

<p style="text-align: center;"><b>YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</b></p> <p style="text-align: center;"><b>Regular Meeting</b></p> <p style="text-align: center;"><b><u>Thursday, August 8, 2013</u></b></p> <p style="text-align: center;"><b>Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</b></p> <p style="text-align: center;"><b>MINUTES</b></p>	<p><b>FINAL MINUTES</b> Approved Sept 12, 2013 As presented</p>
<p>Meeting called to order at 7:00 PM by Supervisor Mark Englerth.</p> <p>Roll Call: Jerkatis, J. Lippert, Englerth, M. Cook and Campbell. (All Present).</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p>Staff Present: Constable Jim Orr, Zoning Administrator Larry Knowles, Cathy Strickland, Frank Fiala, Alice Jansma and Sandy Marcukaitis.</p> <p>Visitors: 13 (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>• <u>Addition:</u> Move Ms. Sara Schaefer, DNR, ahead of Treasurer's Report.</li> </ul>	<p><b>ADDITIONS TO AGENDA</b></p>
<p><b>APPROVAL OF MINUTES:</b></p> <p>Motion by M. Cook with support from Campbell to accept minutes of July 11, 2013 Board of Trustees Regular Meeting as presented. All Ayes. MOTION CARRIED.</p> <p>Motion by M. Cook with support from J. Lippert to table the approval of July 24, 2013 Special Mtg. minutes for clarification purposes (last paragraph on page 1). All ayes. MOTION CARRIED.</p> <p>Motion by M. Cook with support from Campbell to accept Cuddy Intercounty Drain Meeting of Practicability Minutes of July 23, 2013. All Ayes. MOTION CARRIED.</p>	<p><b>APPROVAL OF MINUTES</b></p> <p>Motion to accept minutes of July 11, 2013 Board of Trustees Regular Meeting as presented. MOTION CARRIED</p> <p>Motion to table the approval of July 24, 2013 Special Mtg./Work Session minutes for clarification purposes. MOTION CARRIED.</p> <p>Motion to accept Cuddy Intercounty Drain Meeting of Practicability Minutes of July 23, 2013. MOTION CARRIED.</p>
<p><b><u>PUBLIC COMMENT:</u></b></p> <p><b><u>Corinne Turner, of Orangeville Township</u></b> commented that she would like to encourage continual participation and discussion in regards to the matter of fracking. Turner noted that the impacts will be noticeable with hundreds of leases being signed around lakes and within game areas.</p> <p><b><u>Cathy Strickland, of the Planning Commission</u></b> commented that an MTA Summer Evening Seminar for Planning and Zoning will be held on August 20, 2013 in Kalamazoo. The fee is \$99.00 per person. The seminar will cover: 1) Updating the Master Plan, 2) Zoning Ordinance Review &amp; Updating, and 3) Hydraulic Fracturing. Mary Cook commented that she would like to attend. M. Englerth suggested passing on the seminar information to the PC and ZBA to see if others would like to participate.</p>	<p><b><u>PUBLIC COMMENT</u></b></p> <p><b><u>Corinne Turner, of Orangeville Township</u></b></p> <p><b><u>Cathy Strickland, of the Planning Commission</u></b></p> <p>Page 1 of 6 YST Bd Trustees 8-8-13</p>

**ACKNOWLEDGEMENT OF VISITORS:**

**Ms. Sara Schaefer, DNR Wildlife Biologist: Land Acquisitions & Mute Swan Control Program**

Ms. Schaefer was present to speak to the township board regarding the proposed acquisition of three parcels located in Yankee Springs: Coleman Parcel (37 acres), Pelli Property (3 acres), and Betty Lou King Trust Property (75.6 acres). Discussion took place regarding the comment deadline. Schaefer noted that by the end of next week, each individual parcel (as presented) should be commented on in writing.

Ms. Schaefer distributed a mute swan brochure to all in attendance. The county has passed a resolution. There is no longer a need for 70% of landowners to agree. Schaefer will go out and check out requested sites and survey the area and neighbors. If a permit is given, it is good for five years. Townships have 60 days to opt out of the program. J. Lippert inquired if the resolution included all lakes in Yankee Springs Township. Schaefer confirmed that it did, however, adult swans can fly, so all townships have to be in agreement. (Gun Lake, for example, includes four townships). M. Cook asked Schaefer what would happen if the township did not opt out. Schaefer commented that the township would be considered "in" if the township didn't choose to opt out.

Schaefer told of how the mute swans negatively affect native animals, habitat and humans. In ten years, the number of mute swans has nearly tripled. The brochure pointed out how a person can tell the difference between a Mute Swan and a Trumpeter Swan. A mute swan's bill has orange on it. The trumpeter swan has an all black bill. Decreasing mute swan populations is only possible with help from local landowners. Schaefer also spoke of geese round ups that take place periodically. M. Cook asked when the final resolution would be available (regarding the mute swan control program). An exact date has not been given. Schaefer commented that it was her job to educate the public regarding the resolution and to help them start thinking about it.

M. Englerth thanked Sara and the DNR for all that they do. Englerth commented that Sara has always been available when needed. S. Schaefer is a resident of YS Township and has volunteered much of her time and expertise.

S. Schaefer mentioned that the township could write a resolution that goes along with the county's resolution. Schaefer added that if it sees fit, the township should insert restrictions in the resolution.

J. Lippert thanked Schaefer for her presentation. In closing, Schaefer commented that if the YS Township chooses not to comment, that it please put in writing that it has chose not to and send this information in. M. Cook, Trustee, clarified that if purchased, the property would be classified as "non-developmental". Schaefer added that funds will expire August 30, 2013. In light of this deadline, the YS Township Board will vote on this land purchase at its August 28<sup>th</sup> meeting.

**ACKNOWLEDGEMENT OF VISITORS:**

**TREASURER'S REPORT: John Jerkatis**

Motion by M. Cook with support by J. Lippert to accept the Treasurer's report as presented. All ayes. MOTION CARRIED.

John Jerkatis, Treasurer, out of concern for volunteers in YS Township, read an email from Jeffery McCray, of Burnham & Flower Insurance Agency. Along with the email, a sample waiver, a waiver agreement explanation, and a short term contract waiver form were distributed to board members.

Motion by Jerkatis with support from J. Lippert to adopt Resolution #08-08-2013 dealing with volunteers/liability coverage and to make a general law ordinance for the township and send to the township attorney for adoption and codification. Call for discussion:

M. Cook works for a non-profit organization, and feels that in this day and age, protecting the township is absolutely important. However, M. Cook noted that before work commences, it is difficult to know who the volunteers will be beforehand. Campbell agreed with M. Cook as well. Discussion occurred on not knowing who would sign a waiver ahead of time.

M. Englerth commented that the township needs to go down the path of how we can accomplish things, not how we can't. It was also mentioned that if someone gets hurt, it wouldn't matter if they signed a waiver. Jerkatis commented that it is important to have proper planning and volunteer work and volunteer worker's safety. M. Cook commented that she would like to wait a couple of weeks and reconcile this matter. She doesn't want to leave the township unprotected nor turn away volunteers. M. Cook would like to possibly hear from the YS Township attorney on the matter.

G. Purcell of the Planning Commission mentioned that it might be worth while to check with the MTA, since this can't be the first time a township has had an issue of this type. "You don't want to create a bureaucracy or hurdles. Less government, not more government," added G. Purcell. Purcell feels that it is easier to make people volunteer when you create ownership (in a project, for example). "It's better for all of us," commented Purcell. Jerkatis added that he felt the resolution would enhance volunteer participation.

Motion by Jerkatis with support from J. Lippert to rescind motion on the floor to adopt Resolution #08-08-13 until September when more information can be obtained by Risk Management, Jeffrey McCray of Burnham & Flowers, John Lohrstorfer (YS Attorney), and the MTA. All ayes. MOTION CARRIED.

**BREAK: 8:30 P.M.**

**RESUME: 8:40 P.M.**

**TREASURER'S REPORT:**

**Treasurer's Report approved**

**Motion to rescind motion on the floor to adopt Res. #08-08-13 until Sept. MOTION CARRIED.**

**BREAK**

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**ACKNOWLEDGEMENT OF VISITORS**

**Chris Walsh, of Bowens Mill Rd.**, lives on the south end of Barlow Lake. He has been a resident for approximately three years. He will be providing the waste hauling service for the township hall recycling service. The township will save a conservative estimate of \$15,000 a year. In the near future, Walsh hopes to have a second container that he can leave at the township hall after picking up a full container. So there will be “zero” down time for recycling.

**BARRY COUNTY COMMISSIONER’S REPORT: Craig Stolsonburg**

Craig Stolsonburg commented that they have discussing Mute Swan control among the townships.

A Budget Workshop will take place August 28, 2013 at 7 p.m. It was noted that the budget year ends on December 31<sup>st</sup>.

**TTES REPORT: David Middleton – No report at this time.**

**Valerie Byrnes of the Barry County EDA** was present to introduce **Matt DeLong**. Matt DeLong would like to obtain a New Small Wine Maker License. He intends to start in Yankee Springs Township at the Bowens Mill. He plans to manufacture, ferment, and store wine at the Mill. DeLong commented that he will not be building anything or altering any existing buildings. He plans on making apple wine and hard cider. He will lease the property from the Mill and market his product out of the Mill. He will get apples from the 1,000 acre orchard that he lives on in Conklin.

DeLong plans on wholesaling his product at the beginning. He commented that he will not be selling it at Bowens Mill. He will offer taste testing only which falls under the Small Wine Maker License. The taste testing to be offered would be similar to that which takes place in the Leelanau area. Per M. DeLong, there will be no money exchanged on the site of Bowens Mill.

DeLong feels that Bowens Mill is a great place for this because of his relationship with the Bowens Mill owners and for the history of the mill.

DeLong remarked that he is applying for the license because he intends to make over 200 gallons. He needs to start to pick apples before Labor Day, so there is some urgency to his request.

Motion by Jerkatis with support from Campbell to approve, as the local government, a new small wine maker license for Matt DeLong upon receipt of copy of corrected application from DeLong. ROLL CALL: J. Lippert: No, Jerkatis: yes, Englerth: yes, M. Cook: yes, Campbell: yes. Yes: 4, No: 1. MOTION CARRIED.

**ACKNOWLEDGEMENT OF VISITORS**

**Chris Walsh, of Bowens Mill Rd.**,

**BARRY COUNTY COMMISSIONER’S REPORT: Craig Stolsonburg – No Report.**

**TTES REPORT: David Middleton – No report.**

**Valerie Byrnes of the Barry County EDA**

**Matt DeLong, New Small Wine Maker License Applicant**

**Motion to approve, as the local government, a new small wine maker license for Matt DeLong. MOTION CARRIED.**

<p><b><u>CLERK'S REPORT: by J. Lippert</u></b></p> <p>Motion by Jerkatis with support from M. Cook to approve <b>payroll</b> check #s 4922-4945 dated 7/31/13 for the total amount of \$10,877.81. ROLL CALL: J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes, Jerkatis: yes. Yes: 5. No: 0. MOTION CARRIED.</p> <p>Motion by M. Cook with support from J. Lippert to approve <b>EFT27</b> (Electronic Funds Transfer) of \$2,761.88 (Fed. Taxes Withheld/Soc. Security Withheld). ROLL CALL: J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes, Jerkatis: yes. Yes: 5. No: 0. MOTION CARRIED.</p> <p>Clerk Lippert fielded any questions and explained any items relating to <b>accounts payable</b> checks presented.</p> <p>Motion by M. Cook with support from Campbell to approve Accounts Payable check #s 912120 – 912152 for the amount of \$47,710.10. ROLL CALL: J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes, Jerkatis: yes. Yes: 5. No: 0. MOTION CARRIED.</p> <p>*** M. Cook left meeting at 9:25 p.m. ***</p> <p><b>DEQ:</b> 1287 Park Drive – Public Notice – Filling in of a boat slip area.</p> <p><b>CPR:</b> Class to be offered for any interested individuals on August 22, 2013. This is a community event for the township.</p> <p>Motion by M. Englerth with support from B. Campbell to offer CPR class at no cost for township employees and election workers. ROLL CALL: J. Lippert: yes, Englerth: yes, M. Cook: absent, Campbell: yes, Jerkatis: no. Yes: 3. No: 1. Absent: 1. MOTION CARRIED.</p> <p><b><u>ZONING ADMINISTRATOR'S REPORT: by Larry Knowles</u></b></p> <p><b>SPR's:</b> A SPR is in the works for a home on Beatrice. The owner is contemplating a request for a setback variance.</p> <p><b>ZBA:</b> A setback variance for a home at 3979 England Drive was presented. The ZBA granted a 35' setback from the lake.</p> <p><b>Planning Commission:</b> A special exception use for a pole barn was requested by Jack Grashuis. The PC tabled the issue and requested more information from the zoning administrator and applicant. Whispering Pines required information and documentation was discussed as well as Whispering Pine's five amended variance requests. A joint meeting with the PC and the Board will be held August 22<sup>nd</sup> at 7:00 p.m. The purpose for this meeting is for the PC to brief the Board on Whispering Pines and to discuss the Master Plan/Gateway signage. The YS Twp. attorney will be present.</p>	<p><b><u>CLERK'S REPORT: by J. Lippert</u></b></p> <p><b><u>Payroll Approved</u></b></p> <p><b><u>Accounts Payable Approved</u></b></p> <p>Motion to offer CPR class at no cost for township employees and election workers. MOTION CARRIED.</p> <p><b><u>ZONING ADMINISTRATOR'S REPORT: by Larry Knowles</u></b></p> <p>Page 5 of 6 YST Bd Trustees 8-8-13</p>
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**Other:** A stop order has been issued for a project on Heritage Bay Dr., on Barlow Lake.

Motion by Jerkatis with support from Campbell to allow up to five members of the Planning Commission and/or Board of Trustees to attend the August 20<sup>th</sup> MTA Planning & Zoning Seminar in Kalamazoo at the cost of \$99.00 each plus transportation and meals. ROLL CALL: J. Lippert: yes, Englerth: yes, M. Cook: absent, Campbell: yes, Jerkatis: yes. Yes: 4. No: 0. Absent: 1. MOTION CARRIED.

**SUPERVISOR'S REPORT: Mark Englerth**

- Sewer Report given.
- Light to be installed at northeast part of parking lot near recycling area.

Motion by Campbell with support from J. Lippert to install two lights at northeast part of township hall parking lot for \$1,000 or less. ROLL CALL: J. Lippert: yes, Englerth: yes, M. Cook: absent, Campbell: yes, Jerkatis: yes. Yes: 4. No: 0. Absent: 1. MOTION CARRIED.

- Emergency Services Appreciation Day is being planned for Saturday, Sept. 14 at the YS Fire Station. This event will be held to thank those people who protect the safety of residents in our community such as EMS workers, firefighters, and veterans.

Motion by J. Lippert with support from Campbell to allow up to \$600.00 for Emergency Services Appreciation Day. ROLL CALL: J. Lippert: yes, Englerth: yes, M. Cook: absent, Campbell: yes, Jerkatis: yes. Yes: 4. No: 0. Absent: 1. MOTION CARRIED.

- Park Update: Equipment has been ordered. Discussion regarding excavating and bid date.

Motion by J. Lippert with support from Jerkatis to accept playground excavation bid from S. Vandenberg for the amount of \$1,200 upon receipt of certificate of insurance. ROLL CALL: J. Lippert: yes, Englerth: yes, M. Cook: absent, Campbell: yes, Jerkatis: yes. Yes: 4. No: 0. Absent: 1. MOTION CARRIED.

**Please note: Resolution #08-08-13 attached to minutes.**

Motion by Jerkatis with support from J. Lippert to have (in conjunction with Resolution #08-08-13 Volunteer/Liability) J. Lohrstorfer, YS Twp. Attorney (with MTA info.), J. McCray of Burnham & Flowers, and a Risk Management Representative present at meeting of August 28<sup>th</sup> if available.

**ADJOURNMENT:**

Motion by Englerth with support from ALL to adjourn at 10:18 p.m.

Respectfully Submitted:

Deb Mousseau  
Recording Secretary 8-13-13

Draft: 08-16-13

Approved : \_\_\_\_\_

Janice C. Lippert, Township Clerk

Final Approval of Minutes: Sept 12, 2013

**ZONING ADMINISTRATOR'S REPORT:** by Larry Knowles cont'd

Motion to allow up to five members of the Planning Commission and/or Board of Trustees to attend the August 20<sup>th</sup> MTA P & Z Seminar. MOTION CARRIED.

**SUPERVISOR'S REPORT:** Mark Englerth

Motion to install two lights at NE part of parking lot of twp. hall for \$1,000 or less. MOTION CARRIED.

Motion to allow up to \$600.00 for Emergency Services Appreciation Day. MOTION CARRIED.

Motion by to accept playground excavation bid from S. Vandenberg for the amount of \$1,200 upon receipt of certificate of insurance. MOTION CARRIED.

**ADJOURNMENT**

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