

**YANKEE SPRINGS TOWNSHIP
BOARD OF TRUSTEES**

Regular Board Meeting

**Thursday, February 8, 2018
7:00 p.m.**

**Yankee Springs Township Hall
284 N. Briggs Rd., Middleville, Michigan 49333**

MINUTES

FINAL MINUTES
Page 1 of 8
YST Bd Trustees
2-8-18
Approved 3/8/2018

Meeting called to order at approximately 7:00 p.m. by Supervisor Mark Englerth.

PLEDGE OF ALLEGIANCE:

Roll Call: Present: Jansma, J. Lippert, Englerth, M. Boysen, VandenBerg.

Staff Present: Frank Fiala, Cathy Strickland Rich Beukema Chuck Biggs- Constable, John Frigmanski

Visitors: 8 (not including staff present). C. Yonkers of J-Ad present; Larry knowles

ADDITIONS/CHANGES TO AGENDA:

Add after Consent Agenda: Opening Statement by Janice Lippert, Clerk

APPROVAL OF CONSENT AGENDA:

- Regular Meeting: 1-11-18 at 7 p.m.
- Special Meeting 1-11-19 at 5 p.m. Barry County Rd. Commission Presentation
- Special Meeting(s); 1-17-18 and 1-30-18
- Check Disbursement Register Check #914446 - #914492
- January Pay Roll Register Check #6142 through Check #6155 = Net Amount \$9,722.06
- EFT Amount \$2,604.32
- January Receipts All Funds

Audio recording as part of official minutes - Amendment:

S. VandenBerg commented that he wanted to have the full audio recording of the meeting saved/archived as part of and accompanying the official written minutes for each Regular Board Meeting from this point forward. **Motion by VandenBerg with support from Boysen that the written minutes for every Board meeting say the audio recording accompanies the minutes as part of the official minutes. This amendment motion was incorporated in the following motion:**

Motion by Jansma with support from J. Lippert to approve the Consent agenda for tonight's meeting as amended above. ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes,

Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.

PUBLIC COMMENT: (Limit 3 minutes)

(57 minutes and 8 seconds on the audio recording). Full audio recording of this 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 "2.8.18 BOT Regular 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.

CALL TO ORDER

**PLEDGE
ROLL CALL**

**ADDITIONS/
CHANGES TO
AGENDA**

**APPROVAL OF
Consent Agenda**

Motion to Approve
Consent Agenda with
amendment. MOTION
CARRIED.

**PUBLIC
COMMENT**

PUBLIC COMMENT:

Jan Lippert commented, "As most of you are aware, a recall petition has been filed against me. And due to technicalities, my hearing on February 14, (at) 9:15 a.m. has been postponed. If anyone has any questions on that please contact the Barry County Clerk. I was just informed of that this afternoon."

Mark Englerth commented that anyone videoing or taking audio of this meeting has a legal right to do so, but due to disruptions in the past in the back (or hall), they are asked to sit at the media table and not in the audience. As chair of the meeting, regarding slanderous, personal attacks, Englerth noted "The comments go to me." "It's unfortunate that we have to come this, but I will no longer tolerate the behavior that I've seen in the past," added Englerth.

Julie Fox commented (referring to a recent newspaper article) "On January 20th, The Sun & News, the headline, "Yankee Springs Township Clerk Answered Questions of Corruption," I'd like to address Janice Lippert's public response for the record. The article states, 'She disregards any allegation of malfeasance of office.' Janice retaliated against Mr. Englerth, Mr. VandenBerg, Mr. Neeson and myself, all individuals that dare to offer a different view or opinion than her own. A violation of my First Amendment Rights. The article states she upheld her accurate and timely handling of all FOIA requests. Timely? No. You are required by law to respond to a FOIA or file an extension. On my first FOIA, Janice did not respond in five (5) days, not in ten (10) days, not in 15 days and there was no extension filed. Accurately, on the second FOIA she left off a complaint that was filed against a retired Vietnam vet. So accurate? Not so much. The article also states the nature of tracking down information is to blame for lengthy waits. Janice knew perfectly well who her and her husband filed complaints on. So it should not require an extension. It shouldn't even require five days. It shouldn't even require five hours. You simply know in your head, I filed complaints against four different people. You get the file. You pick it up. You scan it and you email it. There's no need for these lengthy, crazy waits. So I wouldn't exactly call that a rational reason. She also states 'to the best of my knowledge, I have always answered all FOIA questions accurately'. Really she doesn't recall filing a complaint against a disabled Vietnam vet? The article also states 'Lippert told Fox that documents were not in the township's possession. Lippert stated that she had checked with the township officials and contractors for the complaints against Neeson but that they turned up empty handed.' First off, she never mentioned that there was any documentation. She never mentioned that she had filed a complaint against Dave Neeson, until I found out and brought it to everybody's attention. Secondly, how about trying something like this instead? Instead of knowing that you filed a complaint against somebody, the FOIA is asking for that, how about this, how about saying, 'Look Julie. As you know, I filed a complaint against Mark Englerth, Shane VandenBerg, and yourself. There's also another person, and that is Mr. Neeson. I went to the file and couldn't find it. But in all transparency, I feel it's the right thing to do to tell you about this.' There was no transparency. It just got pushed under the rug. Lippert vowed she had never tampered with, destroyed, or failed to respond to, lied, nor not produced records for the FOIA request. Dave Neeson's record was missing. (M. Englerth interrupted, "Julie we're at three minutes.") So I thank you for your time. I think you get my point."

Trustee Boysen asked Julie Fox if she would reconsider this recall, commenting, "As a board it is disruptive in so many ways. Because as a team we try to move together as much as possible. And this just is going to disrupt us."

Julie Fox replied, "Michael, you are a very fair-minded man, and I appreciate that. The problem being that even her response shows that there's absolutely a lack of honesty and integrity. If she had come to me initially, I even told her, it's not the crime, I don't care about my stupid signage. It's the fact that you've been lying about it and using your office to cover up. I even warned her that this was going to happen to stop doing it. And she just won't. It's more than that. And I'm not the only person who has filed a FOIA and has been told 'It's not our policy to give those out.' What she is doing is wrong."

FINAL MINUTES

Page 2 of 8

YST Bd Trustees

2-8-18

Trustee Boysen commented, "So what you're saying is you won't accept anything?"

Julie Fox replied, "Not unless she wants to admit to all the wrong-doing that she's done. If that would be, I would consider it then."

Trustee Boysen commented to Jan, "Do you have any comment or anything?"

J. Lippert commented, "I don't know when my clarity hearing is."

M. Englerth commented that he appreciated Mr. Boysen's sincerity in trying to resolve the issue... "but it is public comment, not public discussion."

Robert Lippert, Park Dr., commented, "Thank you, Mr. Chairman. I hope nobody is offended by this but I'd like to put a positive spin on things. I happened to see the Planning Commission minutes. There was an individual from the community that spoke about the ordinances that are in effect and how they deprived him of his personal rights and liberties. In response, Rebecca Harvey and Rich Beukema addressed that issue and they did it with such clarity. First of all, they earn a pat on the back for doing it so well. Rebecca explained the need for zoning and how it protects the community, the property values. It's a very positive influence. Rich Beukema from his own personal experience, indicated how the very health and safety of people can be at stake. It would be my suggestion that the two of them would get together and summarize that for the township newsletter. It's very informative and there are many people I'm sure that don't understand why we can't have sign clutter or abandoned vehicles or construction equipment in residential areas. And this would be enlightening and very helpful."

Bill Medendorp, of Vista Point commented "That gentleman that he was talking about was me (referring to R. Lippert's previous public comment). The comment, zoning laws, perfect. But when does the township go by the laws or go by their personal feelings, or what their desires are? That's my problem. It's what the township decides. In my opinion, people got to spend money for lawyers. And the law states perfectly when it comes to a personal feeling. Now I was at a meeting. Quite a while ago and this meeting was...I stopped. Big people putting their money into things so they didn't...you know, build up and tear it off and leave us with a mess. I appreciate it up to a point. A few laws state things that let it happen. I still say I've lived there for 40 years. I've got sewer within 500-600 feet from my house. My sister couldn't get sewer. He could have told me, this gentleman, could of told me, at the meeting, but he called me to this township hall and told me that next day that we all voted your sister down for sewer. So what I'm saying is- is zoning going to be the basis of law or is it going to be personal opinion or peoples' feelings? To protect the innocent, the community? Is that what you guys are here for? To stop people from doing things? Well, I'm just saying, I got my three minutes about up. But I want you guys to think about this. Forty-eight years I had the DNR tell me, 'Yeah. We want your property. But we want to do it when this goes up for sale.' My kids did not get a chance to build a house there. If zoning is that way, then I'm sayin' something isn't right. There's laws says I should have the land. I have the access for it. I should be able to build. Oh no it's wetland. Well I could tell you some more about wetland. But in the northern part where they dumped the dirt from my sister's drain field,... across the street my property ... or let us go down 600 feet and get into the sewer. So what I'm saying is zoning is very important in the community. Don't get me wrong. But when the zoning goes by personal desires of what they want, and not by law, then we are in a country that's destroying ourselves. So what I'm saying is, why do you think people want to live here? It's a beautiful area. Forty-eight years my grandkids couldn't run from my house to their house because they gave her so much crap about wetland about this and that, but across the street where they put that drain field, it's high enough to build! So, three minutes are up. Don't go by your personal... what your desires are, go by the law."

FINAL MINUTES
Page 3 of 8
YST Bd Trustees
2-8-18

PUBLIC COMMENT
continued

**PUBLIC
COMMENT**
continued

FINAL MINUTES
Page 4 of 8
YST Bd Trustees
2-8-18

David Neeson commented “I would like to back up the first lady that spoke. As far as these ordinances It seems like the only time someone wants to enforce an ordinance is to get back at the people that are voicing their opinions on anything at the township. I sat here and I’m watching mannerisms of you, ma’am, and I could tell the smugness? of what was going on. Just your ..?. reactions. That is totally wrong for a township board to be doing. We’re making some great strides right now as far as a township board. Everybody is starting to listen and do what’s right and have some common sense put back into the township board. But still there’s a residual that I can see in you that is really not good for the board at all. And I would certainly like to echo this lady’s comments that you should be replaced only because you think you’re holier than thou. You’re wrong.”

Jim Fox, Hastings Point Drive, commented “My wife and I have several businesses amongst this community as some other communities in Chicago. I appreciate the way you conducted your meeting tonight and the public comment. From what I hear from members from the community that come into our business, about some guy that comes up during the public comment and badmouths my wife. That’s slanderous, okay. So that’s why my wife doesn’t want to back down when she knows something is wrong. Transparency should be the core of what this community should show. Transparency in other communities they’ve taken to the point where they livestream all their meetings, right? So guys who are out-of-state that live here, but snowbirds, they see what’s going on in the township. It holds people accountable. People don’t do things when it’s livestream that they feel they’re going to be smug and make a comment and someone attacking my wife. That’s wrong. Look as a new business owner in the community we put up some signs because we had to do- we had to let people know that there was new ownership. And there’s many reasons for that. So if we didn’t get the right permit for that, in other communities, I’ll say Hastings, they would have come to us, and said, ‘Hi Mr. and Mrs. Fox, we appreciate what you’ve done in our community, my name is so and so. I’m the ordinance director for signage. Just to let you know, in the future, you are in violation of the signage ordinance and here’s a simple form you fill out for \$25 it’s this, this, this. Welcome to the community, we’d like to serve you. But no. My wife speaks up at a meeting and then someone goes after her, right, and not just her, three other people. That’s retaliatory. So, my lawyer in Chicago, as well as, my lawyer in Grand Rapids, say ‘... you want to run this up? That is retaliatory. That’s against your First Amendment right and you should sue those people. You got the means, you got the funds, and we have other people that have attacked my wife personally’. That doesn’t sit well with us. We’ve invested a lot of money in this community. Our principal residence, another residence in town as well as, several businesses. So, that is what I would like to say. I appreciate Mark, what you’ve said in this meeting. I’ve been to the Hastings’ meetings they are conducted even when there is dissent among popular opinions. They listen and they don’t have retaliatory ..?. It’s just simply sickening, you know. Believe me, in Chicago, this s*** happens all the time, right? But it’s on larger levels. But people get even in different ways. So, we would never, Michael, we would never back down both my wife’s demands of Ms. Lippert is. Then the driving nails in that was her husband’s comments against my wife in this very room. So anyway. That’s me. My name’s Jim and we appreciate all you guys that come to our business and anything we can do for the community, that’s what we’re behind. The stuff that we are doing here for the community is for kids, for generations of so anyway...”

Tom Jager, Theris Drive, commented, “On the morning of November 18, 2017, we had a sewer back up. The whole area’s got the grinder pumps in every lot. I called the Gun Lake Sewer Authority that morning and we had a tech there within an hour. The service tech determined the pump was inoperable and needed to be replaced. After he made a phone call to his boss, he informed me that

there was no replacement pumps in stock. They had 200 grinder pumps in their system and no spare pumps in stock. ...Surprising. In order to gain access to this pump that's in a pit, they have to pump the effluent out. They pumped it into three large barrels in my yard, they sat because they did not have a replacement pump. They informed me that they would be getting a pump later that afternoon, but they wanted to get those barrels removed before they got the new pump installed. So they called in their vac truck ... a large...truck instead of leaving it on the street and running a suction hose to empty their barrels, they drove it right up on to my driveway, and destroyed about a third to a half of my driveway. It's full of cracks. Slabs are pushed down and out of shape. And when they backed the truck out they left a 4" rut in the yard ...and damaged the yard extensively also. I contacted the sewer authority as soon as I seen the damage. About a week later they called me back and told me to get two estimates on the concrete repair. So I did a lot of research and come up with two estimates for the concrete repair and turned them into the sewer authority. And in between time he got his own estimates which was a little less than my two. I told him that I would like to go with my lesser priced estimate because I had seen that contractor's work. Now the only way that GLASA will pay for the damages, is if I transfer the responsibility of the pump to me to the homeowner basically taking responsibility for the pump. He said they are in the process of having an ordinance but it was not in place at that time. The only way they will pay is under that condition. I am very disappointed in how this whole problem is being addressed by GLASA. It's to the point now that he won't return my emails. I do not feel I should have to take responsibility of my pump because of the damage they have done to my driveway. I just want them to pay for the damages, get this resolved, so I can get a new driveway this Spring.

Englerth asked for a copy of the information from Mr. Jager. Jager gave Englerth the original notes/paperwork.

ACKNOWLEDGEMENT OF VISITORS:

Barry County Board of Commissioners –Dan Parker gave the monthly Board of Commissioner's Report.

Larry Seger – Special Assessment District Request – Paving Private Road – Willson Drive.

Project is approximately one mile long. \$14,000 would come from Yankee Springs Twp. for five years. There are 22 homes/ 18 signatures and three verbally approved. Approximately \$635.00 per parcel. Discussion took place regarding the length of time for payoff.

Motion by Boysen with support from Jansma to approve the Petition for Special Assessment - Willson Drive. Roll Call vote: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.

BOARD ACTION ITEMS:

1. **Resolution No. 02-08-2018** – Approve Supplement to Gun Lake Sewer System Improvements Contract To Publish a Notice of Intent to Enter Into the Supplement to the Contract, and Authorizing Actions With Respect to Bonds. (Previous authorization was signed by Twp. Board in Sept/Oct. 2016 for \$2.0 million).

Motion by VandenBerg with support from Boysen to table approval of Resolution No. 02-08-2018-Supplement to Gun Lake Sewer System Improvements Contract (above) until next month and revisit it next month. All ayes. Motion Carried.

2. Supplement to Gun Lake Sewer System Improvements Contract (see above)

PUBLIC COMMENT
continued

FINAL MINUTES
Page 5 of 8
YST Bd Trustees
2-8-18

**ACKNOWLEDGE-
MENT OF VISITORS**

**Barry County Board of
Commissioners –**
Dan Parker

Larry Seger –
Willson Drive.

Motion to approve
petition for Special
Assessment- Willson
Drive.

**BOARD ACTION
ITEMS**

MOTION TO TABLE
Resolution – Supplement
to Gun Lake Sewer
System Improvements
Contract.

<p>3. Agreement Renewal GFWC – Gun Lake – Pat Kreple was not in attendance. M. Englerth spoke of the progress of the Township Park with flowers, berms, and other landscaping. Englerth spoke of Kreple’s kind treatment to the inmates that helped with the park. Englerth commented on Pat Kreple’s work in the auction fundraiser for the Veterans Memorial.</p> <p><i>Motion by Jansma with support from Boysen to table the contract with the GFWC- Gun Lake for landscaping work of the Township Park. All Ayes. MOTION CARRIED.</i></p> <p>The Five Year Plan for the Park & Recreation (<i>Ad for public display was approved by the Board</i>) will be available for 30 days for public viewing at the Township Office. Then most likely in late March, after the public display, there will have to be a Public Hearing.</p>	<p>FINAL MINUTES Page 6 of 8 YST Bd Trustees 2-8-18</p> <p>MOTION to Table contract with GFWC – Gun Lake.</p>
<p>TREASURER’S REPORT: presented by Alice Jansma, Treasurer</p> <p>Discussion occurred regarding recycled metal, transfer costs, and proceeds going to the Veterans Memorial. Julie Fox commented that they (Y.S. Residents and owners of Curley Cone) would sponsor the cost of the transfer for the metal. J. Fox commented to just call her and she’d come in and pay it.</p> <p><i>Motion by Lippert with support from Boysen to accept the Treasurer’s Report as presented. All ayes. MOTION CARRIED.</i></p>	<p>TREASURER’S REPORT: Alice Jansma</p> <p>Treasurer’s Report Approved.</p>
<p>A. Jansma also noted correspondence from a Library Law Consultant regarding Library access for residents of Yankee Springs Township whom are not in the Thornapple Kellogg school district.</p> <p>CLERK’S REPORT: Jan Lippert, Clerk</p> <p>Fire Department Response Report of January 2018 from Dan Miller included in packets. There are 13 firemen and looking for more volunteers.</p> <p>911 January Report on File in Clerk’s Office.</p> <p>PCI January Building Report was included in the Board Members’ packets.</p> <p>PCI – Site Plan Review- Bill was \$400 for January’s Zoning Administration.</p> <p>Accounts Payable Invoice Register to Date Approval:</p> <p><i>Motion by Jansma with support from Boysen to approve current invoice register of 2/08/2018 (\$19,588.00).</i> ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.</p>	<p>CLERK’S REPORT: Jan Lippert, Clerk</p> <p>Motion: Accounts Payable Invoice Register to Date- Approval</p> <p>SUPERVISOR’S REPORT: Mark Englerth</p>
<p>SUPERVISOR’S REPORT: Mark Englerth</p> <p>Zoning Enforcement Officer Update Report- Englerth commented on meeting with an individual that is currently working with Ms. Getty of Thornapple Township. This is a part-time position. M. Englerth will have the prospective Enforcement officer come to the next Board of Trustee work session. The individual is a retired police officer. There will be a 90 day window for evaluation.</p> <p>Regarding extending PCI contract for zoning administration- it will be addressed in the BOT workshop (per M. Englerth).</p>	

Veteran's Memorial Update – The stone has been finished. It is at Patten Monument. The stone will be set when the masonry is in place. Englerth commented that they are looking at a \$40,000 - \$50,000 project. Discussion took place.

PLANNING COMMISSION – Greg Purcell, Chairman – Presented by Frank Fiala

F. Fiala commented on the update of the **Master Plan** on which the PC has been working diligently for approximately a year and a half. Once presented to the board, it gets distributed to surrounding communities. They have 62 days to give feedback. Some more work needs to be done on the map. The verbiage is complete. April/May is the time frame for completion.

Joint Meeting on Monday, February 12: Main thing coming from the PC will be the Annual Report from the PC, and the ZBA will present their Annual Report.

CIP – Capital Improvement Plan – F. Fiala commented on having a public hearing as the first step of the CIP. The report describes where the township is going and where all the capital is.

Discussion took place regarding legal representation and professional planning at the ZBA and PC meetings.

There is no PC meeting in February.

NEW/OLD BUSINESS:

A. Jansma commented that all the meeting information from GLASWA was in a separate folder with a cover letter.

J. Lippert commented on a document (subject to the attorney/client privilege) from Catherine Kaufman, YS Legal Counsel, who was unable to attend tonight's meeting.

J. Lippert noted a FOIA request made by J. Fox on a record that was missing. "It was found and I immediately informed her of such," commented J. Lippert.

Discussion occurred on seven (7) page document from C. Kaufman. Englerth commented to set up a meeting as soon as possible with C. Kaufman. M. Englerth will contact C. Kaufman.

MEETING DATES:

Joint Meeting to be held at 6 p.m. – Monday, February 12.

Next Workshop #2 – scheduled for Thursday, February 15, 2018 at 6 p.m.

Vivian Conner – Barry County Board Commissioner, commented that the Committee of the the Whole on Tuesday, had the issue of the marina added to the zoning. V. Conner commented that The Board (of Commissioners) passed it on. Next week will be their Board of Commissioners meeting but Conner noted "we agreed and so we will be having a final vote on that - and will uphold what the Planning Commission recommended. That was the consensus on Tuesday." Final vote will be on Tuesday, February 13, 2018.

FINAL MINUTES
Page 7 of 8
YST Bd Trustees
2-8-18

PLANNING COMMISSION – Presented by: F. Fiala for G. Purcell, Chairman

NEW/OLD BUSINESS

MEETING DATES

Mark Englerth commented that zoning has nothing to do with the behavior that goes on in a structure. Rentals and zoning were mentioned. "Sending somewhat out at 11:00 p.m. to control this behavior? That doesn't make sense to me. Who wants to volunteer?" Englerth added. Englerth mentioned "...partnering with Orangeville and doing a similar ordinance with that, if we're trying to curb behavior, maybe it has to be a bad behavior ordinance, not what color your siding is." M. Englerth commented that this is more of a law enforcement thing, not a code enforcement thing. "Look at ways you can approve our community, not what you personally want," encouraged Englerth. Englerth continued to speak of a Felpaush family member he grew up with and is now a Supervisor of Hope Township. Englerth spoke of that township's Friday night behavior issue that was not really solved with a \$30,000 attorney bill and how the Hope Township's Supervisor reflected on it wondering how many children went to bed hungry that night. Englerth concluded, "I think as we work together and pull together as a community, I hope we start focusing on the greater good."

Full recording of this meeting which is to accompany the written minutes has been downloaded and is accessible at the Township's website: www.yankeespringstwp.org under "2.8.18 BOT Regular 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 Boysen with support from Jansma to adjourn at approximately 8:40 p.m. Approved by all. Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 2.17.18
FROM AUDIO

Date: Circulated draft 2-19-18

Approved :March 8, 2018

Janice C. Lippert, Township Clerk

ADJOURNMENT