

YANKEE SPRINGS TOWNSHIP
BOARD OF TRUSTEES
Special Board Meeting
Direct & Indirect Water Hook-Ups
Tuesday, July 23, 2019
7:00 p.m.
Yankee Springs Township Hall
284 N. Briggs Rd., Middleville, Michigan 49333

FINAL MINUTES
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MINUTES

1. Meeting called to order at approximately 7:02 p.m. by Supervisor Mark Englerth.
 2. **PLEDGE OF ALLEGIANCE** (waived) (Pledge was recited at 6:00 p.m. meeting).
 3. **Roll Call:** Present: A. Jansma, M. Englerth, S. VandenBerg, L. Knowles, Lippert.
- Also in Attendance:** Catherine Kaufman
- Staff Present:** Frank Fiala (PC), Sandy Marcukaitis, Richard Beukema
- Visitors:** 4 visitors

CALL TO ORDER
PLEDGE (waived)
ROLL CALL

4. **ACKNOWLEDGEMENT OF VISITORS:** Township Attorney Catherine Kaufman
5. **Approval of Minutes Special Meeting June 25th, 2019 (Later in meeting)**
6. **PURPOSE OF MEETING:**

**ACKNOWLEDGE-
MENT OF VISITORS**
**PURPOSE OF
MEETING**

Fleis & VandenBrink – Direct & Indirect Water Hook-Ups.

C. Kaufman, YS Attorney, commented that she had hoped to start up the discussion with direct & indirect hook-up fees, then possibly getting into broader discussion overall, “ of the water rates. Where are they? Do they need to be raised or changed? Is there anything we need to know from the engineer about the status of the water system?”

Kaufman noted that the engineer (of Fleis & VandenBrink was unable to come.) An email sent by Don DeVries of Fleis & VandenBrink stated he would not be able to attend. (Email sent at 3:51 p.m. this afternoon).

Kaufman commented that she would like the engineer present in order to talk in a broader way about the water system. Kaufman commented that she had asked Clerk Lippert to find the ordinance that set the fees in 2006, and it was a resolution. Kaufman referred to the resolution being in the gray book of General Code of Ordinances. Kaufman noted that 126.801 says “that persons using service from the township water system shall pay rates, charges and fees as established by resolution.”

Jansma noted that the monthly rate was raised once—and was the only change made. Jansma noted meeting with Michigan Rural Water. C. Kaufman commented “So there were broader recommendations from the Rural Water people, and those have not all been addressed at this point?” Jansma replied, “Correct.” C. Kaufman commented that she hoped the township was planning appropriately on how to maintain the system, and that was the discussion she’d like the township to have. Kaufman encouraged having this conversation with Fleis & VandenBrink.

"You can set your direct & indirect hookup fees however you want them. You can do it by resolution. GLASWA as your operator of that system, cannot necessarily charge anything different than what you tell them.... (C. Kaufman commented 'if there's confusion' and noted that she listened to the audio of the June 25th meeting discussing rates with S. Vandenberg giving his experience over time, historically what has been charged and why he feels there's been a difference or a change of policy)... You can simply adopt a resolution. You may want to talk about how we quantify a credit for people who have already put the infrastructure in the road. How do we acknowledge that? Let's set that into our rate structure. The minute you adopt that resolution for your rates and you give it to GLASWA, that's what they are going to apply. So they shouldn't have to guess. They shouldn't have to figure out. They shouldn't have to look historically. And maybe historically, this is how it worked. But let's tell them how you want to run the system. So there's no questions." Kaufman also noted that if a time came for a vote, a vote that would affect Knowles' employment status at his employer, or a direct project of Vandenberg or a person Vandenberg is dealing with, then Kaufman would ask them to recuse themselves.

J. Lippert noted **Resolution#7-01-2006** re: Permit and Connection fees for the water system. Kaufman noted that you could change direct or indirect hook up fees by a new resolution, not by amending a past resolution. C. Kaufman commented that if rates are changed, she would like the reason for setting the rates to be noted in the resolution. Also, Kaufman asked if the board would like to clarify/quantify what direct or indirect hookups are in the ordinance. Kaufman noted, with this type of ordinance, public hearing was not necessary. It could be done at a board meeting, it just has to be adopted. "Publish the notice of ordinance adoption. It's done."

Discussion took place.

Motion by Knowles with support from Lippert to have Water Advisory Committee meet and prepare a recommendation regarding direct & indirect hookup fees and present the findings to the township board by Sept. 5 for consideration at the regular board meeting on Sept. 12th. Roll Call: Vandenberg: No, Lippert: Yes, Knowles: Yes, Jansma: Yes, Englerth: Yes. Yes: 4, No: 1. MOTION CARRIED.

*Requested "For the Record": For health, welfare and safety of the community. J. Lippert would like to have Fleis & Vandenberg attend (above meeting of Water Advisory Committee). Discussion took place prior to Roll Call Vote.

5. Approval of Minutes Special Meeting June 25th, 2019 (from earlier in the meeting).

Motion by Jansma with support from Lippert to approve updated, full minutes of June 25, 2019. All ayes. MOTION CARRIED.

L. Knowles asked to address another issue. Knowles noted that he had asked Attorney Kaufman to write a resolution regarding contacting the attorney and would make a motion to approve the resolution noting that the board should take time and read the resolution.

Motion by Knowles to adopt Resolution #7-23-19 regarding Township Attorney Services with support from Alice Jansma. ROLL CALL VOTE: Knowles: Yes, Jansma: Yes, Vandenberg: No, Englerth: No, Lippert: Yes. Yes: 3, No: 2. MOTION CARRIED.

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MOTION to have Water Advisory Committee prepare a recommendation re: Direct & Indirect Hookups.

MOTION to APPROVE Minutes of June 25, 2019

MOTION to adopt Resolution regarding Township Attorney Services

Discussion occurred, before ROLL CALL VOTE.

VandenBerg commented on needing more time to look at the resolution, and it being a matter of ethics.

Englerth commented on the resolution not being on the agenda, or the amended agenda.

Kaufman commented that she wasn't sure if the resolution would fall under "Other Such Business" and offered it for the board's consideration.

Lippert commented, "I would like to make comment that I did this agenda, for the 7 p.m. and 6 p.m. agenda, and I did make an item 'No Other Such Business'. Brief discussion occurred.

Englerth commented on bringing the issue up at the end of the meeting calling it "blindsiding."

Attorney Kaufman commented on being under the Open Meetings Act at a special meeting, "the board can add items to the agenda. I cannot opine on when you add to the agenda, if you're allowed, there is on the agenda 'No Other Such Business'. So I would assume you could have other business at that time, but I cannot speak to your practice or how you normally run these meetings." Kaufman also commented that it was a difficult issue for her, adding: "As you know, I get calls from different board members to do different things, and I've asked for several years to have some type of restriction on who can call me, because I'm asked to do things that certain board members can be seen as retaliatory or in some way against them. I can only do what I'm told by the people who are allowed to call me and assign me work. ... for what that's worth. I did prepare the resolution as I was directed to prepare it. I brought it tonight. It's a special meeting. Five of you are here. I believe it can be voted on, but I cannot speak to your agenda process of when you have agendas and ..."

M. Englerth interjected at this point that he chaired the meeting and it wasn't brought to his attention... and also commented that it seemed that two board members (Englerth and VandenBerg) were being punished for a crime that they didn't commit.

Kaufman commented "I work for the whole board.... So if people assign me to do work, I do the work. It's not me dictating the terms of a resolution, or an email, or anything else that I prepare. If you guys call me and tell me something, and ask me to do it, I do it.... I serve the board as a whole. No one person, not two people, not three,".... Right now every single board member can call me and ask me to do work. So can the Zoning Administrator and I'm not sure if there's someone else. So when any of you call me, and ask me to do work. I do legal work... I don't side with one side or the other. Although, I'm often accused of doing so because I do the legal work that someone asked me to do. Which you're right. It puts me in an extremely difficult position. And I come to these meetings and I do my very best to serve this board. And that's all I can do. So yes, I was asked to prepare this resolution. I prepared it. I'm here. It's a special meeting. There's a motion. There's a second."

VandenBerg commented on the attorney giving notification to other board members regarding legal board work. Discussion continued.

Kaufman commented that it was extremely difficult for her to serve the board "where I must continually provide conservative legal advice and take the fallout for whatever political ramifications there are.I'm going to continue to do my job to the best of my ability and I can only provide legal advise. The rest of it is up to you all..."

The question was posed to C. Kaufman, "Do we need to call the vote?" Kaufman said, "Yes. You need to call the vote."

Discussion occurred between Englerth and Knowles regarding controlling costs for the township attorney and the township attorney reviewing police reports brought to her by Englerth. Knowles commented that he brought his own attorney to review and share the outcome of the investigations. Englerth felt it (resolution) was retaliation. Knowles commented that the resolution was the only way to control attorney costs, and that he wanted "to get doing the stuff we were elected to do."

Roll Call Vote was taken (see motion above – pg. 2). Motion to adjourn immediately followed.

ADJOURNMENT:

Motion by Knowles support by Englerth approved by all 8:01 p.m Approved by all. Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 7.23.19

Date: _____
Approved : By Bd of Trustees Aug. 8, 2019
Janice C. Lippert, Township Clerk

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ADJOURNMENT