

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</p> <p style="text-align: center;"><u>Regular Board Meeting</u></p> <p style="text-align: center;"><u>Thursday, December 14, 2017</u> 7:00 p.m.</p> <p style="text-align: center;">Yankee Springs Township Hall 284 N. Briggs Rd., Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>MINUTES Page 1 of 7 YST Bd Trustees 12-14-17 Approved Jan. 11, 2017</p>
<p>Meeting called to order at approximately 7:00 p.m. by Supervisor Mark Englerth.</p> <p><u>PLEDGE OF ALLEGIANCE:</u></p> <p><u>Roll Call:</u> Present: Jansma, J. Lippert, Englerth, M. Boysen, VandenBerg.</p> <p><u>Staff Present:</u> Larry Knowles (Former ZA), Sandy Marcukaitis, Chuck Biggs- Constable, Rich Beukema, Greg Purcell, Ron Heilman, Frank Fiala, John Frigmanski, PCI – Eric Thompson (interim ZA).</p> <p><u>Also Present:</u> Catherine Kaufman, Township attorney</p> <p><u>Visitors:</u> 18 (not including staff present). C. Yonkers of J-Ad present (For part of meeting)</p>	<p>CALL TO ORDER</p> <p>PLEDGE ROLL CALL</p>
<p><u>ADDITIONS/CHANGES TO AGENDA:</u></p> <ul style="list-style-type: none"> • Add : Julie Fox, YS Resident & owner of Curley Cone Business placed on the Supervisor Report • Minutes of 12/12/17 Introducing of M. Boysen at Fire Station 	<p><u>ADDITIONS/ CHANGES TO AGENDA</u></p>
<p><u>APPROVAL OF CONSENT AGENDA:</u></p> <ul style="list-style-type: none"> • Regular Board Meeting Minutes – November 9, 2017- 7 p.m. • Special Board Meetings: Nov. 8th, 2017 – 2:00 p.m. Nov. 13th, 2017 – 6:00 p.m. Nov. 20th, 2017 – 7:00 p.m. • Special Meeting – December 1st, 2017 – 9:00 a.m. • November Check Register #914369 through #914398 Total \$29,025.35 • November Payroll Check's EFT Amount \$3,276.72 • November Receipt Distribution – all Funds <p><i>Motion by Jansma with support from VandenBerg to approve the <u>Consent agenda for tonight's meeting.</u> ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.</i></p>	<p>APPROVAL OF Consent Agenda</p> <p>Approval of Consent Agenda as amended. MOTION CARRIED.</p>
<p><u>PUBLIC COMMENT: (Limit 3 minutes)</u></p> <p><u>Ron Heilman, Johnson Dr.,</u> commented on Senate Bill 329 which regulates vacation rentals – R. Heilman found that it is “dead” after talking to legislators. R. Heilman is concerned with large party groups coming in and short staffing of the Sheriff's department support.</p>	<p>PUBLIC COMMENT</p>

R. Heilman also commented on ZBA meeting and information from R. Harvey, Professional Planner given to ZBA members at the actual meeting. "Is it the ZBA Chairman's responsibility to invite the Planner or PCI to the ZBA? If we have a system that is working, is it necessary for us to use or change the policy in our program?" asked Heilman.

Englerth commented that there should be a joint meeting to discuss the items mentioned by R. Heilman.

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BOARD ACTION ITEMS:

**1. PCI – Contract Renewal Building and Electrical Codes
January 1, 2018 – December 31, 2018**

Motion by Jansma with support from Boysen to renew the contract with PCI. ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.

**2. Discussion of offer by Developer of Shalinda Subdivision Plat
Closed Session – Attorney Catherine Kaufman (YS Twp.)
Christian Meyer, Legal Counsel for Shalinda Developer**

Prior to the Closed Session, C. Kaufman, YS Township Attorney, commented that the developers came to C. Kaufman noting that Clerk Lippert may have a conflict of interest.

Christian Meyer, Legal Counsel on behalf of the developer, (Shane VandenBerg), was present at tonight's meeting for approval of the plat itself, and for discussion in closed session -an offer on the loop for the Shalinda Development. C. Meyer noted that Mr. VandenBerg is not a trustee at this point (in the meeting).

C. Meyer also addressed the impartiality of Jan Lippert, Clerk in relation to approval of the Shalinda plat. C. Meyer referred to the YS Board of Trustee November 9th meeting minutes and to the comments of Robert Lippert, husband of Clerk Lippert, regarding YS Supervisor and Trustee VandenBerg. R. Lippert suggested both Englerth and VandenBerg resign to bring peace and progress to YS Township. Meyer stated this information demonstrates there is a lack of impartiality on the part of the Clerk. Meyer also noted that Jan Lippert, Clerk, at that same meeting, insisted on reading into the record an unsigned unanymous letter into the record that expressed the same animosity. Meyer asked that J. Lippert recuse herself as not being impartial on this matter.

C. Kaufman, YS Attorney, asked J. Lippert questions regarding Principles of Governance. After J. Lippert answered, Attorney Kaufman commented that J. Lippert has indicated that she can be impartial.

Board discussion took place.

C. Kaufman commented on being as transparent as possible and she'd would rather err on the side of caution. C. Kaufman commented that she would rather have J. Lippert recuse herself.

Motion by Englerth with support from Boysen to have J. Lippert recuse herself regarding Shalinda Plat Approval and Closed Session discussion. ROLL CALL: Jansma: Yes, Lippert: No, Englerth: Yes, Boysen: Yes, VandenBerg: Abstained. Yes: 3, No: 1, Abstained: 1. MOTION CARRIED.

BOARD ACTION ITEMS:

**MOTION TO
RECUSE CLERK
(Shalinda Plat
Approval/Closed
Session)**

Motion by Jansma with support from Boysen to go into closed session at 7:25 p.m. ROLL CALL: Jansma: Yes, Lippert: No, Englerth: Yes, Boysen: Yes, VandenBerg: Abstained. Yes: 3, No: 1, Abstained: 1. MOTION CARRIED.

CLOSED SESSION: 7:25 p.m. to 8:21 p.m.

Return from Open Session: 8:21 p.m.

Motion by Englerth with support from Jansma to come back to the open session/Regular Board Meeting. ROLL CALL: Jansma: Yes, Lippert: Yes, Englerth: Yes, Boysen: Yes, VandenBerg: Abstained. Yes: 4, No: 0, Abstained: 1. MOTION CARRIED.

Motion by Englerth with support from Boysen to ask attorney C. Kaufman to move forward with negotiations on the Shalinda Development. ROLL CALL: Jansma: Yes, Lippert: Abstained, Englerth: Yes, Boysen: Yes, VandenBerg: Abstained. Yes: 3, No: 0, Abstained: 2. MOTION CARRIED.

C. Kaufman commented the Board would like to discuss and have a meeting regarding offer consideration of the looping of the water system before Christmas- if possible.

C. Meyers, Legal Counsel for Shalinda Development reviewed the history/timeline of what has taken place regarding the final preliminary plat plan approval. Review of Shalinda Final Preliminary Plat Plan by Professional Planner, Rebecca Harvey, was received by Shalinda Development representatives on Monday 12/11/17. Responses regarding Shalinda Development were read by C. Meyers.

Geoff Moffit, Representative of Shalinda Development, felt more comfortable with 120 days rather than 90 days, to get engineering construction plans.

Motion by M. Englerth with support by A. Jansma to approve final preliminary plat –Shalinda Subdivision subject to the developer revising the plans to reflect all requirements of the township engineer as reflected in the October 11, 2017 letter, and all conditions of the Drain Commissioner and all conditions of the Road Commission to be provided to township within 120 days of the date of agreement between the township and developer on the looping of the water system and subject to the condition that an agreement is reached on looping of the water system. ROLL CALL: Englerth: Yes, Boysen: Yes, Jansma: Yes. Yes: 3, No: 0, Abstained: 2. MOTION CARRIED.

***Jansma noted that the final engineering plans and final drawings will be given to Mr. Knowles at GLASWA.**

NEXT MEETING: Wednesday, Dec. 20th, at 7 p.m. at Township hall regarding the loop. It will be a public meeting, if 3 board members are present. Board member Vandenberg and Clerk Lippert may be present.

Break 9:00 p.m. Resume: 9:09 p.m.

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CLOSED SESSION

Motion to come back to Open Session/Regular Board Meeting.

MOTION TO APPROVE SHALINDA SUBDIVISION FINAL PRELIMINARY PLAT

BREAK

<p><u>ACKNOWLEDGEMENT OF VISITORS:</u> Barry County Board of Commissioners –Vivian Conner gave the Commissioner’s Report.</p>	<p>MINUTES Page 4 of 7 YST Bd Trustees 12-14-17</p>
<p>TREASURER’S REPORT: Alice Jansma, Treasurer</p> <ul style="list-style-type: none"> ➤ August 2017 through November 21, 2017 – Yankee Springs Township Water Advisory Board Agendas and Minutes (included in agenda packets). ➤ <u>GLASWA November 2017 Report Wayland Union Summer Tax Collection Resolution \$2.50 per parcel received.</u> <p>Motion by Englerth with support from Boysen to accept the Treasurer’s Report as presented. All ayes. MOTION CARRIED.</p> <p>Motion by J. Lippert with support from Englerth to adopt resolution to collect summer tax for Wayland Union School (1/2 of a mill). ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.</p>	<p><u>ACKNOWLEDGE- MENT OF VISITORS</u></p> <p>Barry County Board of Commissioners – Vivian Conner</p> <p><u>TREASURER’S REPORT: Alice Jansma</u></p>
<p>CLERK’S REPORT: Jan Lippert, Clerk</p> <p>Special Meetings 12-4/ 12-5/ 12-6/ & 12-7-2017 Minute Approval: <u>TABLED until NEXT meeting.</u></p> <p>Accounts Payable Invoice Register to Date Approval: <i>Motion by Jansma with support from Englerth to approve invoice register of 12/14/17 (\$38,229.01).</i> ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.</p> <p><u>Correspondence:</u></p> <ul style="list-style-type: none"> • Thank you from Barry County Bluebirds • Letter from Willard & Debbie Case regarding TOST – nitrate level/well • Nov. 2017 YST Fire Dept. Responses Total calls as of November – • <u>MFR 202 FIRE 65</u> • 911 November 2017 Report Filed – Clerk’s Office • 2018 Road Township Meetings –Date set for: <u>Thursday, Jan. 11 at 5 p.m.</u> 	<p><u>CLERK’S REPORT: Jan Lippert, Clerk</u></p> <p><u>Accounts Payable Invoice Register to Date Approval</u></p>
<p>SUPERVISOR REPORT, Mark Englerth:</p> <p>Julie Fox, of Hastings Pt. Rd, commented that she wanted to be on the agenda, and should have been on the agenda as she requested. J. Fox commented that she had attended her first board meeting in October. J. Fox commented on a point in that meeting involving S. VandenBerg whom was without his legal representation. J. Fox commented that during that time, Greg Purcell, “not only refused to refrain from comments but was aggressive, argumentative and loud. I stood up and expressed my objection to his behavior and I was shouted down with the words, ‘You have no say in this.’” J. Fox commented that she attended the November meeting, “I was stunnedat a recap by Roger Rottschafer who characterized Mr. Purcell as a saint and Mr. Englerth as unprofessional and unfair.” J. Fox commented that she “has no dog in the hunt.” J. Fox commented “R. Rottschafer’s</p>	<p>SUPERVISOR REPORT, Mark Englerth:</p>

unsolicited account is simply not based on fact. He also attempted to shut down public comment at the end of meeting which was on the agenda. Mr. Englerth, thankfully, allowed the comments.”

J. Fox commented that also at the November Board meeting, “Janice Lippert and Alice Jansma attempted to force through the appointment of Larry Knowles to occupy the open seat. They demonstrated zero curiosity. None... (J. Fox noted she has had nothing but good experiences with L. Knowles) ... But to try to shove through one candidate without even exploring something different is just crazy. Their agenda fortunately was not put through.”

J. Fox commented that she had received a complaint regarding her business just days after attending and speaking up at the October meeting. J. Fox commented on wondering about the timing of the complaint after the October 12 meeting. The complaint was filed on Oct. 17. J. Fox noted that she requested a copy of the complaint from J. Lippert when she (Fox) came to the township office on Oct. 24th. Fox commented that she was told that it was not township policy to provide that information. “I was told she (J. Lippert) did not know who had filed the complaint,” commented Fox. “I was also told that sometimes information isn’t even known if it is called in,” added J. Fox. “I informed them that it’s in violation of the Freedom of Information Act and at that point I filed a FOIA application. They had five (5) days to respond to it. That was at the end of October. On November 13th, after following up multiple times, I visited Ms. Lippert in her office asking why I had not received the information I had requested. We had an 8 minute conversation about this request. Nov. 15, I received a response basically advising me after I had filed a FOIA a month before, after I had an 8 minute conversation with her in her office as to why I hadn’t been responded.... Ms. Lippert did not know what I was requesting. So her response to me on the 15th was, ‘I don’t really know what you are asking me for.’ Finally, on November 20th, I received her response finding out that Robert and Janice Lippert had filed the complaint. On November 27th, I filed a FOIA asking for copies of all complaints filed in 2016 and 2017 by Bob and/or Robert Lippert and Jan or Janice Lippert. I was asked by Jan for an extension which I granted but I stated I wanted this information a couple days before this meeting. I was sent a written notice from Janice that I would receive the information on the 15th which is tomorrow. After a very stern conversation with Ms. Lippert, I received the documentation yesterday. So you can understand. So, when I received the documentation, I’m thinking, well, you know, here I am this small business that’s invested half a million dollars in the Gun Lake area since April. Man, if she and her husband don’t have enough to do to come and pick on my little sign that says ‘Open Under New Management’ then there must be a stack this high. Was I surprised to find out there’s only three people in two years that she’s filed something against. Mark! Shane! Julie! Kind of shocking isn’t it. And you don’t have prejudice against certain people?” (commented Fox).

J. Fox added that she has found out about a thing called “a malfeasance in office.” “It is the commission of an unlawful act done in an official capacity which affects the performance of official duties. It protects citizens from public officials who retaliate against a citizen for doing what I did. In this case, simply speaking out in a meeting. Or, when they use their office to hide or conceal things that is protected under the Freedom Of Information Act. You made it nearly impossible for me to get that information. And you tried to satisfy me by the fact that I got my sign approved. And your words were, “Well it’s all washed under the bridge now because you got your sign.”

At this point, J. Lippert commented that she had never said that to J. Fox.

“OK. Well you know what, it’s also legal in the state of Michigan to record a personal conversation between two people....So we’ll just see about that,” commented J. Fox to J. Lippert.

C. Kaufman, YS Attorney commented, “Only if you ask permission and you tell them.”

J. Fox replied, “No. It’s not. I checked it out with my attorney.”

J. Fox commented, “I respectfully ask for the immediate resignation of Janice Lippert as Yankee Springs Township Clerk because surely we can do better than this. She is taking it out against me because I disagree with her on certain things. I have made that public in this forum. In addition, obviously there is a pattern to this. She attacks personally and professionally those who disagree with her. So I’m asking for your resignation, Janice.”

Kaufman commented, “She (J. Lippert) doesn’t have to respond.”

C. Kaufman commented “I did participate in the FOIA. She took the ten day extension. She had until the 15th to provide you with the documents. She couldn’t get them all because the zoning administrator quit and she had to go to him to get the documents. So by law, within five days she responded, she took the 10 day extension. She could have produced it by the 15th. She got it to you earlier as soon as she got the documents.

J. Fox commented, “That’s not what she (J. Lippert) said. When I had a conversation with her, well you (Kaufman) weren’t privy to it. We have an attorney here, the last time I was at a meeting with you, you didn’t even brief yourself on what was going to be discussed! I’ve never been to a meeting when that happened before.”

At this point, Englerth interrupted and stopped the discussion.
Lippert thanked Fox for the tour of her restaurant she gave her when she dropped off the information she requested.

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SUPERVISOR REPORT, Mark Englerth: (continued)

M. Englerth referred to a few years ago when a dry fire hydrant was put in by Turner Lake. Englerth gave an update to inform the board of the current status. An irrevocable easement issue is involved.

Drainage Issue – a home had been inspected by Mark a couple of years ago. The property was sold. The new owners called Mark up and commented on having a drainage problem. The problem was not disclosed in the sale. Englerth commented that he would get some coaching from counsel before the attorney leaves this evening.

Workshops to occur after the beginning of the year, at least twice, if not four times a year with the Planning Commission and ZBA.

Regarding the meeting agendas, M. Englerth commented on the difficulty of preparing for the meeting and getting information “dumped on our lap”. Englerth referred to the county commission having a meeting as a whole, prior to the regularly scheduled Board meeting.

SUPERVISOR’S
REPORT *cont’d*

PLANNING COMMISSION – Greg Purcell, Chairman (Written Report submitted)

The PC has been meeting and working on the Master Plan.

At the next PC meeting (Dec. 21st) the DNR is coming in. The PC is trying to coordinate the Master Plan with the DNR (both the Recreation area representatives and Game area representatives).

Also, three positions on the PC will expire at the end of 2017.

Joint meeting coming up with the PC, Township Board, and ZBA.

G. Purcell spoke of the CIP (Capital Improvement Plan) coming before the PC and the Annual Report being worked on.

NEW/OLD BUSINESS:

Erasing of Wish List (2017): Motion by Jansma with support by Boysen to remove wish list from whiteboard in the township hall and start off with a new list in January to use for strategic planning. All ayes. MOTION CARRIED.

M. Englerth stated he will handle the item involving the dry hydrant/easement issue at Turner Lake discussed under the Supervisor’s Report earlier.

ADJOURNMENT:

Motion to adjourn by Englerth 9:47 p.m. Approved by all. Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 12.14.17

Date: _____
jcl draft – Circulated 12-19-17

Approved : Jan. 11, 2018
Janice C. Lippert, Township Clerk

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**PLANNING
COMMISSION –
G. Purcell, Chairman**

**NEW/OLD
BUSINESS**

MOTION TO ERASE
AND BEGIN NEW
WISH LIST

ADJOURNMENT