township accounts. Conklin said he used any funds he was given to pay for a rented dump truck and wood chipper, and did so as a private resident. Collard pointed out to him that he had solicited funds in his Supervisor commu-

nications with residents, which would ‘muddy the waters’ of what the money was intended for. Conklin’s wife Diane said that she had kept accounting of the donations and would share that information, but when officials asked for the financial information, Diane responded that it had nothing to do with the Township and that Bill may want to do a presentation at a future meeting regarding this issue. Based on advice and counsel from Township Attorney Todd Millar, a report was made to the Charlevoix County Sheriff office regarding possible misuse/mishandling of Township funds. “It is my responsibility as Treasurer,” Collard commented, “to legally account for every penny that belongs to Hayes Township. I am not accusing Bill of stealing money or anything of the sort. I’m simply asking for him to be

accountable for his actions, and if donations have been given by residents to the Township, that money needs to come to the Township, not fund his personal activities.” During the August 11, 2025 Board Meeting, Conklin insisted in reading a ‘report’ of his activities, even though in the very beginning of this report, he stated, “Outline of events re: Cleanup and Organizing Volunteers myself/individually, not as Supervisor...” Conklin also gave a list of donations he received, which totaled \$600.00. Joe Verlin, of Gabridge & Co. (Hayes Township Auditor), will be including a letter of caution against Conklin’s mixed messages in his role as Supervisor when it comes to financial issues. The Charlevoix County Sheriff is still accepting any information Hayes residents may have regarding donations.

Conklin vs Hayes Township: The Facts

Present Township Supervisor files lawsuit against Township one day prior to taking office

Conklin vs Hayes Township: The Facts Present Township Supervisor files a lawsuit against Township one day prior to taking office Bill Conklin’s suing of the Township, as well as his unilateral leadership style, has caused over \$30,000 in legal expenses for the Township so far. With Conklin now appealing the case to the Michigan Court of Appeals, these costs could climb even higher.

Commission’s terms to comply with the Michigan Planning Enabling Act (MPEA), which mandates balanced 3 year terms. In May 2025, Judge Roy C. Hayes III dismissed the case. Conklin’s July 2025 reconsideration request was denied, prompting his appeal. Conklin’s lawsuit had four main claims, but two stood out: one about

alleged secret discussions preceded the public vote. The Court found no evidence, only Conklin’s speculation, and dismissed the claim, noting the public vote met OMA requirements. **Claims 3 and 4** Conklin also argued the Board’s actions went against “the will of the voters” and violated his rights as the

trust breaks down. Here are some key takeaways: **Teamwork Matters:** The Supervisor isn’t a boss who can act alone. The Court’s ruling shows that no one person, even the Supervisor, can override the Board. **Money and Trust:** The lawsuit has cost Hayes Township taxpayers over \$30,000, a big hit for a small community. With Conklin filing an appeal to the Michigan Appellate Court, those costs will keep growing, taking money away from roads, parks or other needs. This can make residents feel frustrated and question their leaders. **Openness Builds Confidence:** Even though the Court found no OMA violation, the claim shows how important it is for leaders to be clear about their decisions. Public meetings and records help prove everything’s transparent, keeping the community’s trust.

The Setup: How Hayes Township Works

Hayes Township is run by a five-member Board of Trustees: the Supervisor, Clerk, Treasurer, and two Trustees. Each member gets one vote and decisions are made by a majority vote, not by one person calling the shots. While the Supervisor is often seen as the Township’s leader, and chairs meetings while handling daily operations, he (or she) must get Board of Trustees approval for big decisions, like the appointment of members of any Township board or commission, spending money or signing contracts. William Conklin narrowly won the Supervisor role in a tight election and contrary to claims of an overwhelming mandate actually received fewer votes than every other Board member.

2024 HAYES TOWNSHIP ELECTION RESULTS

Name	Votes received
Julie Collard	760
Matt Cunningham	689
Doug Kuebler	686
Kristin Baranski	656
William Conklin	612

Source: Clerk, County of Charlevoix

the MPEA and another about the Michigan’s Open Meetings Act (OMA). **Claim 1: Breaking the Planning Law** Conklin said the Board’s changes to PC terms violated the MPEA because they occurred before his term as Supervisor began. The Court ruled the changes aligned with the law’s goals, dismissing the claim. **Claim 2: Secret Meetings** Open Meeting Act (OMA): Conklin

new Supervisor. The Court said these claims didn’t hold up because the Board’s job is to make decisions like this, and Conklin, not yet in office, had no right to undo them. Another claim about internal Township rules also failed for lack of evidence. **The Bigger Picture: What This Means** This dispute isn’t just about one man or one Board—it’s about how small towns run and what happens when

What’s Next for Hayes Township? Conklin’s narrow election and ongoing conflicts with the Board suggest Hayes Township is a divided community. His actions, including his failed lawsuit, have strained his relationship with the Board, making it harder to work together as a team. The appeal prolongs the drama, racking up uncertainty and more costs the Township can ill afford. For Hayes Township, the challenge now is moving forward together, putting the community’s needs first.



"DEMOCRACY DIES IN DARKNESS"

OPINIONS

Shining Light on Political News

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Our Shadow Trustees

By Publisher and Editor David K Zipp

It's been more than eight months since our new Supervisor Bill Conklin took up office yet Conklin remains as obstructive, secretive and independent of the Board of Trustees as he possibly can be.

A Township Supervisor isn't a king or a president. He should be working interdependently with the other four Trustees, participating with them as a team to manage Township business as efficiently as possible. Effective communication within the team is critical for success, as it directly affects every Board decision on issues that affect us all.

Is Conklin's way any way to run our Township? In fact, who is the real Supervisor of Hayes Township?

Conklin, who was elected in large part to the efforts of his small (but fanatical) core of supporters, routinely consults with them on things like contracts, policies, and procedures ahead of presenting these issues to the Township Board. His backroom advisors (call them what you will but I call them the Shadow Trustees) direct his reports, his communication, as well as his votes.

Conklin, who struggles even to conduct basic Board meetings efficiently, regularly refers to notes at those meetings that were prepared by his Shadow Trustees but not shared with the other Board members ahead of the meetings. This is a deliberate ploy to put the Board members at a disadvantage by forcing them to vote on sensitive issues without their having the benefit of their own research in advance. Such behavior deliberately inhibits robust discussion of topics.

Public comment (dominated by the Shadow Trustees) is an exact mirror of the specific concerns Conklin wishes to address. It is remarkably simple to connect the dots from everything he

mentions to the issues his small group in the background obsess about.

Our recent budget hearings are a classic example. Conklin promised the public, both verbally and in his written communications, that there would be between four and six budget workshops to develop the 2025-26 budget. How many did he hold? Two? Three? Not even close.

Not only did he not hold even ONE workshop, he used his deputy and several high cost accountants to put a budget draft separate from any advice or input from the Township Clerk and Treasurer.

You may think that was bad enough, but wait, there's more.

Conklin's "Budget" was presented a week late and in the wrong format. The Board was forced to schedule a Special Meeting (additional to the normal meeting schedule) to complete approval of a proper new fiscal year budget. But this didn't happen because of anything Conklin decided to do. It happened because the first hearing was such a disaster and, as a result, our Clerk and Treasurer knew they had to develop a well thought out and rational budget to present, one that made sense and was reflective of the group process it should have always been.

How can this fiasco have happened? Quite simply it showed everyone how little Conklin understands about how to put our Township's budget together, regardless of the assistance of individuals on which he wasted your taxpayer money. He even confessed at the Public Budget meeting that he hasn't got a clue on how to balance his own bank account and personal checkbook. What faith can we place in a Supervisor who can't even do that and then have confidence he will manage our multimillion dollar Township budget efficiently?

The Board had a clear draft of the

Budget in the correct format to review at the Special Meeting and approved it. Yet even then, and in true fashion, Conklin almost voted against the revision because LuAnne Kozma—a (perhaps THE) leading Shadow Trustee—was obsessed about the use of ARPA funds and berated the Board on their "mistakes". Curiously, Conklin had handed each Board member a letter at the beginning of the meeting with the exact same language that Kozma would use in her spoken comment: that the Township made an error with these ARPA funds. Can there be any doubt who was the puppet and who was the puppet master?

In fact, there were no mistakes in the Budget and everything was in order and had been appropriately accounted for and reported. Our Clerk had done all of the reporting for the ARPA funds, guided by the experts at the Michigan Township Association, correctly.

It's bad enough to have Shadow Trustees feeding our Supervisor information behind the scenes, and

directly pulling his strings, far worse when it is downright wrong.

Sadly this is a recurrent theme of Conklin's Shadow Trustee group. Kozma's fanatical, strident and repetitive criticism of all Hayes Township decisions, personnel and Board or Commission meetings is key to their strategy to divide and manipulate a false narrative.

Regrettably, she doesn't seem to realize that there is more, much more, to meaningful discussion than righteous indignation.

It is time for Township residents to speak up and demand that the Supervisor consult with the rest of Board and conduct the Township's business in the transparent, participative and open manner that good government requires. It is unethical for Conklin to continue as Supervisor when he is so led—and often misled—by a small, angry faction of the Township. And it cannot be right that a group of unelected individuals have such a direct means of control of our Supervisor.

WHAT YOU CAN DO Fed up with the chaos and disorganization at some Township meetings? Worried about the spiraling legal costs protecting your interests? Then speak up! If you have an opinion, attend meetings, ask questions and express that opinion. If you are uncomfortable speaking in a meeting, send your opinion by email to clerk@hayestownshipmi.gov. All emails received are added to the packet considered by the Board of Trustees, the Planning Commission and the Zoning Board of Appeals and made part of the record following such meetings. Demand that the Supervisor consult with the rest of Board and conduct the Township's business in the transparent, participative and open manner that good government requires. Don't let a small, active and highly vocal minority dominate Public Comment at our meetings.