

<p style="text-align: center;"><b>YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</b></p> <p style="text-align: center;"><b><u>Special Board Meeting</u></b> <b><u>With C. Kaufman Attorney</u></b></p> <p style="text-align: center;"><b><u>Saturday, November 3, 2018</u></b> <b>10:00 a.m.</b></p> <p style="text-align: center;"><b>Yankee Springs Township Hall</b> <b>284 N. Briggs Rd., Middleville, Michigan 49333</b></p> <p style="text-align: center;"><b>MINUTES</b></p>	<p><b>FINAL MINUTES</b> Page 1 of 13 Spec. BOT 11.3.18 Approved Dec. 13, 2018</p>
<p>Meeting called to order at approximately 10:00 a.m. by Supervisor Mark Englerth.</p> <p><b><u>PLEDGE OF ALLEGIANCE</u></b></p> <p><b><u>Roll Call:</u></b> All Present: A. Jansma, J. Lippert, Englerth, Boysen, VandenBerg.</p> <p><b><u>Also Present:</u></b> C. Kaufman, YS Township Attorney.</p> <p><b><u>Staff Present:</u></b> C. Strickland, C. Biggs- Constable, Rich Beukema, Todd Delamar, Frank Fiala, Tressa Knowles, Ron Heilman, Nancy Near.</p> <p><b><u>Visitors:</u></b> 83 visitors (not including staff present).</p>	<p><b>CALL TO ORDER</b></p> <p><b>PLEDGE</b></p> <p><b>ROLL CALL</b></p>
<p><i>Full audio recording of this meeting is available upon request at the township office.</i></p> <p><b><u>Changes to the AGENDA:</u></b> <b><u>Remove from Agenda:</u></b> <u>Direct and Indirect hook ups –#7 (#1 Item on Spec. Meeting Notice).</u> S. VandenBerg, who requested the agenda item, approved the removal from today’s agenda. Other board members were also in consensus of this removal from the agenda.</p>	<p><b>Meeting Available on Audio.</b></p> <p><b>CHANGES TO THE AGENDA</b></p>
<p><b><u>PURPOSE OF MEETING:</u></b></p> <p><b>Special Meeting of Board with YS Twp. Attorney, Catherine Kaufman called at the Regular Board Meeting of October 11, 2018 regarding :</b></p> <ol style="list-style-type: none"> <li>1. <b><u>Direct and Indirect Water Hookups</u></b> – <i>requested by Trustee S. VandenBerg</i></li> <li>2. <b><u>Non-Compatibility of Elected Official</u></b> – <i>requested by Trustee Boysen</i></li> <li>3. <b><u>Motion and approved 10/11/18 Minutes Discussion regarding Amended Briggs Subdivision (Bluff and Palmer Drives)/Supervisor Englerth.</u></b></li> </ol>	<p><b><u>PURPOSE OF MEETING</u></b></p>
<p><b><u>Discussion regarding Amended Briggs Subdivision (Bluff and Palmer Drives) .</u></b></p> <p><b>Supervisor Englerth</b> introduced the issue regarding Briggs Subdivision/paper roads (Bluff and Palmer Drives). Englerth also introduced township attorney, Catherine Kaufman.</p> <p><b>Catherine Kaufman</b> commented that under the Land Division Act, which controls subdivisions, land divisions and meets and bounds divisions, “There’s a process to vacate a subdivision plat. And this is very typical around lakes or maybe older subdivisions where there’s a lot of platted alleys, or roads, or paths that were never developed and people think that they have the right to use those because they are next to them. It’s all controlled by the language of the subdivision dedication. So every specific subdivision that comes in, .... when you buy a lot in that subdivision you need to read the dedicatory language on the subdivision plat, because it will tell you the roads that are open to the public. The roads are restricted to the people in the subdivision. There will often be a road that was never built and so people</p>	<p><b>Discussion regarding Amended Briggs Subdivision (Bluff and Palmer Drives)</b></p>

assume it's their property. It's not your property until the subdivision plat is vacated. Sometimes you can vacate just the road, if that is what your concern is, but in order to revise that, the party under the Land Division Act, a party who is a lot owner in the subdivision has to take the matter into circuit court." Kaufman noted that they have to name everyone in the subdivision, and often times if it is by a river or a lake, you have to name the DNR and there's other requirements, such as utilities that are involved that have easements out in that area. "It's not the township's obligation to resolve that private deed restriction. It's a subdivision matter. It's something that people in the subdivision, by law, should do..... The township's function in that capacity, because the township will be a named party, is to understand: Do we have the easements out in those roads or anything we need to protect and make sure are taken care of? So we will be a named party, but essentially the township is just along for the ride to make sure that whatever the results and outcome is – is going to protect the township's utility interests or access if it's a public road, that the public access remains. A lot of times if there is a road ending at a lake, there is requirements under state law for that with the DNR. It's very common that this happens, however, it has to be started with a lot owner, or somebody with a property interest in that subdivision. And then that person would, whether it's a group of you go together and hire an attorney to file a complaint into circuit court, all the parties will be named, the township will be one of those parties, the utilities, etc. And then it will go through circuit court and the court will order, eventually, a vacation of that subdivision. And generally what you then have is a redrawing of what the subdivision will look like. At that point, you've eliminated any paper roads. Generally by law, that land is split, between the adjoining property owners unless there's some provision that says otherwise. And so then you would eliminate that road. You have to also understand that you always have to involve the Road Commission in terms of what they see that road as. So maybe it's a paper road for your purposes, but I have one in another township where the road was dedicated to the township for the use of fire purposes...over 100 years ago. The township wants to get rid of those roads now but it was dedicated for a certain purpose. And you cannot necessarily just get rid of that without looking at the grand torts language. So when you have a subdivision, and you buy a lot in a subdivision, it's very important to read what the dedication language of that subdivision is; understand what your rights are, understand who has the rights to the road, and if you ultimately go to vacate that subdivision, this process into circuit court, that's what the judge will be looking at when he or she gets there to look at that vacation."

**Englerth** commented that this is a first step. "That until you pull together as a community, the township can not fix your problems. But together, we can make great strides." Englerth noted that some people will not benefit as much from this information, but some people will. Englerth added, "The last thing you want to do is sell your homes ten years from now or your children settling your estate or whatever, and find out that – that garage sits in a middle of the road and you can't clear title. And you can't get title insurance, and if you can't get title insurance, the bank's not going to close....At the end of the day, it's up to you folks, what you want to do."

**C. Kaufman** commented on an amended plat, "So you will have the road that everyone uses will not be located in the area it was supposed to be built in... This presents issues in terms of setbacks, so if the road is not where it's supposed to be, and you want to build a garage or an accessory building, and now the setback, you take it to the road where it exists. You take it

where the road right-of-way is, there's all kinds of issues especially in lake areas where you have back lot development. It can be very problematic. If you are trying to add on to your house, or one over in Prairieville they wanted to rip down the old house and build a new house and the platted road ran right thru the middle of their parcel where it was supposed to be 50 feet over here. So all of sudden they can't do what they wanted to do on this parcel they just bought and so they had to go through the exercise of vacating the road and it took quite a while. Probably almost a year because you have to – when you do the litigation you have to bring everybody that is a property owner in the subdivision into the litigation. It can be time consuming... The township's role in that is kind of just making sure that the township's utility interests or access interests are protected. And other than that, we really don't have a say in it."

**Englerth** commented that the Briggs Subdivision may actually be used as a "poster child", noting that the Briggs Subdivision isn't the only plat in the township "just the one on our plate today."

**Donald Visser**, of 727 Palmer, asked to give the scope of the issue involved. Visser noted Briggs goes from the YMCA south to Bowens Mill Road. D. Visser asked, "How many of the individuals here might be affected, have had some issue with their property lines or any of the other issues involved?"

**Englerth** commented there are probably more issues on the Northern end than the southern end (of Briggs Subdivision). Englerth commented, "We are on page 1, and on page 5 or 6 there may be some issues that 1/3<sup>rd</sup> of the plat don't want to evolve, they shouldn't. Ok. So they move out of it. This is a process."

**Don Visser**, commented, "Why should they or why should they not be concerned at this point? I'm aware of some issues... but I don't know that everyone else is. I don't know if it affects everybody or not. I know that some of the surveyors will not survey Briggs Platt because they assert that some of the monuments have been moved when the sewer went in. Does that affect the entire plat? Portions of the Plat? I'm not sure it is all a Bluff Drive issue...Everybody I think wants to know what the scope of the issue is because we now have a public meeting where the township is at least lending some credibility to the fact that maybe some amendments have to be made."

**Englerth** commented that it will probably occur in meeting #2. Englerth noted that there are benefits for everybody (regarding this discussion). Englerth commented on the difficulty of what could happen in new construction when a paper road is involved. Englerth commented on working as a community moving forward.

**Barb Martin, on behalf of Marcia Herold** – referred back to C. Kaufman's comment that this may end up in circuit court. B. Martin asked, "... Who owns the process? So who owns initiating getting all those names of individuals? You had indicated that somebody started this, so is it that person who owns this? You also indicated that the township is not responsible but you are taking the responsibility for a second meeting." Martin noted that she was just looking at clarifying the process of "who does what and when."

**Englerth** commented, “Ultimately that at the second meeting, you are going to take a hand vote, you are going to make a financial contribution of whatever for step #1. You’re going to end up getting your attorney to represent you, now just because you end up in court and you end up with attorneys on each side of the table, doesn’t mean that you are fighting. It’s part of the process.... This isn’t a hostile process, this is a legal process you have to follow to achieve your goal.”

**C. Kaufman** commented “ Under the law, it says ‘In order to vacate, correct or revise a recorded plat or any part of a plat, a complaint should be filed with the Circuit Court by the owner of a lot in the subdivision, a person of record, claiming under the owner or the governing body...’ Traditionally, the township will not become involved in filing an order to Circuit Court because they are expounding township funds for which is basically a private issue.” The municipality needs to be named as a requirement. The DNR, if by a lake river or stream, will have to be added, as well. “Somebody is going to take the lead, get an attorney and file it in Circuit Court. They are going to name everybody as defendants and it’s not a hostile thing, they just have to do it by law. “Everybody is part of the lawsuit, if you have no concerns, you can just allow yourself to be defaulted out. You just don’t answer. If you have concerns, then you appear through the attorney that’s for the subdivision or the one parcel owner. Even though you are going to court, it’s the only way you are going to resolve this matter. To actually vacate the subdivision or part of it. And file an amended plat. It’s not a negative or hostile situation, it’s just the way the law requires it happen,” added Kaufman.

**Barb Martin** commented that she is just trying to figure out “who”.

**Ryan Asbury, of Palmer Drive** introduced himself as “I’m the who that started this.” Asbury noted that the reason for starting this was that his neighbors have a garage in the road right of way, and he was interested in building a barn and started going through the process and learned about the road issue. He started reaching out for options. Palmer Drive felt the scope of the issue was from the Y camp all the way to just south of Palmer Drive which is where the issue is with Bluff Drive. Asbury noted that if this moves forward, he will probably be the one coordinating with the attorney.

**Doug Wedge, of 697 Bluff Dr.,** asked, “How was the garage constructed if it’s in the right of way? Who allowed that?”

**Englerth** commented, “I’ll answer that with, no. #1, there is no answer... You think one garage is unique in Yankee Springs that’s off the lot line? There are easements, road ends to the lake that give the public rights that nobody has any knowledge of. Barlow Lake’s kind of unique. They think there’s no road ends, but there is. Which building inspector? Which township supervisor? And even when you bring a document into the township, you’re responsible for that document. When you draw four points here and say your garage is in the middle, we accept that. I built for 40 years, are you surprised that mistakes were made? But a surveyor can’t even survey that property up. So is it certainly an issue? Absolutely. And this is the balancing point of the township, you want us to take them to court, spend thousands of dollars, and either way we lose right?...” Englerth commented that the township inherited this issue.

**R. Asbury** commented “It’s not a matter of just one garage, there’s actually one house entirely in the road right-of-way. There’s two houses partially in the right-of-way, there are three outbuildings entirely in the right-of-way. Then there’s been a couple that the township has approved to be built up right against the right-of-way ... It could be expensive for a number of reasons...”

**Nancy Adgate, of 929 Briggs Rd.** commented that she has just surveyed her property on Bluff Dr. Mrs. Adgate noted the difficulty for her property to be surveyed correctly. Mrs. Adgate encouraged others to get their property surveyed to get the “correct answer”.

**Englerth** commented “Fact is, you’ve got a couple of people from the community that aren’t in your plat, and in order for this to be successful, they’re going to have to give up three foot, four foot, five foot, of land.”

**R. Asbury** commented that the east side of Bluff is not part of the plat.

**Englerth** commented that township board agreed to have two informational meetings and that is “to bring your team up to speed, by that point you will have a surveyor and your own attorney and move forward with that.” Englerth commented that at the next meeting they will actually be bringing more information to the table. “We will give that time and date, and we will do another mailing on that” added Englerth.

**J. Lippert** noted that GLASWA and the Road Commission have to be named if there is a lawsuit.

**Englerth** thanked all for coming to the meeting.

**A. Jansma** commented that the next time the information goes out about the next meeting, she’d like to give at least a week’s notice or maybe a two week notice to give everyone a chance to be present.

**RECESS: 10:34 a.m.**

**RESUME: 10:56 a.m.**

**BREAK**

**NON-COMPATIBILITY OF ELECTED OFFICIAL:**

**Englerth** commented that the next item on the agenda would be: Non-compatibility or conflict of interest or “did it violate the Articles of Incorporation (GLASWA) -Whether an elected person (Larry Knowles) as Manager of the GLASWA could be on the township board.”

**C. Kaufman** commented that she had prepared a written legal opinion and commented that it was the board’s decision as to whether the board wanted to go into CLOSED session or not.

“Transparency!” was loudly commented by unidentified persons in the audience.

**John Jerkatis, of Ravens Way Dr.,** asked if holding a closed session would meet one of the six purposes of a closed meeting, as stated in the Open Meetings Act..

**Jim Courtney, of Lynn Dr.,** noted that he moved out to Yankee Springs in ’68 and commented that he knew Mike (Boysen) and Larry (Knowles)- both from high school. “There’s nothing wrong with either of them, but Larry won the election and I think people need to respect elections in this country. It seems to be fashionable not to.” Courtney asked that the privilege of the Board to listen to the township lawyer privately be waived so that the audience can hear what the lawyer’s comments are.

**Jim Deters, of Gun Lake Rd.,** wanted to know why this meeting came up at the last minute and when an election simply becomes an election anymore of the people, and why all of sudden we have legal proceedings and other ways to prevent the elected person from taking office. Deters asked, "If this is a conflict of interest, and if the lawyer has uncovered that one way or another, why wouldn't that have been brought forward in the first place when the gentlemen was first proposed to run whether it was in the primary or whether it was in the final election. Why at this last minute is this coming up? If that was a rule, if that was known, if that was a problem in the first place, why wasn't he then prevented from running in the first place? Seems to be wrong that the will of the people be subverted, now, at the last minute."

**Englerth** commented that it is public comment and not public discussion and any questions or comments are being heard and will be addressed throughout the meeting.

**J. Deters** commented that it was a question that he was asking. "Was it known in the beginning that there was some rule that might prevent, that this conflict of interest might be there or has this all been raised at the last minute? Can you answer the question?"

**Englerth** commented that it will be part of the meeting. "We are going to take those the comments and make discussion out of them."

**J. Lippert** read G. Purcell's comment into the minutes. (Greg Purcell, is a township resident, and former Planning Commission Chair.)

Dear Yankee Springs Township Board,

Can anyone on the Township Board tell me why the Township would be considering spending taxpayer funds to thwart the will of the people? Elections are held to express the will of the people, and the Township government should be working to honor and follow the will of the people - not subvert it!

If any Township Board member should wish to challenge the legal opinion that clearly states that the person who will be elected in November should be duly seated as a Trustee, they should make that challenge in the courts - at their expense, not that of the taxpayer! This is especially true if the person who ran against the winner of the election is leading the challenge of properly seating the duly elected Trustee.

While I cannot attend the Township Board meeting when this matter will be discussed, I would ask the Township Clerk to read this letter into the record. As a voter and taxpayer in Yankee Springs Township I object to the Township Board spending time and taxpayer dollars in any effort that would attempt to thwart the will of the people. The Township Board should focus on governance and leave elections to the people.

Sincerely, Greg Purcell

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**Cathy Strickland, Acting Chair of the PC,** read her response to Purcell which follows:

Dear Former Planning Commissioner Purcell:

As a taxpayer on several properties in Yankee Springs township I, too, am always concerned with how tax monies are spent. However, I must disagree with your allegation that there is any attempt being conducted to thwart the will of the voters.

What your township Board of Trustees wishes to clarify and determine is whether or not Mr. Knowles should be seated as a trustee on November 20th.

As I understand the issue, the GLASWA Articles of Incorporation clearly state that employees of GLASWA are prohibited from holding public office in the townships served by that entity. Clearly Mr. Knowles is currently an employee of GLASWA and therefore bound by the said Articles.

Therefore, I believe that the Township Board is waiting for Mr. Knowles to advise them of his decision to either

1. stay at GLASWA and relinquish the Trustee position - or 2 that he will resign from GLASWA and then be eligible to be seated as a Trustee for the Township. It's clearly evident that he cannot hold both positions, an unarguable conflict of interest.

Finally, I must also take exception to your inference that any challenge might be lead by the person who lost the bid for the Trustee seat, that person being Mr. Boysen. To the best of my knowledge, Mr. Boysen is not involved in any supposed subversive tactics to discredit Mr. Knowles! Boysen is an honorable man who willingly gives his time to the Township and I am certain that he has less frustrating activities to occupy him.

We will certainly miss you at next Saturday's meeting. I will also be reading this letter aloud at the meeting so that it becomes an attachment to the official meeting minutes.

Sincerely,  
Cathy Strickland  
Acting Chairperson, Planning Commission

**Englerth** commented that the public comment time was not a debate. "We have an obligation, as a board, for transparency, ... we're here to look at the nuts and bolts of this thing and move forward."

**Jim Courtney, of Lynn Dr.** asked the board if the problem is with the documents of GLASWA, and inquired, "What does that have to do with you? ... You're a separate entity... You should leave that issue up to them to decide what to do with Larry. You are looking at their documents and finding a reason not to seat Larry."

**Craig Mulligan, of Palmer Dr.** commented that he had just a simple question. Mulligan commented that he was unaware of this issue until he came to today's meeting and he was trying to catch up. Mulligan asked, "Does the township board have a provision that says that an employee of a different organization cannot serve as a member of the township board? Does the township board have (a?) provision?"

**Englerth** commented that C. Mulligan's public comment was a question and noted, "We will incorporate it into the discussion."

**Don Davis, of 11755 Lakeridge Dr.,** commented that the real issue in front of the board was the issue of incompatibility of office. D. Davis noted that it was controlled by State law. Davis also commented that he's heard several speakers say they (Articles of Incorporation of GLASWA) prohibit the incompatibility of office. "One of the letters actually asked 'Where is that stated?' I've read the Dickinson Wright opinion a number of times. I reviewed the Articles of Incorporation, at least the ones that were drafted in 1977 and candidly, I can't find it, the by laws are silent. The Articles of Incorporation are silent on this issue. So I think it's not helpful for the audience to have people stand before you and say that- that office is conflict of interest; it's incompatibility. It's prohibited by Gun Lake Sewer. Somebody said, 'Well it's Gun Lake Sewer's problem.' Well that's building an assumption on a falsity, the falsity is that the by-laws/Articles of Incorporation don't hold that. So it seems to me that you need to know and the audience needs to know what is prohibited, by Gun Lake Sewer Authority's Articles of Incorporation. What's prohibited by Larry Knowles' contract? And what is prohibited by state law. And that's determinate of. This really isn't, you just can't say 'We don't like this guy so he can't be (on?) the office'. We just can't just say 'Well we don't like that he's employed here so he shouldn't hold this office.' It's controlled by statute and somebody's paid a lot of money to have that analyzed. And their analysis is frankly consistent with mine, and consistent with the written word and I just would like that clarification. ...Are we talking about the Articles of Incorporation prohibit that? If it does, we're done! But I would challenge the letter writer, to show me, to show you, ... where the Articles of Incorporation say that." An unidentified audience member said, "They don't". D. Davis then concluded his public comment.

With no further public comment, **Supervisor Englerth** commented that C. Kaufman had an opinion that is to be distributed.

**C. Kaufman** explained that the board could go into closed session to hear the attorney's (Kaufman's) opinion.

***Motion by Jansma with support from Lippert to stay in Open session for the reading of the township attorney's opinion. A. Jansma confirmed this motion. Discussion occurred prior to the Roll Call Vote: Englerth: Yes, Lippert: Yes, Boysen: Yes, Jansma: Yes, VandenBerg: Yes. MOTION CARRIED.***

**Boysen** requested a moment for the board to read the written statement. (A few minutes were allowed for the Board members to read the opinion.)

**Discussion occurred before the Roll Call Vote to have the attorney read her opinion in open session:**

**Boysen** commented in reference to Mr. Purcell's letter, "It's never been my charge, ever, to lead this thing. I believe entirely in elections, and he won fair and square. ... All I was asking for was clarity because we have a lot of conflicting opinions on this. I mean, when it comes to legal opinions it has to do with how much do you want to spend. It's an opinion. Catherine has an opinion. These other attorney's have an opinion, but there was no clarity. It was just confusing. It had nothing to do with the election whatsoever. I just wanted to be clear in the public situation. Where we are all talking about it, it's all clear. That's entirely it. I respect any legal opinion that's made.

**FINAL MINUTES**

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Spec. BOT

11.3.18

**MOTION to REMAIN  
IN OPEN SESSION.**



**VandenBerg** commented that he would just like to hear Catherine speak and give her legal opinion.

**Letter/Memorandum was read into record by Catherine Kaufman, township attorney. (Please see attached).**

**Boysen** inquired as to what C. Kaufman thought of the remedy for incompatibility of office.

**Kaufman** referred to the Public Offices Act- and commented that if the board believes there is still an incompatibility of office, the board can go to the County Prosecutor for verification. Kaufman commented that the Prosecutor will say “yea” or “nay” to the request.

**Boysen** commented, “We still come back to- is this incompatibility of office.”

**C. Kaufman** noted that the opinion given by Rob Thall, Kaufman’s law partner, was given to GLASWA for GLASWA, not the township. Kaufman commented that the legal opinion from Thall, and more recent opinion from Attorney Wood of Dickinson Wright are two different legal opinions, and that Bauckham, Spark often advises its clients to take a conservative path. “We stand by that opinion. We do not discredit Attorney Wood’s opinion”...Kaufman commented on the approach taken from Thall’s analysis (a year ago) regarding “assigning extra duties to people and he laid out a process where he thought that could be accomplished.” Kaufman noted GLASWA has chosen not to go that way. Kaufman commented that she concurred with much of what Attorney Wood wrote in his opinion. “It is what it is. The only remedy at this point is if this board felt, after he (L. Knowles) was duly elected- you must seat him -he must be sworn into office- If you feel at that point that there is some ongoing incompatibility you could ask the County Prosecutor to look at it, and she will decide whether or not she sees it,” added Kaufman.

**Boysen** noted that technically, L. Knowles could sit on both boards.

**Kaufman** commented that Boysen was right due to an amendment to the Articles of Incorporation.

**Supervisor Englerth asked other Board members for comments.**

**Jansma** noted that she had no comments.

**VandenBerg** commented, “What I’m getting from Catherine is we have two different opinions. That’s what it amounts to. Our township attorney has a different opinion than Mr. Woods. I’m not so sure how to proceed with that two different opinions. I’m obviously not an attorney or a judge. I just want to do the right thing. Legally. I want to do the right thing.”

**C. Kaufman** commented that since L. Knowles won the election, “You will have to seat him on the township board. At that point in time, should you again continue to feel that there’s an incompatibility of office, then your remedy is, under the State law, the County Prosecutor. And again, the two opinions that were provided, were provided to the Sewer Authority.” Kaufman reiterated contacting the County Prosecutor as a remedy for a belief of incompatibility of office.

**J. Lippert** confirmed the process for remedy (of incompatibility of office) would have to go through the County Prosecutor if the board would want to pursue it.

**C. Kaufman** noted (from State law) that an individual from the township could go to the County Prosecutor, Julie Pratt, and ask her to investigate if the Board didn't decide to do that. A private citizen cannot bring a suit under this law. Kaufman commented that someone else could go to the County Prosecutor, if they were uncomfortable with a situation that they thought was in violation of law.

**Supervisor Englerth** commented that by taking the matter up, the board is showing that it is doing its due diligence. Englerth mentioned Calhoun County and a county commissioner and road commissioner taking a two year leave of absence from one of those positions. Englerth also mentioned that Pat Jansens at one time was on the Planning Commission and did work for the township at an hourly wage. Englerth said Jansens was told he (Jansens) couldn't be on the Planning Commission because he worked for the township. "If we don't take a look at this as a board, we aren't doing our job. We are doing our job," added Englerth.

**Englerth** commented "Prior to this, your law firm gave information to GLASWA that they thought it was non-compatible, that it did not fit within the arms of the incorporation article. So with that not only was it the sewer authority's law firm, and the township's law firm, but there's a reason to hire a lawyer, and if you don't want to listen to him, don't hire him. Catherine's heard that from me several different times. I don't always agree with her, but the fact is she's the attorney and I rely on her. I do the same thing with my family doctor. I don't always agree with him, but I rely on him. If you don't like that opinion just ask for another one, and another, and another. So, why I and this board get beat up for the next four years, because we didn't ask questions. I don't know if this board ever agrees on anything, very diverse board, but we are doing our job, it is our responsibility to the community and the taxpayers. Because this is going to get resolved one way or another. Personally, I don't want it to go on for year after year, after year. I still have no direction ... I'm still confused."

**Englerth** also commented that he did miss a meeting of the Sewer Authority the other night - (most likely the only meeting missed in the six years that Englerth has been involved, that Englerth knew of). "...And they voted on that, but it wasn't on the agenda. Now, maybe I'm wrong. I'll look it up after the meeting, and I'll apologize to the media. It is disappointing that it would seem that, we didn't discuss the conflict with the water contract, just the sewer contract, because independently we own the whole water system. We have a sewer authority that is split with two counties, four townships, Yankee Springs owning two-thirds of the infrastructure, but we have the other 75% of the township(s) basing their decision after they got legal advice from their own attorney. So you can imagine where this board sits. And if we don't do anything else, maybe we can't fix the problem. Maybe we can't solve it. Maybe at the end of the day, half the people believe this, the other half believe this. We're putting it out in front of the general public. I believe is our responsibility. I think if Catherine had an exact recipe on how to address it, she would have given that to us today."

**C. Kaufman** commented “Frankly there are different legal opinions. And you’ve heard me say how our firm practices. It’s not a surprise that the Sewer Authority sought another legal opinion. I have read the other legal opinion. There are some caveats in the other legal opinion. I have no issues with it. Apparently the Sewer Authority has chosen to accept and endorse that opinion. So there it is. In terms of what you can do on this board is as I’ve outlined. I have no other remedy for you. The Incompatibility of Offices Act specifically talks about subordination of one public office to another, supervision of one public office to another and breach of duty. So if you think after the fact that once Larry, Mr. Knowles is on the board, that any of those things are occurring, I think you should go, or somebody, should go to the County Prosecutor, and ask her to look at it. Because that’s the remedy under this law and obviously as you said, you can’t be on both sides of the equation, in your two offices. If there are contract negotiations at that point of time, I don’t know where that leaves you. But if this as is opined by Attorney Woods at this point, I (?) go with his legal opinion, our prior legal opinion which we gave a year ago. We are conservative, and that’s why we practice the way we do and other people practice... If that makes sense to you.”

**Boysen** commented “I think something to consider, and there’s legal opinions galore. We can get all the legal opinions in the world. To me, personally it goes beyond incompatibility of office. It becomes an ethical issue. Is it ethical? Is it the right thing to do? To hold these offices that are pretty close together. And I go by smell test... To me, it doesn’t smell good. It’s just too close. But that’s my opinion. Whether or not it’s a legal opinion, if this is what the board decides and I respect this legal opinion, great. I wish Larry the best, because he won fair and square and that’s the way it should be. I totally agree with that. But again to me, it’s ethical. It comes down to ethics. Is it the right thing? And that’s what we should be asking ourselves beyond the legal opinion.”

**S. VandenBerg** referred to a question (in today’s public comment) ‘Why wasn’t this brought up earlier? VandenBerg commented, “This board knew all about it. As you just heard our attorney. We did have an opinion. And our attorney’s opinion said that there could very well be some conflicts. So we were well aware of this over roughly a year ago. ....People in the audience that say we didn’t know this....You didn’t know because you weren’t participating. I would love to have this many people at meetings every single month... then we go back to we have two legal opinions and our township attorney and their firm has an opinion that’s different from GLASWA’s. So at that point, what do you do? I would say that most cases, townships normally stay pretty close to their own attorney and they respect the opinion of their attorney. ... I didn’t even know the other three townships voted on a second opinion, I was unaware of that.”

**Englerth** commented, “Neither was I and it wasn’t on the agenda.” Englerth added “I did miss a meeting and I apologize...”

**Supervisor Englerth** thanked C. Kaufman and commented that the board has done its due diligence. Englerth commented that he didn’t feel there was a position that the board needed to take at this time. Englerth referred to sitting on the Barry County Board of Commissioners and a question that was asked, “Just because you can, should you? Englerth noted that he was not looking at making a motion to do anything at this point. “Let’s just try to learn to move

forward in a positive direction, whether it's the Veterans' Memorial, whether it's somebody on the board that you historically may or may not have gotten along with, whether it's amending the plat, working within your neighborhood to get a dry hydrant. That's our responsibility as a township. I hope we all leave this meeting feeling that we all have done our jobs."

At 11:42 a.m., **Motion to adjourn was made by A. Jansma with support from Boysen. All ayes. MOTION CARRIED.**

**Clerk Lippert** asked the audience to take chairs to the back of the room in preparation for Election Day, (Nov. 6<sup>th</sup>).

**Bill Batson, of Lynn Drive** commented on a rumor going around that the board wants to put on the tax bill for everybody in the township to help support payment of "this extra water area". Batson wanted to know if the rumor was true. Batson asked if it was something to help pay for Shane's property/development area – the extra areas and water.

*Since Public Comment wasn't finished, the attorney advised that a motion should be made to open the meeting again.*

**Motion by Lippert with support from VandenBerg to reconvene at 11:44 a.m. – meeting continued.**

**Englerth** commented that Batson's comments referred to indirect hookup (which was removed from the agenda). Englerth noted that the meeting was over, and it was tabled. Englerth commented that the meeting had a full agenda already. Englerth told Batson it will be put back on the agenda and there will be public comment (at a future meeting). Englerth also commented that he believed a lot of the information Batson received was incorrect.

**Larry Knowles** commented, "This whole thing is probably the reason that I ran. I've hear you say that we want to move forward; we want to play in the same sand box together. But the statement when you said that- that board at GLASWA, Thursday night, passed this thing and it wasn't on the agenda, it clearly was not on the agenda, but it was tabled for one month from October, on your request. I think you understood it was there...This board has let the reporter think that Catherine Kaufman has given an opinion about this to you, and that is not accurate. The opinion was given by Rob Thall to me and a second opinion was to GLASWA. I don't think you've got an opinion yet."

**Linda Thomas, of Edgecreek Dr.,** commented, "If Mr. Knowles takes office, does he recuse himself for any talks that have to do with the sewer and water?"

**Bill Medendorp of Vista Point,** commented "I wish people would consider what happened here today." Medendorp commented that approximately fifteen years ago, "We had a supervisor there that worked for the DNR. When I asked Debbie and Mark to look up on the minutes on December 21, (2017) the DNR who was on what we call the stakeholder said 'We want to buy your property and we want the mineral rights. Here we got George London on the township. He's working for the DNR which would be the stakeholder. And he had the same idea that deals with we want your property and mineral rights. I tried to build a house for my daughter. Forty-eight years...George went down there and tried to talk to my daughter and my wife, wouldn't talk to me, and said 'You can't do it. It's all wetland'. And I'm saying, George

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**(FIRST) MOTION  
TO ADJOURN**

**MOTION to  
RECONVENE**

London has the same opinion on a stakeholder that deals with DNR what they want. Now he was on the board. And you know 48 years and you can't do nothing with your property because they want your property for what's in the ground. That's wrong. And what you are doing with this situation, can cause the same conflict with people like me that gets to the point where I don't even trust the people here or some of the people that I think this way or I think that way. I'm done with it. Thank you."

**Julie Fox, YS business owner and resident**, commented that she's come to a lot of meetings. Fox commented that she very much likes Larry and Mike. Fox continued, "But in this meeting it has been implied that Mike had something other than honorable intentions. And I can tell you that as somebody that has attended meeting after meeting after meeting, he has been impartial. He has been a gentleman. He has been wonderful. These guys get paid very little if nothing to do this. And I think that, that is a road that nobody should go down. He's done an excellent job in my opinion. I'm grateful for his service. I think we should be thanking him, not discrediting him."

**Nancy Near, YS resident and staff**, commented, "I'm really upset about how all this is going down. #1 now, Larry Knowles is going to be seated. And are we going to continue to put our township money into attorneys to fight over this? He is the public choice, apparently. So let's just get on with life here."

**John Jerkatis, Former YS Treasurer**, commented that he has had problems with this right from the beginning on the accusation that this whole situation centers around a conflict of interest. "...Mr. Knowles, he's the manager of the Sewer Authority, not a voting member of the board there, just a manager of the Sewer Authority to keep it working. He gets seated on the township board. He's only one of five voting members on that board who all are hopefully clear thinking in their logic. And so how he could even be thought of as having a conflict of interest, in those two situations; he's not a voting member on the Sewer Board and only one of five on the township board, I don't understand."

**Supervisor Englerth** commented (to C. Kaufman, Attorney), "Are you satisfied that we have done our due justice, Counselor?"

**Kaufman** replied, "Public Comment, Yes. There's no more?"

**FINAL ADJOURNMENT:**

Motion by Englerth with support from VandenBerg to adjourn at 11:51 a.m. Approved by all.  
Motion Carried.

Respectfully submitted:  
Deb Mousseau  
Recording Secretary 11.3.18

Date: Dec. 13, 2018 By Board of Trustees  
Approved : \_\_\_\_\_  
Janice C. Lippert, Township Clerk