

Routing 5/22/12

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES Regular Meeting</p> <p style="text-align: center;">Thursday, May 10, 2012 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>DRAFT</p> <p>Bd - PC - ZBA - E-mail John - Tracy - TRES - STRICK - Fax - GLENSIA - Bendi -</p>
<p>Meeting called to order at 7:05 PM by Supervisor Al McCrumb.</p> <p><u>Roll Call:</u> All Present: Jerkatis, J. Lippert, McCrumb, M. Cook, Schwennesen</p> <p>PLEDGE OF ALLEGIANCE</p> <p><u>Staff Present:</u> Frank Fiala, Alice Jansma, Constable Jim Orr.</p> <p><u>Visitors:</u> 35 (not including staff present). News Channel 3 (WWMT) was also present to do a feature story on the topic of fracking in Yankee Springs.</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p>ADDITIONS OR CORRECTIONS TO AGENDA:</p> <ul style="list-style-type: none"> No additions or corrections. 	<p>ADDITIONS TO AGENDA</p>
<p>APPROVAL OF MINUTES:</p> <p>Motion by M. Cook with support from J. Lippert to accept the minutes of the Regular Board meeting of April 12, 2012 as submitted. All ayes. MOTION CARRIED.</p>	<p>APPROVAL OF MINUTES</p> <p>Motion to accept minutes of Regular Board of Trustees Meeting of April 12, 2012. Motion Carried.</p>
<p>ACKNOWLEDGEMENT OF VISITORS:</p> <p>Julie Nakfor-Pratt, Candidate for Prosecutor's Office of Barry County introduced herself. She has been practicing law for 25 years. She has specialized in Criminal Law. Her website is: julieforjustice.com for anyone who has questions or concerns.</p> <p>Ms. Bonnie Slayton, representing Payne Lake Homeowners Association voiced her concerns regarding oil and gas drilling (horizontal hydraulic fracturing) or (fracking). She had distributed information earlier to the board members. B. Slayton feels that even when regulation is practiced, accidents happen. She hopes that the township will come together with other townships to hire an expert in environmental law. Slayton considers it to be better to be proactive now, than cleaning up the mess later (regarding fracking).</p> <p>Supervisor, Al McCrumb, read Resolution to Oppose Hydraulic Fracturing. Motion by J. Lippert, supported by Cook to adopt Resolution No. 05-01-2012 Roll Call vote: Jerkatis: Yes, J. Lippert: Yes, McCrumb: Yes, M. Cook: Yes, Schwennesen: Yes. Yes: 5, No: 0. MOTION CARRIED.</p> <p>M. Cook, Trustee, is hopeful that this won't be the end of Yankee Spring's action as a township. She hopes that other townships will do the same minimally by at least passing</p>	<p>ACKNOWLEDGEMENT OF VISITORS</p> <p>Julie Nakfor-Pratt, Candidate for Prosecutor's Office of Barry County</p> <p>Ms. Bonnie Slayton, Payne Lake Homeowners Association</p> <p>Res. No. 05-01-12 Adopted</p> <p>Page 1 of 8 YST Bd Trustees 5-10-12</p>

ACKNOWLEDGEMENT OF VISITORS: Cont'd

a resolution. M. Cook also asked Craig Stolsonburg, Chairman of the Barry County Board of Commissioners, to take the situation seriously. The audience broke out in a round of applause.

Supervisor McCrumb offered the township hall for future meetings regarding the issue of fracking. **Bonnie Slayton** asked the board if they would consider helping (with other townships) to provide an environmental lawyer. She also said that the Payne Lake Association will offer to host the meetings. Slayton also mentioned that petitions would be available to sign at tonight's meeting regarding the issue to be put on the ballot of the upcoming election. Again, the audience gave a round of applause.

Warren Wheeler, of N. Norris Rd., suggested hiring a geologist. W. Wheeler felt that a geologist could represent the issue in a more scientific way for more factual information. He commented that a geologist would help make sure that fracking is truly a hazard and not a perceived danger.

Deb Masselink, of Shelbyville, commented that she had facts from the head geologist who inspected the wells in five counties. She remarked that because of the shale in Barry County, the most the county will see around the area is short, vertical wells. D. Masselink said that those drilling companies would have to get permits to drill, and she felt that they would not be able to get permits. She commented that fracking does allow them to claim more gas through the same well.

Supervisor McCrumb felt that further comments should be made at a future public meeting. He allowed just a few more comments. **Jean Stuckey, of Gun Colony Drive,** remarked that she has not seen anything regarding the disposal of waste from fracking. **Mike Evans** commented that Ferndale in Wayne County has successfully banned fracking. Evans said that he will get information regarding the successful ban to the YS Township.

SPECIAL ASSESSMENT DISTRICT PETITION – Chuck Pergler presented a petition with 19 signatures(12 unsigned) regarding road-drainage improvement for Theris Drive. A hearing for any objections to the special assessment will be held at 6:30 p.m. on June 14, 2012. This is the regular scheduled meeting for the Board of Trustees. All 31 parcels of landowners will be noticed. Barry County Road Commission will be doing the road work. Jerkatis, Treasurer, requested a "not to exceed" amount in the wording of the resolution. That amount would be \$34,000. J. Lippert read the petition to upgrade Theris Drive from slag seal to 2" mill and fill and drain repair at the amount of \$33,862 (not to exceed \$34,000) per Barry County Road Commission. Per parcel cost would be approximately \$1,093.00. The township commitment of \$5,318.00 is already figured into the cost quoted at \$33,862.

Motion by M. Cook with support from J. Lippert to approve the Special Assessment for Theris Drive and not to exceed \$34,000.00. All ayes. MOTION CARRIED.

TTES REPORT: David Middleton, Fire Chief commented that TTES is having a busy year. If they continue on the same pace, they will have 1,400 calls this year, and normally they would have 1,240.

Chuck Pergler for Theris Drive – Special Assessment

Motion to approve Spec. Assessment for Theris Drive. Motion Carried.

TTES REPORT: David Middleton, Fire Chief

TTES calls for Yankee Springs Year-To-Date: 78

Total Yankee Springs Calls for April: 21 (4 Fire, 17 Medical, and 0 Fire/EMS)

D. Middleton reported on the repair for the pump on the tanker which totaled \$5,495.39. The repair was a result of non-use. During the monthly maintenance schedule, they will be running the pump to prevent further need of this type of repair.

D. Middleton asked the board to consider purchasing \$830.72 worth of electrical supplies. One of the TTES workers will run conduit along the ceiling and have drop cords with cord wheels hanging so they can plug in to them.

Motion by M. Cook with support from Schwennesen to allow up to \$900 at the YS Fire Station for electrical work. All ayes. MOTION CARRIED.

BARRY COUNTY COMMISSIONER'S REPORT: Craig Stolsonburg reported that he and Mike Brown are talking to legal counsel to determine if there is anything they can do countywide regarding the issue of fracking and oil and gas leases.

The county board has also received two ordinances: one for farmland preservation and the second for the preservation of open spaces. M. Cook asked for a clarification on the Farmland Preservation Act. It was confirmed that no expenditure of taxpayer dollars would be made to purchase development rights.

*The commissioners have approved all union contracts for three years; all involved wage freezes and increased contributions for pensions.

*A public hearing is scheduled for May 22 regarding the address change ordinance. This ordinance deals with allowing administrative changes of addresses, if emergency personnel deem it necessary.

*Tires may be brought as well as pills, meds and batteries to the Hazardous Waste Pick-Up day at the Barry County Expo, Saturday, May 12th.

*On May 19th, the COA (Commission on Aging) will hold a Walk-a-thon to benefit Meals on Wheels. Also on May 19th will be the Charleton Park Day.

PUBLIC COMMENT:

Paul Heystek, of Parker Drive, commented that he spoke with Rick Henderson who is the Field Supervisor (DNR) in charge of all well drilling. R. Henderson went to WMU and is familiar with the Yankee Springs area. P. Heystek commented that the drilling companies are restricted in how much water they can take. Also Heystek remarked that there is no way that water, trout streams or lakes will be allowed to be affected. P. Heystek would like to have a person like that (Henderson) come in to speak.

M. Cook, Trustee, commented that she went to a three hour meeting in the UP about fracking in the Yellow Dog water basin which empties into Lake Superior. She felt it was evident that the drilling companies had no intention of stopping their drilling efforts. Cook commented that when someone from the DEQ says that fracking won't happen, she is coming from a little different background on it.

Motion to allow up to \$900 at the YS Fire Station for electrical work. MOTION CARRIED.

BARRY COUNTY COMMISSIONER'S REPORT: Craig Stolsonburg

PUBLIC COMMENT

Mark Englerth, of Edwin Drive, commented that he was a little disappointed that the board passed a resolution against fracking in 7 ½ minutes without representing the other side.

Warren Wheeler, of N. Norris Road, remarked that he doesn't believe the state is selling the land. He believes they are leasing it. He commented that anything that comes from that (leasing) goes to Michigan Natural Resources. W. Wheeler added that he thinks the board was a little hasty on the resolution.

Supervisor McCrumb commented that the resolution was the board's way of telling the governor and legislature that the board is supporting the people of Yankee Springs.

John Jerkatis, Treasurer directed attention to the last paragraph, on the first page of the resolution that states: ... to place a ban on the future horizontal hydraulic fracturing for the commercial extraction of natural gas until the safety of the processes and its related chemicals have been fully investigated and vetted through the Michigan and U.S. Environmental Protection agencies.

Cathy Strickland proposed that any further discussion on fracking take place at a later meeting.

Alan Walker, of Theris Drive, thanked John Jerkatis for adding the "not to exceed" clause to the special assessment wording for work proposed to be done on Theris Drive. He also asked why Theris Drive had to pay for their road work and Park Drive didn't. M. Cook explained that Park Drive was a mistake that occurred. One-third of the cost of that mistake was paid by the township, one-third was paid by the Barry County Road Commission and one-third by the Park Drive residents. Al McCrumb advised that further comments regarding Theris Drive should be made at the public hearing (June 14).

Chuck Pergler, of Theris Drive, commented about fracking. He said that there were hundreds of these things (drills) by Mancelona. He commented, "These things stink!"

Mike Cunningham, of the Planning Commission, referred to discussion about hiring an environmental lawyer. He felt that it would not be supportive of taxpayer dollars to be used toward something that is probably a losing battle. He commented that the township should regulate and cooperatively work with people regarding things that happen on the surface that could de-value property values. M. Cunningham feels that the immediate effect could be on what is not being talked about, than being what's on the surface.

Bill Baughman, of Patterson Road, asked if there was any news on Cuddy Drain. Russ Yarger of the Barry County Drain Commission was present at the meeting. Discussion occurred regarding YS Township's financial involvement in the Cuddy Drain project (\$8,000), sand coming into the drain/culvert, YS Township's financial interest in other drainage projects (Sandy Beach and Payne Lake totaling \$110,000), and the depth of concrete so fish will not see the concrete, so that the fish will continue to go upstream.

Craig Stolsonburg, County Commissioner, announced that the Village of Middleville is having a free bike helmet day, Saturday, May 12th.

PUBLIC COMMENT: Cont'd

This day is sponsored by the Rotary and Lions Clubs.

BREAK: 8:42 P.M.

RESUME: 8:57 P.M.

TREASURER'S REPORT: by John Jerkatis

Motion by M. Cook, with support by Schwennesen to accept the Treasurer's Report as presented. Approved by all. MOTION CARRIED.

SUPERVISOR'S REPORT: Al McCrumb

- May Water Report
- 911 Quarterly Report
- Ambulance Coverage – Summer Weekends

The contract has been signed for ambulance coverage for two – 12 hour days during a summer weekend would be \$864.00 per weekend, or \$13,824.00 for 16 weekends (which includes the 4th of July holiday). Fourth of July falls on a Wednesday and is considered "a weekend" making it 16 "weekends". The days of the other 15 weekends will be Fridays and Saturdays.

- Proposal for Tree Removal at M-179 & Payne Lake Road (MDot will remove and dispose of Trees). It will be the township's responsibility to take care of the wood. The removal is considered an improvement to public safety.

ZONING ADMINISTRATOR'S REPORT: Al McCrumb gave the ZA Report for Robert Lippert who was excused with notice.

April SPR's: (9) 3 new homes, 4 accessory buildings, 1 fence, 1 deck

Planning Commission: was held April 17th

ZBA : was held May 8th

Complaints:

- 1) Water runoff – Adjacent to Manitou Lane. Active.
- 2) Barking dogs on Vista Point Drive. R. Lippert met with the resident and dogs have since been adopted out.
- 3) Cluttered residential yard – several trailers, personal water crafts and boats – on

BREAK

TREASURER'S REPORT

Treasurer's Report approved

SUPERVISOR'S REPORT:

Al McCrumb

Ambulance Coverage

Tree Removal

ZONING ADMINISTRATOR'S

REPORT: by Robert Lippert

SPR's

Complaints

Shady Lane.

McKenna Billing-

Motion by M. Cook with support from Schwennesen to pay McKenna billing (invoice #98072) of April for the amount of \$675.00 and pass along to the Planning Commission. All ayes. MOTION CARRIED.

FEMA - The current total of Letter of Map Amendments is:

269 LOMA's of 465. (58%)

CLERK'S REPORT: by J. Lippert

Clerk Lippert fielded any questions and explained any items relating to accounts payable checks presented.

Motion by M. Cook with support from Jerkatis to approve accounts payable checks for May check #911519-911558 for the total amount of \$28,194.27. All ayes. MOTION CARRIED.

Motion by M. Cook with support from J. Lippert to pay payroll withholding tax of \$2,615.99. All ayes. MOTION CARRIED.

Motion by M. Cook with support from Jerkatis to approve payroll checks #4581- 4601 for the net amount of \$11,254.14. All ayes. MOTION CARRIED.

Motion by Jerkatis with support from M. Cook to approve two other checks for the total of \$12,137.00. (Check #911517 for Burnham & Flower (Insurance premium - \$12,037.00) and Check #911518 to Kathleen Hayward for \$100.00). All ayes. MOTION CARRIED.

Election Update: May 8th Election

Precinct #1 Absentee Ballots turned in: 123
Walk in voters: 68
Total: 191

Proposal lost in Prec. #1

Precinct #2 Absentee Ballots turned in: 54
Walk in voters: 9
63

Millage was lost.

DEQ Permits:

(2) – N. Roper on Heritage Bay (Barlow Lake) and another on Lynn Dr. (Payne Lake)

Weed Control Update: Cobb Lake will be treated approximately mid-May

Constable Report: Jim Orr - All Liquor Licenses in Yankee Springs Township are currently and properly displayed.

Motion to approve McKenna April billing. Motion Carried.

FEMA

CLERK'S REPORT: by J. Lippert

Accounts Payroll & Payables approved.

Motion to pay payroll withholding tax. Motion Carried.

Election Update

DEQ Permits

CLERK'S REPORT: by J. Lippert cont'd

Alarm System: Eagle Alarm Systems is now under a new company – EPS. Old Eagle stickers will be changed.

Discussion occurred regarding the possible adding of fire and smoke alarms to the current alarm system.

OTHER PUBLIC COMMENT:

Mike Cunningham, Planning Commission member, suggested the possible purchase of a computer projection/screen system for such things as powerpoint presentations and pictures and plats to be used for ZBA/PC meetings and other uses. This would benefit the township in communication. M. Cook added, "Let's go 21st century."

Frank Fiala, Planning Commission Chairman, inquired about the Michigan State Citizen's Planner Meeting, June 7th & 8th in Lansing. It was confirmed that the price of the two-day seminar was \$95.00 for Master Citizen's planners and \$110 for non-master citizen planners. Early Registration ends Friday, June 1. After June 1, the cost will be \$125.00.

Short Break: 9:35p.m. Resume: 9:45 p.m.

Motion by Jerkatis with support from M. Cook to approve up to and not to exceed \$1,000.00 for up to six (6) people to attend the Master Citizen's Planner Seminar in Lansing on June 7th and 8th. All ayes. MOTION CARRIED.

OLD BUSINESS:

Alice Jansma inquired as to whether "Smokey the Bear" has been put up. McCrumb, Supervisor, commented that the fire chief is having trouble finding someone to update and change the sign. The sign could be changed several times a day.

John Jerkatis, Treasurer, commented on the safety of residents and how it could have been enhanced this evening. He was referring to the parking lot, and the lack of parking for tonight's meeting and other parking issues. Discussion occurred regarding the parking lot situation and trying to get the parking lot improved before the upcoming election. The next step is to require bids.

Next Budget Workshop will be May 22 at 7 p.m. There will be a two hour limit on the meeting.

ADJOURNMENT:

Motion by M. Cook with support from J. Lippert to adjourn at 9:55 PM. Approved by all.

Respectfully submitted:
D. Mousseau
Recording Secretary 5-14-12

Approved Date: _____
Janice C. Lippert, Township Clerk

CLERK'S REPORT: by J. Lippert cont'd

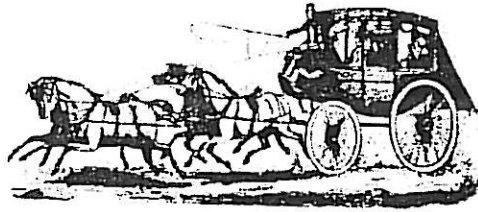
OTHER PUBLIC COMMENT

Motion to approve up to (& not to exceed) \$1000 for six people to attend the Master Citizen's Planner Seminar. Motion Carried.

OLD BUSINESS

ADJOURNMENT

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YST Bd Trustees
5-10-12



Township of Yankee Springs

284 N. BRIGGS ROAD – MIDDLEVILLE, MICHIGAN 49333
269-795-9091 / FAX 269-795-2388

YANKEE SPRINGS TOWNSHIP **RESOLUTION TO OPPOSE HYDRAULIC FRACTURING**

Office of Clerk

WHEREAS, the horizontal hydraulic fracturing (fracking) for natural gas involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance and workover operations; and

WHEREAS, horizontal hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water (millions of gallons per well), under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, “Fracking” is being utilized to commercially extract natural gas in Michigan and is being contemplated in or around Barry County; and

WHEREAS, there have been documented cases of water contamination near fracking sites; and

WHEREAS, the fracturing responsibility and Awareness of Chemicals Act (“FRAC Act”), which is currently pending in Congress, would repeal the fracking exemption to the Safe Drinking Water Act and require disclosure of chemicals used in fracking; and

WHEREAS, the Bringing Reductions to Energy’s Airborne Toxic Health Effects Act “Breathe Act”), which is currently pending in Congress would repeal the exception to the Clean Air Act for aggregation of emissions from oil and gas development sources; and

WHEREAS, 70% of Yankee Springs Township is made up of lakes, streams, ponds and state land; and

WHEREAS, the commercial, cultural and residential uses are primarily recreational oriented and thus activities such as fracking would have a direct and identifiable impact on every resident of Yankee Springs Township; and

WHEREAS, the wise stewardship of our natural resources involves protection of water supplies and water resources for generations to come; and

WHEREAS, the protection of water supplies and resources is better accomplished by prevention now than by future attempts to cure.

NOW, THEREFORE, YANKEE SPRINGS TOWNSHIP HEREBY RESOLVES THAT:

Yankee Springs Township, Barry County, Michigan hereby goes on record to strongly urge the Barry County Commissioners, Michigan Legislature and Governor to place a ban on the future horizontal hydraulic fracturing for the commercial extraction of natural gas until the safety of the processes and its related chemicals have been fully investigated and vetted through the Michigan and U. S. Environmental Protection agencies.

IT IS FURTHER RESOLVED that the Township of Yankee Springs supports the FRAC Act and BREATHE Act, and the Clerk is to forward certified copies of this Resolution to the Barry County Commissioners, Governor's office, and the Leadership of the Michigan House and Senate.

The foregoing resolution was offered by Clerk J. Lippert and supported by Trustee Cook.

Upon a roll call vote the following voted YES:

Supervisor McCrumb; Treasurer Jerkatis; Trustee Cook; Trustee Schwennensen and Clerk J. Lippert

Upon a roll call vote the following voted NO:

The Supervisor declared this Resolution No. 05-01-2012 adopted at the meeting of the Township Board held on May 10, 2012.

Certificate

I, Janice C. Lippert, the duly elected and acting Clerk of Yankee Springs Township, hereby certify that the foregoing resolution was adopted by the Township Board by a roll call vote at a regular meeting of the Board held on the 10th day of May, 2012, at which meeting a quorum was present; and that this resolution was ordered to take immediate effect.

Janice C. Lippert

Clerk, Yankee Springs Township