

<p style="text-align: center;"><b>YANKEE SPRINGS TOWNSHIP</b>  <b>Special Meeting</b>  Work Session  <b>BOARD OF TRUSTEES</b>  <u>Wednesday, April 24, 2013</u>  <b>Yankee Springs Township Hall</b>  <b>284 North Briggs Road, Middleville, Michigan 49333</b></p> <p style="text-align: center;"><b>MINUTES</b></p>	<p><b>FINAL MINUTES</b>  Approved May 9, 2013  As presented</p>
<p>Meeting called to order at 7:05 PM by Supervisor Mark Englerth.</p> <p><u>Roll Call:</u> Jerkatis, J. Lippert, Englerth, M. Cook and Campbell. All Present.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p><u>Staff Present:</u> Constable Jim Orr, Interim Zoning Administrator Larry Knowles, Alice Jansma, Sandy Marcukaitis, and Frank Fiala.</p> <p><u>Visitors:</u> 12 (not including staff present).</p>	<p><b>CALL TO ORDER</b></p> <p><b>ROLL CALL</b></p> <p><b>PLEDGE</b></p>
<p><b>ADDITIONS OR CORRECTIONS TO AGENDA:</b></p> <ul style="list-style-type: none"> <li>• Add the following minutes for approval: Meeting of 3/27/13, 4/9/13 (Reg. Board Mtg.), and 4/11/13 (Fracking meeting).</li> </ul>	<p><b>ADDITIONS TO AGENDA</b></p>
<p><b>ACKNOWLEDGEMENT OF VISITORS:</b></p> <p><u>Circuit Court Judge: The Honorable Amy L. McDowell:</u> gave a current update on court security and the “Swift and Sure Sanctions Program”. Regarding this program, Judge McDowell commented that probably 80% of crime cases in Barry County have underlying drug &amp; alcohol issues. It cost \$34,000 a year (approximately) to house someone in a prison. The Swift and Sure Sanctions Program costs the county nothing. The intensive two year program involves an intensive phase of random drug screens two or three times per week on a color coded system. Also the participant meets with a case worker twice a week. The target is to have 30 participants. Currently there are 12 participants with a 99% compliance rate. Seven participants are employed and 761 community service hours have been performed through this program.</p> <p><b><u>PUBLIC COMMENT:</u></b></p> <p>A letter submitted by Bonnie Slayton, YS Resident, dated 4/22/13, was read by Clerk Jan Lippert. The letter spoke of hydraulic fracturing/drilling and how Yankee Springs could be jeopardized. B. Slayton asked the board to ensure that this would not take place. Possible ways to lessen the impact of fracking were detailed in the letter. The letter also spoke of the toxic gas, hydrogen sulfide. ***This letter is attached to minutes.***</p> <p>Mary Cook, Trustee, commented that the township has a detailed ordinance dealing with mineral extraction already in place. Even though the issue is regarding oil and gas, Cook wondered if this couldn’t come under the umbrella of what is already in place.</p>	<p><b>ACKNOWLEDGEMENT OF VISITORS</b></p> <p><b>Circuit Court Judge: The Honorable Amy L. McDowell</b></p> <p><b><u>PUBLIC COMMENT</u></b></p> <p>Page 1 of 7  YST Bd Trustees  4-24-13</p>

Cook made the suggestion to send this to the Planning Commission, if the board would approve it. Cook also mentioned previous experience of her own with gravel mining near her neighborhood.

J. Lippert agreed with M. Cook that the current Gravel Mining Ordinance of mineral extractions.

B. Campbell asked to see the ordinance regarding mineral extraction. He was informed that the Ordinance is in the Zoning Ordinance book.

Supervisor Englerth suggested that board members do a lot of research and put this on the agenda for the next meeting.

**A resident of Watson Township in Allegan County**, listed several townships that were working on ordinances in regards to fracking. She also mentioned seismic testing that has occurred recently as well.

**Rachel Zegerius, of Orangeville**, commented that Orangeville Township has set a road ordinance in place that limits truck traffic on scenic and historic roads.

**Jackie Schmidt, of Yankee Springs**, commented that she appreciated the fracking meeting and also appreciated the board considering ordinances to protect Yankee Springs.

**Mike Cunningham, of the Planning Commission**, commented that the township has time to consider what it does in setting a precedent in the state.

**Steve Loshier, of Hope Township**, remarked that townships have quite a bit of power. S. Loshier was very thankful for being treated respectfully at the meeting that took place. In addition to considering ordinances and adopting the same, Loshier would like the board to consider hosting another event. Allegan County hosted a meeting with area supervisors. Tom Rook of Orangeville attended the event and would be open to attending another such meeting in which Yankee Springs would be the host.

**The resident from Watson Township** commented that it was taking a lot of time to go to each individual township. The speakers at the supervisor's meeting, Jim Olson, and Liz Kirkwood (who have expertise in this area) gave approximately an hour presentation with a Q & A time afterward.

Motion by M. Cook with support from J. Lippert to direct the Planning Commission to look into this (fracking situation) as a township and also into the current gravel mining/mineral extraction ordinance as a whole. All ayes. MOTION CARRIED.

**Mark Englerth, Supervisor**, commented that there's a lot of background to go through to direct the PC on this. Englerth would like to go carefully. It will take time and diligence. Englerth added that there are no easy solutions.

**Frank Fiala, Planning Commission Chair**, commented that it was his understanding that current mineral ordinances have been struck down with new regulation. An attorney would most likely need to be consulted.

**PUBLIC COMMENT:**  
**cont'd**

**Motion to direct the Planning Commission to look into this (fracking situation) as a township and also into the current gravel mining/mineral extraction ordinance as a whole. MOTION CARRIED.**

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**TREASURER'S REPORT:** Presented at last meeting. This is a monthly report. The April Treasurer's Report will be given at the May 9, 2013 meeting.

**CLERK'S REPORT:** by J. Lippert

**APPROVAL OF MINUTES:**

Motion by M. Cook with support from Campbell to accept the Meeting Minutes of the Special Board Meeting/Work Session of March 27, 2013 as presented. All Ayes. MOTION CARRIED.

Motion by M. Cook with support from Campbell to approve minutes of the Regular Board of Trustees meeting of April 9, 2013 as presented. ROLL CALL: Jerkatis: no, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. Yes: 4, No: 1. MOTION CARRIED. (Discussion occurred regarding motions of 4/9/13 pertaining to the tree by township hall driveway/parking lot.)

Correction for minutes of April 11, 2013 (Fracking Meeting), Strike McCrumb as he Supervisor present at the meeting, insert Englerth as present.

Motion by B. Campbell with support from M. Cook to accept 4/11/13 (Fracking Meeting) minutes as corrected. All ayes. MOTION CARRIED.

J. Lippert commented that there was a lot of positive feedback regarding the Fracking meeting held 4/11/13.

**Salary Resolutions for Interim Zoning Administrator, Assistant to the ZA, and Assistant to the Zoning Department:**

Normally budgets are set at the end of June. Due to the vacancy of Zoning Administrator, the position was reclassified as Interim Zoning Administrator. With the following hourly rates set at:

- \*Interim Zoning Administrator \$20.00 per hour
- \*Assistant to the ZA, increase of \$1.00 per hour

Added description of : Assistant to the Zoning Department ( current secretary of the Plan Commission) at \$12.50 per hour  
(It was noted that these rates were approved March 1, 2013).

Motion by M. Cook with support from Campbell to accept new Salary Resolutions for the Interim ZA, Assistant to the ZA, and Assistant to the Zoning Dept. (Resolutions attached to minutes). ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. YES: 5, NO: 0. MOTION CARRIED.

Clerk Lippert fielded any questions and explained any items relating to accounts payable checks presented.

**CLERK'S REPORT:** by J. Lippert

Motion to accept the Meeting Minutes of the Special Board Meeting/Work Session of March 27, 2013 as presented. MOTION CARRIED.

Motion to approve minutes of the Regular Board of Trustees meeting of April 9, 2013 as presented. MOTION CARRIED.

Motion to accept April 11, 2013 (Fracking Meeting) minutes as corrected. All ayes. MOTION CARRIED.

Motion to accept new Salary Resolutions for the Interim ZA, Assistant to the ZA, and Assistant to the Zoning Dept. MOTION CARRIED.

**CLERK'S REPORT: by J. Lippert cont'd**

Motion by Jerkatis with support from M. Cook to pay accounts payable checks #912003-014 for the amount of \$36,938.78. ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. YES: 5, NO: 0. MOTION CARRIED.

Correction to March Payroll: Check #4851 and #4857 is void.

Motion by M. Cook with support from J. Lippert to approve payroll check #s 4852-56 including EFT for the total amount of \$5,365.10. ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. YES: 5, NO: 0. MOTION CARRIED.

**Computer Internet-** issues discussed including the Clerk's Accounting System Program with BS&A.

**Address Change-** 1300 N. Payne Lake Road is now 11815 Blue Heron Drive. Assessor has been notified and Qualified Voter File has been changed.

**Fire Agreement Contract- 2013-2014 Fiscal Year Renewal**

Motion by M. Cook with support from Jerkatis to renew contract with TTES for another year for the amount of \$101,029 (includes 1% administrative fee). ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. YES: 5, NO: 0. MOTION CARRIED.

**DEQ Notices:**

- Seawall at 12895 Valley Dr. notice dated 4/15/13.
- 24 slip dock – permit applied for Whispering Pines dated 4/23/13.

**ZONING ADMINISTRATOR'S REPORT: by Larry Knowles, Interim ZA**

**SPR's:** (2)

(1) Pole Barn – N. Patterson Rd.

(1) Addition- Elmwood Beach

**PC:** Has been working hard on sign ordinance.

**SUPERVISOR'S REPORT: Mark Englerth**

**Cuddy Drain** was addressed after the recent flooding of 4/18/13. It was mentioned that it was a real mess with a lot of debris. A meeting was held Saturday, 4/20/13, to discuss the drain situation in the aftermath of the flooding.

Greg Purcell asked for five addition goals to be taken up by the Drain Commission:

- 1) Prevent flooding on all developed properties.
- 2) Protect all residents/and properties from flood damage.

**CLERK'S REPORT: by J. Lippert cont'd**

**Accounts Payable Approved**

**Payroll Approved**

Motion to renew contract with TTES for another year for the amount \$101,029 (includes 1% administrative fee). MOTION CARRIED.

**ZONING ADMINISTRATOR'S REPORT: by Larry Knowles, Interim ZA**

(Pictures of 1997 were referenced.)

- 3) Limit debris flowing through drain into the channel then into Robbins Bay and into Gun Lake.
- 4) Limit sand and other sediment from flowing through drain and settling into channel.
- 5) Prevent and minimize E-coli from flowing through drain then into the channel and into Gun Lake.

G. Purcell commented that he was pleased to hear the Drain Commissioner say that he'd take this back to his engineer and get an estimate and a subsequent meeting will be held at 11:00 a.m. this Saturday (4/27/13) at Y.S. Firestation.

**Deb Masselink, of Yankee Springs,** commented that Fawn Lake was coming across Wildwood Road. She also mentioned that the silt, water and E-coli needed to be exposed longer to the sun in order to kill the bacteria. She commented that a likely solution would be to install a retention pond. A proposed 4' x 16' drain will replace two small drains. The silt has to end up some place and it will most likely be in the channel. Masselink also took buckets of nasty, muddy water from the drainage to assess.

Supervisor Englerth commented that the township was doing its due diligence regarding drain issues and thanked Deb Masselink, Greg Purcell, Richard Beukema, and Larry Knowles for their work and effort regarding the drain issue.

Other items were discussed pertaining to the Cuddy drain issue: a possible petition from residents regarding mess created by the current drain system, the possibility of the Drain Commission ignoring YS Township and going ahead with its project, the addition of retention ponds to the west, and the DEQ's involvement or stance regarding the drain situation.

**BREAK: 9:16 p.m.                      RESUME: 9:27 p.m.**

**Robbin's Cemetery:** There's room to put an entrance road from the subdivision. M. Englerth met with the Roushs' (Cemetery sextons). The current proposal is to abandon the entrance from Chief Noonday and have a road come into the cemetery off of a side street. Englerth encouraged board members to go to the cemetery and walk through it. This item will be put on the agenda for the next meeting.

**Buoy Update:** The buoys are still a priority. There have been a lot of "irons" in the fire and it has fallen slightly behind.

**Whispering Pines:** A meeting was held recently with John Lohrstorfer (Twp. Attorney), M. Englerth, M. Cook and L. Knowles. It was mentioned that the township attorney highly encouraged the representatives of Whispering Pines to get to the May 16<sup>th</sup> Planning Commission meeting. Englerth asked Whispering Pines reps to work with the GLPA on what would be reasonable dockage.

**SUPERVISOR'S REPORT:**

**Mark Englerth**

**BREAK**

Discussion regarding replying to the DEQ Public Notice on Dockage. Clerk informed Township Board that the Township has 21 days to respond to the Notice and suggested that the Township attorney write the letter.

Motion by Jerkatis with support from J. Lippert to move to have township attorney draft a letter to the DEQ objecting to Whispering Pines Condominium's request for dock permit. All ayes. MOTION CARRIED.

Discussion occurred regarding the April 16, 2013 meeting with Don DeVries of Fleis & VandenBrink regarding the tree. D. DeVries will obtain a driveway permit. DeVries will ask his company for \$600 to cut down the tree. The tree belongs to the DNR. The DNR requests that the tree be left after it is cut down.

Motion by Jerkatis to table until full foliage of tree (near YS Township Hall parking lot) (to make a decision on health of the tree to see if it is near the end of its anticipated life) regarding the parking lot issue. MOTION FAILED for lack of support.

Discussion occurred on the value of the tree (saving it) and the tree may go down anyway, versus the cost of tearing up the parking lot to preserve the tree. Englerth suggested the possibility of planting a new trees on the Township property and place one where the old tree was.

Motion by Campbell with support from J. Lippert to cut the tree down and not exceeding \$1000 in doing so. Also, the tree would be left per DNR request. ROLL CALL: Jerkatis: no, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. YES: 4, NO: 1. MOTION CARRIED.

Englerth Report Continued

\* The state will be testing water at the State Park. New pipe has been installed (1,200 feet).

Motion by J. Lippert with support from M. Cook to go out for bid and advertise in the The Sun & News and Penasee Globe for fall fertilization and Spring/Fall clean-up of Township lawns. Bids will be due by June 1. All Ayes. MOTION CARRIED.

Motion by M. Cook with support from J. Lippert to proceed with two steps regarding water hook up fees and K copper between the curb key and building/residence. ROLL CALL: Jerkatis: no, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. YES: 4, NO: 1. MOTION CARRIED.

**OTHER PUBLIC COMMENT:**

Fiala mentioned that the Planning Commission plucked out things that need immediate action. The PC would like Sarah Traxler of McKenna & Associates to write the amendments to the ordinance. S. Traxler hourly rate will be \$90.00 an hour.

**SUPERVISOR'S REPORT:**  
**Mark Englerth cont'd**

Motion to move to have township attorney draft a letter to the DEQ objecting to Whispering Pines Condominium's request for dock permit. MOTION CARRIED.

Motion to cut the tree down and not exceeding \$1000 in doing so. Also, the tree would be left per DNR request. MOTION CARRIED.

Motion to go out for bid and advertise in the The Sun & News and Penasee Globe for fall fertilization and Spring/Fall clean-up of Township lawns. Bids due by June 1. MOTION CARRIED.

Motion to proceed with two steps regarding water hook up fees and K copper between the curb key and building/residence. MOTION CARRIED.

M. Cunningham asked about a sketch for the Veteran's Memorial. It was noted that another sketch is being obtained.

**OTHER PUBLIC COMMENT**

**OLD BUSINESS:**

**OLD BUSINESS**

J. Lippert commented that FirePro's inspection took place. An emergency combination light is needed at the cost of \$230.00. Also five exit lights are needed at \$650.00 total installation price excluding taxes. Total cost of both \$880.00.

Motion by Jerkatis with support of M. Englerth to table this (FirePro's recommendation) for 30 days and to give a chance for investigating the situation. All ayes. MOTION CARRIED.

Motion to table this (FirePro's recommendation) for 30 days and to give a chance for investigating the situation. MOTION CARRIED.

Jerkatis asked for an update on the lamp in the parking lot. It was confirmed that an electrician will be coming out at no charge.

Discussion occurred regarding the recycling container. Items mentioned were the possibility that the township may own its own dumpster, controlling recycling by determining hours of use, video surveillance, and knowledge of recycling users. Fiala commented that the county is getting closer to a solution for the recycling issue. The eleven member committee that Fiala heads up is making progress and will probably present soon to the Barry County Commissioners.

Jerkatis asked for information on how to legally have an optional donation on the tax form for the Veteran's Memorial Fund.

A Veteran's Memorial Committee meeting will be held Saturday, May 4<sup>th</sup> at 10:00 a.m. at the Township Hall.

May 7<sup>th</sup> will be the Delton-Kellogg School Election at Precinct #2. Fire Station.

May 4<sup>th</sup> at 11 AM meeting with Drain Commissioner, Mark, and any other interested persons may attend. (At the FireStation)

The Road Commission is looking for an engineer as their current engineer is leaving.

**ADJOURNMENT:**

**ADJOURNMENT**

Motion by M. Cook with support from Campbell to adjourn at 11:02 PM. Approved by all.

Respectfully submitted:  
Deb Mousseau  
Recording Secretary 4-24-13

Date: Draft 5-6-13  
Approved : \_\_\_\_\_  
Janice C. Lippert, Township Clerk

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Final Approval of Minutes: May 9, 2013