

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES <u>Regular Board Meeting</u> <u>Thursday, January 11, 2018</u> 7:00 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 7 YST Bd Trustees 1-11-18 Distributed 1-16-18 draft Approved: 2/8/2018 </p>
<p> <u>Meeting called to order at approximately 7:00 p.m. by Supervisor Mark Englerth.</u> <u>PLEDGE OF ALLEGIANCE:</u> <u>Roll Call:</u> Present: Jansma, J. Lippert, Englerth, M. Boysen, VandenBerg. <u>Staff Present:</u> Sandy Marcukaitis, Frank Fiala, Rich Beukema. (G. Purcell – present via Remote participation until motion was made to deny remote participation at approx. 7:10 p.m.) <u>Visitors:</u> 8 (not including staff present). C. Yonkers of J-Ad present </p>	<p> CALL TO ORDER PLEDGE ROLL CALL </p>
<p> <u>ADDITIONS/CHANGES TO AGENDA:</u> <u>Remove:</u> Board Action Item (#9 – Item #1- Supervisor Englerth – Shalinda Final Preliminary Plat Approval). (rescheduled later in meeting). </p>	<p> <u>ADDITIONS/</u> <u>CHANGES TO</u> <u>AGENDA</u> </p>
<p> <u>Remote Participation:</u> Motion by S. VandenBerg with support from M. Boysen <u>to deny the ability for anyone to call in if they are not a board member in Yankee Springs Township to “remote” listen into a meeting and possibly speak -as it may “open up a door”.</u> ROLL CALL: Jansma: No, Lippert: No, Englerth: Yes, Boysen: Yes, VandenBerg: Yes. YES: 3, NO: 2. MOTION CARRIED. S. VandenBerg commented that he hoped remote participation would be on the agenda for the Board to discuss in the future. VandenBerg felt that the minutes would be available for those interested in the meeting. S. VandenBerg commented that vacation voting or vacation speaking is something the Board is trying to correct from the past. G. Purcell (via remote), Chair of the Planning Commission, commented that he wanted to keep up to date with what was going on. M. Boysen commented to Greg Purcell, “With all due respect, I think I understand your intentions, although it does kind of open the door for a lot of complexity in the future for this kind of thing to go on, and I think I’m going to have to second that motion...” M. Englerth mentioned that David Neeson (owner of property in YS Twp.) requested to listen remotely and he was never given an answer. A. Jansma felt that someone from the Planning Commission should be able to listen into a Board meeting. G. Purcell wished the Board a productive meeting and respectfully discontinued his remote participation. </p>	<p> <u>Motion to deny remote participation of non-board members. MOTION CARRIED.</u> </p>

<p>APPROVAL OF CONSENT AGENDA:</p> <p><u>Special Board Meetings:</u></p> <table border="0"> <tr> <td>1. December 4, 2017</td> <td>4. December 7, 2017</td> </tr> <tr> <td>2. December 5, 2017</td> <td>5. December 12, 2017</td> </tr> <tr> <td>3. December 6, 2017</td> <td>6. December 20, 2017</td> </tr> </table> <p>Regular Meeting: December 14th, 2017</p> <p>December Receipt Distribution – All Funds</p> <ul style="list-style-type: none"> • Check Disbursement Report Check #914399 through Check #914445 - \$62,163.96 • December Payroll Check #6119 through Check #6141 Net Amount: \$10,791.11 • EFT Amount: \$3,105.54 <p><i>Motion by Jansma with support from Boysen to approve the <u>Consent agenda for tonight's meeting as amended.</u> ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.</i></p>	1. December 4, 2017	4. December 7, 2017	2. December 5, 2017	5. December 12, 2017	3. December 6, 2017	6. December 20, 2017	<p>FINAL MINUTES Page 2 of 7 YST Bd Trustees 1-11-18</p> <p>APPROVAL OF Consent Agenda</p> <p>Motion to Approve Consent Agenda. MOTION CARRIED.</p>
1. December 4, 2017	4. December 7, 2017						
2. December 5, 2017	5. December 12, 2017						
3. December 6, 2017	6. December 20, 2017						
<p><u>CLOSED SESSION Minutes: (of Dec. 14, 2017 and Dec. 20, 2017.</u></p> <p><u>Closed Session Minutes were Reviewed by 3 board members: Mike Boysen, Alice Jansma, and Mark Englerth.</u> (Abstained and moving to audience were: J. Lippert and S. VandenBerg. J. Lippert and S. VandenBerg were not in the Closed Sessions of Dec. 14 and Dec. 20, 2017).</p> <p><u>Motion by Englerth with support from Boysen to approve closed session minutes of Dec. 14 and Dec. 20, 2017 as presented.</u> Roll Call: Jansma: Yes, Boysen: Yes, Englerth: Yes. Yes: 3, No: 0. MOTION CARRIED.</p>	<p><u>Closed Session Minutes – Approved for 12/14/17 & 12/20/17</u></p>						
<p><u>PUBLIC COMMENT: (Limit 3 minutes)</u></p> <p><u>Julie Fox</u> commented that she requested (called and emailed Janice) to be on the agenda because she wants to have more than three (3) minutes (Public Comment has a limit of 3 minutes).</p> <p><u>Jan Lippert</u> commented, “She asked to be on the agenda, and that’s where I put her.”</p> <p><u>Julie Fox, of Hastings Pt. Rd,</u> commented that she would need more than three minutes. J. Fox also commented, “I would like to address conduct of Jan Lippert towards me personally and my small (local?) business. As a little bit of background, I attended my first meeting in October during Public Comment I had intended to update them on my small businesses. Where I came from, where I am right now, and where I am going. I ended speaking up because of the tone, in my opinion, and inappropriate comments made by a township official toward another board member. I subsequently received a complaint concerning my business just days after I spoke up at the October township meeting. The timing of me speaking as a citizen and the complaint, left me to wonder could the complaint be related to me voicing my opinion at a township meeting? On October 12, I spoke up at the township meeting. On Oct. 17th, a complaint was filed against my business. On or about Oct. 24th, I visited Ms. Lippert at the township office asking for a copy of the complaint and was told that it was their policy not to provide that information. I was told she did not know who filed the complaint. I specifically asked her if she knew and she said ‘No. She did not’. I explained that I did indeed have every right to that information. So I then had to file a FOIA (Freedom Of Information Act) application. The municipality then has five days to respond to a FOIA. On Nov. 13th, after missing the five day allowed response time, I followed up multiple times, I then visited Ms. Lippert in her office asking why I had not received the information I requested. We had an eight (8) minute long conversation concerning the complaint. On October 13th (confirmed on audio - date given was Oct. 13), I received a response basically advising me that Ms. Lippert did not know what I was requesting when I filed the FOIA act. So I filed it. It was pretty clear. I had an eight minute long</p>	<p>PUBLIC COMMENT</p>						

conversation with her about it, and her response to me was late upon that she didn't know what really I was wanting. On Nov. 20th, I received a response that Robert Lippert and Janice Lippert had filed the complaint against my business. So in, not only did she violate the FOIA by not allowing me to get it, responding late, but in official capacity she told me she had no idea who had filed that, when indeed she did, because it was her. On November 27th, believing the complaint was filed in retaliation for my comments at the meeting and believing I would find a pattern of our clerk retaliating against those who speak up against her, I filed a FOIA asking for copies of all complaints filed in 2016 and 2017 by Bob or Robert Lippert and Jan or Janice Lippert. I was asked for an extension which I granted but made clear I needed the information a few days before the meeting and that was the last meeting (December 14, 2017). I was sent a written notice from Janice that I would receive the information on the 15th which was the day after the meeting. I had a stern conversation with her and she came to my place of business with the information. As a side note, after a written request to be on the December agenda, I was not listed. So, she wants to give me the information I requested in plenty of time, after the meeting, when I let her know that there would be consequences, and that I wasn't playing these games. She brought it to my place of business, but then when I came here, I wasn't on the agenda which I put in writing requesting that I would be. So, as stated at the last meeting, this is kind of where we were in the whole scenario. When I finally did get the information from Janice, there were three people that she listed that she had filed complaints against. And sure enough, there's a pattern of retaliation. There was a complaint against Mark Englerth, Shane VandenBerg, and Julie Fox. I live on a private road. There's no reason to be there, and I've got Mr. Lippert driving past my house. I don't know. Looking for a violation? I don't know what. But it's very strange. So, a logical assumption would be that these complaints were made in retaliation for expressed views Ms. Lippert does not share. So, just when you think it couldn't get any worse, on December 21st, I visited the township office when I asked Janice Lippert if she or her husband had filed a complaint in 2016 or 2017 against Dave Neeson. Because what I asked for was all complaints, so anybody she filed a complaint against should have been in that FOIA. Again, a citizen who has voiced opinions against her, so Dave Neeson has voiced opinions that have differed from Ms. Lippert. Her comment was, 'I have no recollection of that.' I told her that Mr. Neeson was aware of the complaint, but that Larry Knowles had not yet contacted him on it. This was before Larry had resigned. I stated that both Larry and his assistant Mike would know of the complaint. She had then stated she had no idea of what happened to the complaint because it was handed over to Larry. She then stated that maybe it was just verbal or really not a complaint at all. Maybe it was just conversation. I then pointed out that she had just stated that she had no recollection of the complaint. But now she has knowledge that it was passed off to Larry. So indeed, she did have knowledge of the complaint because she was the complainant. She stated that she had misspoke, had no idea of the complaint and would look through her files but that our conversation was over. I followed up with Larry Knowles and he clearly recalls the complaint made by Janice Lippert against Dave Neeson. Again, this should have been in the FOIA that I filed and it wasn't. You don't forget things like that. I'm sorry. Larry confirmed that the complaint was in writing – not verbal. But upon him going through the files for the complaint, he could not locate it. If I filed a complaint against somebody, I'd remember it. She knew she filed also a complaint against Dave Neeson, and gosh only knows who else she's filed complaints against that are no longer in a file. And, if the file is gone there's only one person would benefit from it, and that's Janice Lippert. On December 22, I received Janice Lippert's response to my FOIA request and it said I hereby certify that the township does not have any such documentation, this is me requesting the information about Dave Neeson, does not have any such document in its possession. Accordingly, your FOIA request is respectfully declined. She had an opportunity here, to say 'Look though, upon thinking about this, and upon talking to Larry about it, I do recognize that I did do it. So, in total transparency I'm going to tell you that (I) didn't find a file,

but yes, indeed, I did.' But she didn't. There's a thing called 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. Speaking up in a meeting. Or, when they use their office to hide or conceal something that is protected under the Freedom Of Information Act. All these things have happened in my short experience with her multiple times. And the last thing I want to say before I finish is, you know our clerk is supposed to act in our best interest. We are starving in this community for nice businesses that help our community look great and things that we can be proud of. I've invested over \$700,000 in doing just that. If we do everything that I have on the boards, my husband and I will have invested over \$1.5 million in our little strip here that we so sorely need. I employ 35 seasonal employees that would no longer have a job because my business was going under and sold off in pieces and parts. I have 12 year-round employees. I employ local plumbers, electricians and tradesmen. I didn't go outside to local areas. I didn't put anything out to bid. Anybody that had Yankee Springs something electric or plumbing or whatever behind their name, that's what I hired and you can ask them, and this is what I get? You've got to be kidding me. So, what is happening here is corruption. We can't do anything about corruption that happens in the State of Illinois, in the State of Michigan, you know, in Washington, but we sure as hell can do something about the corruption that is happening right here. And I for one, am not going to take it anymore. Janice Lippert, if you do not resign from your position, I'm going, with my attorney, to the Barry County Sheriff's Department and I will do anything within my power to make sure that you don't have this opportunity to keep our citizens from information that they rightfully deserve and use your office to cover up things that you do not want people to know. And that's your choice. I'm asking for your resignation.'

J. Lippert stated that she had no comment to her. "I will contact the Attorney," stated Lippert.

M. Boysen asked, "Is there anything short of this resignation that would appease you? Like a public apology? Is there anything we could do short of getting the sheriff involved and paying a lot of legal fees. My take on it is that Janice has been here a long time and has done a lot of good work, and we all make mistakes. It seems like there's a possibility for a compromise. Is there anything that you can think of that would allow that?"

J. Fox commented "So, there isn't. And it's not because I'm out to get Janice. It's because I care about the greater good. I know I'm not the only person this has happened to. I'm the only one that's had the time or maybe had the gumption, or whatever, to find out what my rights are and make sure that those are accommodated. You know she has been here for a long time. That might be part of the problem. Because people that are part of this township, that have been here forever, just think they can do whatever they want. And it is corruption. And I gave her so many chances to maybe dig herself out of the hole and it just keeps going even until tonight she knew that I asked to be on the agenda so I wouldn't be limited to three minutes but yet she still put me under the Public Comment. It just keeps going and going and going. And it's just so wrong. This isn't a misunderstanding or what did she call it, "I misspoke." It's not that. It's an arrogant attitude of entitlement that they can do whatever they want. You (pointing to someone on board). Not you. You (pointing to J. Lippert?) to me or anybody else and they're not going to pay any penalty for it. And no. It's done. You know, I had a grievance with Alice.

(**Mark Englerth** briefly interrupted, saying "Don't Julie." or "No. Julie.")

J. Fox continued, "And I had a grievance with Alice about how one particular thing was handled. And she has been nothing but wonderful. The complete opposite. We have a specific problem here. A cancer that needs to be removed."

ACKNOWLEDGEMENT OF VISITORS:

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

Larry Knowles, Director of GLASWA – (written report in agenda packets) – commented regarding the sewer planning on a sizable construction project coming up. Knowles referred to the board signing a resolution (approx. a year ago) to enter into a contract to secure a bond. The sewer is at the point of securing a bond. The Board (GLASWA) has asked for a not to exceed amount of \$2.5 million. Contracts are being prepared for the township(s) to sign. L. Knowles requested to have the signing of the contract on the February Board of Trustee meeting agenda (2/8/18). Drawings are at the DEQ right now.

Knowles also requested Clerk Lippert to have the updated sewer ordinance relating to the new rates be placed on Municode.

Don DeVries of Fleis & VandenBrink commented that five years is up and a water reliability study of the system is due. D. DeVries commented on the procedure that takes place and that it will not be done in the winter. M. Englerth commented on having a workshop and a little bit of one-on-one time regarding the reliability study to understand the system and the history. Most likely it (project) will be done in the Spring.

A Special Board of Trustees meeting was set for Thursday, February 8th at 6:00 p.m. to meet with D. DeVries prior to the regular board meeting.

DRAIN COMMISSIONER, Jim Dull commented on the start date of the dam construction and progress up to this point. J. Dull noted that M. Englerth was taken out as spokesperson of the Board. J. Dull feels this was a mistake. Dull typically goes to a Township Supervisor, not the Treasurer, Clerk or Trustee. J. Dull requested that Englerth be re-instated as the spokesperson. Dull commented that it would make his (Dull’s) life easier (to work with Englerth).

Motion by S. VandenBerg with support from Boysen **to have M. Englerth take his supervisor’s duties over and tear up the resolution taking away the spokesperson role of the supervisor away.** ROLL CALL: Jansma: yes, Lippert: no, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 4, No: 1, MOTION CARRIED.

Boysen commented he’d like to second the motion and he wanted to go on record saying that when he read about “how that whole thing transpired (resolution to remove Englerth as spokesperson for the township), it was mystifying to me. We have a process, a democratic procees that works pretty well and it’s called an election. And when you disagreed with what somebody is doing in an elected position, you change that with a ballot.”

BOARD ACTION ITEMS:

1. **Struck from the agenda:** Supervisor Englerth: Shalinda Final Preliminary Plat Approval Looping of the Water System-Payne Lake Road AGREEMENT. Re-scheduled below:

Wednesday, Jan. 17th Special Board meeting at 6 p.m. was set for Shalinda Final Preliminary Plat approval agreement. All ayes. (S. VandenBerg abstained from voting). MOTION CARRIED.

2. **See above regarding Reliability Study-Proposal Water System Reliability Study from Fleis & Vandenbrink – Mr. Don DeVries (meeting set for 6 p.m. on Thursday, Feb. 8th).**

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**ACKNOWLEDGE-
MENT OF VISITORS**

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

**Larry Knowles,
Director of
GLASWA**

**DRAIN
COMMISSIONER,
Jim Dull**

**MOTION TO reinstate
Supervisor role of
Twp. Spokesperson to
M. Englerth.
MOTION CARRIED.**

**BOARD ACTION
ITEMS:**

**MOTION TO RE-
SCHEDULE SHALINDA
FINAL PRELIM. PLAT
APPROVAL LOOPING
WATER SYSTEM.**

<p>3. <u>Draft Presentation 2018-2019 Capital Improvement Plan – Frank Fiala</u> Requested setting a date for a Joint Meeting with the PC, ZBA and the Board. M. Englerth commented that the Joint Meeting would be a good place to review the CIP. F. Fiala noted the members of the <u>CIP Committee</u>: Alice Jansma, Larry Knowles, Cathy Strickland, Greg Purcell and Frank Fiala. Fiala gave an overview of the CIP and was in agreement with going over the plan at the Joint meeting (yet to be scheduled). Fiala noted that the CIP is required with the passage of the Michigan Planning Enabling Act – PA33 of 2008, as amended. The CIP has been organized into the following ten categories: Fire Protection, Ambulance/Emergency Services, Township Facilities Improvements, Township Roads, Yankee Springs Water Service, Twp. Park/Veterans Memorial, Sewer Services, Information Technology, Non-Motorized Paths, and Boat Wash.</p>	<p>FINAL MINUTES Page 6 of 7 YST Bd Trustees 1-11-18</p>
<p>TREASURER’S REPORT: presented by Alice Jansma, Treasurer Motion by Lippert with support from Englerth <u>to accept the Treasurer’s Report as presented.</u> All ayes. MOTION CARRIED.</p> <p>A. Jansma noted England Drive has already ahead paid \$26,443.82.</p> <p>Motion by Jansma with support from VandenBerg <u>to pay the at large portion (\$17,324.80) of Yankee Springs Township for the 2 year Gun Lake Dam Special Assessment Prepayment.</u> ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.</p> <p>Motion by Jansma supported by Lippert <u>to approve Resolution not to impose the additional 3 percent penalty fee for taxes paid on or before February 15 thru February 28, 2018 for the tax year 2017.</u> ROLL CALL: Jansma: Yes, Lippert: Yes, Englerth: Yes, Boysen: Yes, VandenBerg: Yes. Yes: 5, No: 0, MOTION CARRIED.</p> <p><i>Water Advisory Board meeting minutes and GLASWA December meeting minutes included in Treasurer’s Report of the board agenda packets.</i></p>	<p>TREASURER’S REPORT: <u>Alice Jansma</u></p> <p>MOTION to approve Gun Lake Dam Spec. Assessm’t Prepayment.</p> <p>MOTION to approve Resolution not to impose additional 3% penalty fee.</p>
<p>SUPERVISOR REPORT, Mark Englerth: <u>Dates for Meetings:</u> <u>Tuesday, Jan. 30th – Board of Trustee Work Session #1– 6 p.m.</u> Jansma commented on having a budget amendment ready for the first work session.</p> <p><u>Joint Meeting: set for Monday, February 12, (3 hour limit) at 6 p.m. (Annual Reports from PC, ZBA and Board will be the “start” of the meeting).</u> Zoning & Code Enforcement – keeping with a local person was mentioned by Englerth as a topic at the Joint Meeting. Jansma inquired as to when the 90 day time period was up with PCI. It was noted that it would expire in February.</p>	<p>SUPERVISOR REPORT, Mark Englerth</p> <p>MEETING DATES SET</p>
<p>CLERK’S REPORT: Jan Lippert, Clerk <u>Accounts Payable Invoice Register to Date Approval:</u> <i>Motion by Jansma with support from Lippert to approve invoice register of 1/10/2018 (\$30,882.65).</i> ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.</p> <p>MTA Annual Conference – April 23 thru the 26th – Early Bird rate due in February. Fiala, Boysen, and Jansma mentioned interest.</p>	<p>CLERK’S REPORT: <u>Jan Lippert, Clerk</u></p>

Fire Run Report of December 2017 from Dan Miller included in packets. There are 13 firemen and looking for more volunteers.

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PLANNING COMMISSION – Greg Purcell, Chairman – Presented by F. Fiala

F. Fiala commented that he covered the report earlier. The status of the Master Plan it is nearing completion.

PLANNING
COMMISSION –
Presented by:
F. Fiala

NEW/OLD BUSINESS:

Interest was shown by A. Jansma and M. Boysen in a 7 member Board.

A. Jansma mentioned interest on work on the Library as well.

NEW/OLD
BUSINESS

Township 2018 Meeting Schedule:

Motion by J. Lippert with support from M. Englerth to accept Meeting Schedule for 2018 as presented and to publish. All ayes. MOTION CARRIED.

Motion to approve:
Township 2018
Meeting Schedule

Cathy Strickland mentioned a **MAP seminar in Lansing regarding transportation**. A Walkable Communities seminar will be featured. Early bird fee \$70.00. Seminar to be held February 8th. C. Strickland would like to go and would be willing to bring back a presentation to the Board. (6 Master Citizen credits given for seminar per C. Strickland). A. Jansma showed interest in attending, as well.

Motion by Lippert with support form Boysen to allow for up to 4 persons to go to the **MAP transportation seminar on Feb. 8, 2018**. ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.

Motion to allow up to 4
to attend MAP
Transportation
Seminar.

Dan Parker commented that the Barry County Parks & Rec is willing to work with the township on trails, planning, grants and anything like that for the township community. It doesn't have to be just ball fields. It can be linear trails or water trails. D. Parker noted there are two (2) openings on the Park and Recreation Committee. Also other slots to be opening up as well noted Englerth. D. Parker advised to go on-line to find out more. In addition, advertisement regarding openings should be in the local paper.

ADJOURNMENT:

ADJOURNMENT

Motion by Jansma with support from Lippert to adjourn at 8:36 p.m. Approved by all. Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 1.11.18

Date: draft distributed 1-16-18 - jcl

Approved : Feb. 8, 2018

Janice C. Lippert, Township Clerk