

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP <u>BOARD OF TRUSTEES</u> <i>Special Meeting</i> To go into Closed Session <u>Monday, February 19, 2018</u> 6:00 p.m. Yankee Springs Township Hall 284 N. Briggs Rd., Middleville, Michigan 49333 </p> <p style="text-align: center;">MINUTES</p>	<p> FINAL MINUTES Page 1 of 3 Special Meeting to go into Closed Session of Board – 2.19.18 Circulated Date: 2-28-18 with attachment Approved 3/8/2018 </p>
<p>Supervisor, Mark Englerth called the meeting to order at approximately 6:05 p.m.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p><u>Board Members Present: (All Present):</u> Jansma, J. Lippert, Englerth, Boysen, VandenBerg.</p> <p><u>Staff Present:</u> None</p> <p><u>Legal Counsel present:</u> Catherine Kaufman, Township Attorney</p>	<p>Those Present in Closed session</p>
<p><u>PURPOSE OF MEETING:</u> Meet with Township Attorney, Catherine Kaufman to discuss a written Legal Opinion in Closed Session.</p> <p><i>Motion by Englerth with support from J. Lippert to go into closed session as a Township Board under Section 8(h) of the Open Meetings Act, pursuant to section 13(1)(g) of the Freedom of Information Act, to consult with our attorney regarding a written legal opinion. ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.</i></p>	<p><u>PURPOSE OF MEETING</u></p> <p><u>MOTION TO ENTER CLOSED SESSION</u></p>
<p><u>MOTION TO COME OUT OF CLOSED SESSION: 7:58 p.m.</u></p> <p><i>Motion by Englerth with support from J. Lippert to come out of closed session and go back into open session at 7:58 p.m. All Ayes. MOTION CARRIED.</i></p>	<p><u>MOTION TO COME OUT OF CLOSED SESSION AND INTO OPEN SESSION at 6:58 p.m.</u></p>
<p><u>Motion by Jansma with support from VandenBerg to accept Jan Lippert's withdrawal of her name (voluntarily) as FOIA coordinator effective the February 22, 2018. ROLL CALL: Jansma: yes, Lippert: Abstained, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 4, No: 0, Abstained: 1. MOTION CARRIED.</u></p> <p>Marge VanderMeyden will be asked if she would like to take on the FOIA coordinator role. Jan Lippert will not be the supervisor of the FOIA coordinator. A job description of FOIA Coordinator will have to be written. Discussion occurred regarding if position is taken, payment of work should be discussed.</p>	<p>Motion to accept Jan's resignation as FOIA Coordinator Attach Clerk's Memo Dated 2-19-18</p>
<p><u>FURTHER DISCUSSION IN OPEN SESSION:</u></p> <p>Discussion occurred with inquiry of S. VandenBerg of C. Kaufman regarding the final approval of the final preliminary plat of Shalinda subdivision and meeting all the infrastructure requirements of the project. Kaufman noted that she has 30 clients and attends a lot of meetings, so she needs to refer to her files and the meeting minutes before writing a memorandum regarding this matter.</p>	

A. Jansma commented that a thumb drive had shown up in the township drop box in an envelope. The envelope had Alice's name on it with no other information. The owner of the thumb drive has since contacted A. Jansma. Pictures of the Township Park are on the thumb drive. Mystery solved.

S. VandenBerg referred to a questionnaire (three page document) that was sent to his attorney, and then referred to Mr. Moffat (Shalinda Planner), to be filled out a few days before the meeting (Shalinda Development – Approval of final preliminary plat). VandenBerg wanted to know who gave permission for the Planner to draw up this document. Kaufman commented that it may have been her (Kaufman), to the best of her recollection as she was just trying to get into the record that everything was satisfied.

C. Kaufman commented that at some point in time she asked Rebecca Harvey (Professional Planner) to give a checklist "...and my concerns were as the Supervisor stated previously, I thought some things had been missed in this review, and we talked about the timeline for the Planning Commission to act which is limited to 20 days within receipt of the application and the complete plans, so now this is going forward to the Board and in order to make sure everything was done as it needed to be done, I did ask the planner to look at it." Kaufman noted that her contact with R. Harvey would be in her bill. "I was trying to tie up loose ends after the fact. Because we have a timeline for action at the Planning Commission, some things didn't get done in my opinion. I was trying to close those ends," added Kaufman.

Englerth commented "I think we've talked this thing to death. I really do. I think that we talk about it really serious once every 15 years. We do have our own Planning Commission. We don't have a full time like the county does or whatever. And these are challenges. And then the level of trust between individuals is not good..... So it was a recipe for the perfect storm. I think we can learn from this..." added Englerth. Englerth commented, "I think what we need to know as a board leaving this meeting is that we understand this and in the future we need to achieve to do better."

Kaufman added, "And I think that it is important to understand that due process is what your ordinance tells you what you can apply and what your standards are- what your parameters are. And when we start to move outside of that- without indiscretion, there are certain types of approvals that you can put reasonable conditions on.

A subdivision plat is not one of them. Ok?

So a site plan, if you meet the standards, it should be approved.

A subdivision plat, if you meet the standards, you should be approved.

A site condo, I'm not exactly sure how you handle that... But you all need to be aware that is the scope of the authority in a municipality.

M. Boysen added, "And the loop is a gray area only because we are not clear about it ourselves."

Kaufman commented, "Correct. So when you get your policies established, it will allow that discussion to go much smoother between applicant and township because the requirements will be 'clearly annunciated'.

S. VandenBerg commented, "But it's obvious that we have no ordinance anywhere that says that the loop was required."

C. Kaufman commented, "We had a CIP (Capital Improvement Plan). I'm going to say I did not find an ordinance that would require that."

C. Kaufman also commented to VandenBerg, "Let your attorney know, he did try to contact me on the day of the last meeting. I forget what day that was that he was here. My father was dying. My father died recently. My father was in hospice the day of that meeting and my father died the next day. So I did try to call him back. I missed him. You know the statement ... 'I tried to call your attorney several times today, and she didn't answer.' That's why... That was not deliberate...".

J. Lippert commented that the PC has made the subdivision ordinance a goal for 2018 to review.

Englerth mentioned that an individual was recording a recent meeting from the audience and then an individual was recording the individual recording the meeting. Englerth noted that this was a disturbance to the meeting.

Kaufman commented that the board can adopt the rules/policies regarding recording in the meeting. Kaufman advised to adopt them (policies) as a board, then the board can apply them to people attending the meeting. Kaufman also noted that the board has to allow video taping. Kaufman also commented that the time limit for public comment should be put into the policies as well.

Kaufman advised to go to the MTA website for examples of written policies. Kaufman also mentioned that a lot of people will put policies on the back of their meeting agenda.

Full audio recording of the open meeting which is to accompany the written minutes (for this meeting) has been downloaded and is accessible at the Township's website: www.yankeespringstwp.org under "2.19.18 BOT Special Meeting". The audio of this meeting is the continuation of the audio starting at the 6:00 p.m. meeting held prior to this- the 7:00 p.m. meeting.

ADJOURNMENT:

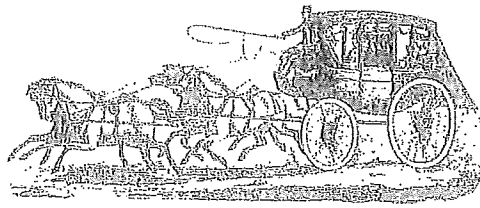
Motion by Englerth with support from Jansma to adjourn at 8:22 p.m. Approved by all.
Motion Carried.

Respectfully submitted: Date: Draft Circulated date: 2-28-18
Deb Mousseau
Recording Secretary 2.19.18

Approved :March 8, 2018
Janice C. Lippert, Township Clerk

FINAL MINUTES
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Special Meeting to go into
Closed Session of Board –
2.19.18

ADJOURNMENT



Township of Yankee Springs

284 N. BRIGGS ROAD – MIDDLEVILLE, MICHIGAN 49333
269-795-9091 / FAX 269-795-2388

Office of Clerk

*attach to
Minutes
open session
2.19.18*

Date: February 19, 2018
To: Township Board of Trustees
From: Township Clerk, Janice Lippert *JL*

In the interest of bringing peace and stability to this Township Board and the community, I am voluntarily withdrawing from my role as FOIA Coordinator.

I did absolutely nothing wrong, and in fact, I complied exactly with the letter of the law as required by FOIA.

I recommend that Marge VanderMeyden, Deputy Clerk be appointed as FOIA Coordinator.

Current FOIA request from Julie (LaJoye) Fox dated 2-15-18 email, is considered received by on the next business day (2-16-18) FOIA #2-16-18 11:09 am Julie LaJoye Fox
Response Date: February 19, 2018

Her Request is... "Please forward to me the Township attorney's billing statements which include a description of what the billable time is from October to current". Will be completed tomorrow with the attached billing statements.

*Per @K.
effort 2.22.18
2018*