

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP <u>BOARD OF TRUSTEES</u> <u>Regular Meeting</u> <u>Thursday September 12, 2013</u> 7:00 p.m. Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>FINAL MINUTES Approved Oct 10, 2013 As corrected: Page 4</p>
<p>Meeting called to order at 7:00 PM by Supervisor Mark Englerth.</p> <p>Roll Call: Jerkatis, J. Lippert, Englerth, M. Cook, Bruce Campbell. (All Present).</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p>Staff Present: Zoning Administrator Larry Knowles, Constable Jim Orr, Sandy Marcukaitis, Alice Jansma, Cathy Strickland, Frank Fiala.</p> <p>Visitors: 9 (not including staff present).</p> <p>A Moment of Silence was observed in memory 9-11-01.</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p><u>ADDITIONS/CHANGES TO AGENDA:</u></p> <ul style="list-style-type: none"> • Add: To Treasurer's Report = Resolution (to be covered in Supervisor's Report) (Resolution is regarding Volunteers) • Move to Acknowledgement of Visitors: Mary Fisher, Phyllis Fuller of 911 	<p><u>ADDITIONS/CHANGES TO AGENDA</u></p>
<p><u>APPROVAL OF MINUTES</u></p> <p>Motion by M. Cook with support from Campbell to approve minutes as presented of August 8, 2013 Regular Board Meeting. All ayes. MOTION CARRIED.</p> <p>Motion by M. Cook with support from Campbell to approve minutes of August 22, 2013 for Regular Meeting/Special Work Session as presented. All ayes. MOTION CARRIED.</p> <p>Motion by J. Lippert with support from M. Cook to approve minutes of Joint meeting with the Planning Commission on August 28, 2013 as presented. All ayes. MOTION CARRIED.</p>	<p><u>APPROVAL OF MINUTES</u></p> <p>Motion to <u>approve minutes</u> as presented of August 8th, August 22, and August 28, 2013 Board of Trustee meetings. Motions Carried.</p>
<p><u>ACKNOWLEDGEMENT OF VISITORS:</u></p> <p>Phyllis Fuller, of Barry County 911, and of the Technical Advisory Committee, presented an amendment to the 911 Plan. The 911 Board is recommending this to all 21 municipalities. The Board must have 51% of its representation made up of law enforcement individuals. In order for this amendment to pass, two-thirds of the municipalities must say yes to this. Currently, the board has four law enforcement officers. They will need to have two more. Deadline for voting is November 15.</p>	<p><u>ACKNOWLEDGEMENT OF VISITORS</u></p> <p>Page 1 of 6 YST Bd Trustees 9-12-13</p>

Motion by M. Cook with support from Campbell to support the amendment to the 911 service plan and be presented for adoption to the Barry County Board of Commissioners. ROLL CALL: Jerkatis – yes, J. Lippert – yes, Englerth – yes, M. Cook – yes, Campbell – yes. All Yes (5). MOTION CARRIED.

Mary Fisher, owns property on Leach Lake in Carlton Township. Carlton Township opted out of the mute swan control program. M. Fisher feels that townships should handle swan control rather than the DNR taking over the program. M. Fisher mentioned Gun Lake being in four different townships and maybe Gun Lake would want to have its own resolution. Fisher commented that she would like Yankee Springs to opt out.

Jim DeYoung of the Barry Cty. Bd. Of Commissioners, commented that in his travels over Michigan he has not seen any trumpeter swans. De Young commented that the DNR came to the Bd. Of Commissioners regarding the mute swan control program. DeYoung commented that in order to make the ordinance enforceable, another ordinance will have to go into effect.

Mike Cunningham, of Heritage Bay Dr., commented that Barlow Lake has trumpeter swans. At a recent lake association meeting, the subject came up. A vote was not taken. Cunningham did not sense a strong feeling either way. Personally, Cunningham advised to opt out.

Ron Blouw, of Lynn Dr., commented that the mute swan subject did not come up at the Payne Lake Association meeting. Most of the swans on Payne Lake are mute swans. It was mentioned that the swans keep geese away.

Time deadlines for the YS Board to vote on the program were discussed. Most felt it was September 23, or by the end of the month.

Englerth commented that he felt comfortable asking presidents of the lake associations to come in to the township hall and hear their voices.

BARRY COUNTY COMMISSIONER’S REPORT: Jim DeYoung

Jim De Young, Barry County Commissioner, commented that a meeting would be held at the Health Department on Sept. 13th regarding recycling. They will also be interviewing some facilitators to go over countywide “big picture recycling”.

Englerth brought up a possible \$18 million jail expansion project, commenting that crime hasn’t gone up and the county has two new judges.

TTES REPORT: David Middleton

Middleton commented that it had been a busy summer with at least one call every day. Twenty calls per month were medical emergencies. Middleton feels the community has benefited from more weekend ambulance coverage.

ACKNOWLEDGEMENT OF VISITORS cont’d

Motion to support the amendment to the 911 service plan and be presented for adoption by the Barry County Board of Commissioners. MOTION CARRIED.

BARRY COUNTY COMMISSIONER’S REPORT: Jim DeYoung

TTES REPORT: David Middleton

ACKNOWLEDGEMENT OF VISITORS: cont'd

D. Middleton mentioned that there are four different parts of Russell Street (a private road that goes through Whispering Pines). When Englerth inquired, Middleton commented that he hadn't signed off on the Whispering Pines site plan yet.

Middleton also commented that he had received the Hazard Material Ordinance for review from M. Cook.

Saturday, September 14, YS Twp. Appreciation Day will be held at the Fire Station.

Pam Tynning, representing Progressive AE, was present because Tony Groves was unable to be at the meeting. Progressive AE is responsible for control of the Payne and Barlow Lake Weed Control programs. The proposal for Special Assessment Districts will be presented at a public hearing on October 10, 2013 prior to the regular Board of Trustees meeting. A small increase in cost will be explained at the public hearings. Barlow Lake's hearing will occur on October 10th at 6:00 pm. Barlow's program will not exceed \$12,000. It will be a five year program. This is not an increase in price for Barlow. Payne Lake's hearing will be at 6:30 pm following Barlow Lake's hearing at 6:00 pm on Oct. 10.

Motion by J. Lippert with support from M. Cook to adopt **Resolution #9-12-13- #1** to go forward with Barlow Lake Special (Weed Control) Assessment District not to exceed \$12,000 for years 2014 including 2018. ROLL CALL: Jerkatis – yes, J. Lippert – yes, Englerth – yes, M. Cook – yes, Campbell – yes. All Yes (5). MOTION CARRIED.

Motion by J. Lippert with support from M. Cook to adopt **Resolution #9-12-13- #2** to go forward with Payne Lake Special (Weed Control) Assessment District not to exceed \$17,500 for years 2014 including 2018. ROLL CALL: Jerkatis – yes, J. Lippert – yes, Englerth – yes, M. Cook – yes, Campbell – yes. All Yes (5). MOTION CARRIED.

CLERK'S REPORT: by J. Lippert

Motion by Jerkatis with support from J. Lippert to approve payroll check #s 4946 – 4964 dated August 31, 2013 for the total amount of \$11,728.20. ROLL CALL: Jerkatis – yes, J. Lippert – yes, Englerth – yes, M. Cook – yes, Campbell – yes. All Yes (5). MOTION CARRIED.

Motion by M. Cook with support from Jerkatis to approve check #s 912162-912191 for the total amount of \$27,298.95. ROLL CALL: Jerkatis – yes, J. Lippert – yes, Englerth – yes, M. Cook – yes, Campbell – yes. All Yes (5). MOTION CARRIED.

ACKNOWLEDGEMENT OF VISITORS: cont'd

Motion to adopt resolution #9-12-13-#1 to go forward with Barlow Lakes Special (Weed Control) Assessment District. MOTION CARRIED.

Motion to adopt **Resolution #9-12-13- #2** to go forward with Payne Lake Special (Weed Control) Assessment District. MOTION CARRIED.

**CLERK'S REPORT
Jan Lippert**

Accounts Payable approved

TREASURER'S REPORT: John Jerkatis

Motion by M. Cook with support from J. Lippert to accept and approve the Treasurer's Report as presented. All ayes. MOTION CARRIED.

*Resolution concerning township volunteers will be under the Supervisor's Report.

ZONING ADMINISTRATOR'S REPORT: by Larry Knowles, ZA

SPR's:

- Pole Barn – S. Payne Lake Rd.
- Pole Barn – Gun Lake
- Pergola – Barlow Lake
- Pole Barn – England Point
- Fence – Gun Lake Rd.

ZBA: Dealt with six variances- Sept. 10, 2013

- Allowed four years to have utilities underground.
- Granted variances for size pertaining to property requirement and allow current acreage.
- Took no action at this time on year round residency based on health department stating that water distribution system is certified as a seasonal system and three units have hooked up to the four-unit's well.
- Minimum width and existing road allowed.
- Three years allowed for pavement.
- Two docks/21 slips

-The Sewer report on Whispering Pines is complete and results were fine.

-Chief Middleton, YS Fire Chief is demanding access to all units.

-Three units hooked to new well of the 4-plex was not approved by the Health Dept.

SUPERVISOR'S REPORT: Mark Englerth

Jim McManus was in the Twp. Hall office last Wednesday. He comes to the office once a month. P. Heystek, ZBA, was present at that time as well. Englerth commented that having McManus available gives the township one more "go-to" person and also gives a little more opportunity to talk to someone and get or share resolutions. This is an example of inter-governmental cooperation. It was noted that J. McManus will not be billing the township for his services.

Involving **public water and Whispering Pines, Sandy Shady Shores** has shown interest in their five to ten year plans to share and bring water to Sandy Shores. Discussion also occurred regarding nitrates.

**TREASURER'S REPORT:
John Jerkatis**

**ZONING
ADMINISTRATOR'S
REPORT: by Larry
Knowles, ZA**

**SUPERVISOR'S REPORT:
Mark Englerth**

SUPERVISOR'S REPORT: Mark Englerth cont'd

YS Twp. Park has recently added new toddler swings and play equipment as well as 125 cu. yds of bark. Some sand has been added as well as a bike rack (rack was free from the equipment company). Water is in and spigots are now available. In regards to winterizing, it was noted that the system put in is self-draining.

DNR letter – Sept. 10 regarding proposed property to be purchased by the DNR within the township. Board members will be sending letters in with their individual comments regarding the proposed purchase.

BREAK: 8:37 pm

RESUME: 8:47 pm

Update on Volunteer Waiver- M. Englerth commented that Burnham & Flowers came in for an informational meeting and Englerth asked J. Lippert to sit in on the meeting. Jan will be making a copy of her notes of the meeting. Englerth mentioned that Burnham & Flowers and Risk Management will be coming into talk to the township board with the Twp. attorney. That date is set for Oct. 23rd. Englerth spoke of inmate volunteers and not being released to work if they are thought to be a threat to a community. Once they become in the custody of the courts and until inmates are released, any liability falls on the county's shoulders according to Englerth. J. Lippert added that Risk Management made the suggestion of the township having on hand: ear plugs, eye goggles, and vests.

Jerkatis, Treasurer, commented in regards to his resolution, he by no means was trying to inhibit progress within the township. His intentions are to propose a procedure by where the township can employ volunteers to work in the township's behalf in a safe, business-like and professional manner with safety first. Jerkatis added that his intentions had nothing to do with inmates as volunteers. Jerkatis read his revised resolution to those in attendance. (Please see attached resolution with attachments A-D.)

Motion by Jerkatis, with support from J. Lippert to table this resolution until the Bd. Of Trustees meeting on Oct. 23rd in which Burnham & Flowers, Risk Mgmt., and the township attorney will be present.

OTHER PUBLIC COMMENT:

Mike Cunningham, PC Member, commented in regards to the volunteer situation, the only way to a complete or nearly complete solution is to hire all township work to be done so that the township will have trained professionals that are required to wear all equipment. The township can require insurance of them and wash their hands (YS Twp) of them. Cunningham added that people do not want to volunteer to go through a bunch of paperwork. Cunningham also commented that none of the signing of waivers and rosters, etc. protects the volunteer(s). It protects the insurance companies.

Further discussion occurred regarding OSHA requirements, safety equipment, vests, and related items.

**SUPERVISOR'S REPORT:
Mark Englerth cont'd**

BREAK

**OTHER PUBLIC
COMMENT**

Frank Fiala, PC Chairman, commented that at the Household Hazardous Waste Collection, lots of volunteers are used, in many different areas. If not, the work would have to be hired in at a large expense. In closing, Fiala also summarized the activities regarding the ZBA meeting on Sept. 10, 2013, which occurred earlier in the week.

OLD/NEW BUSINESS:

It was noted that the ZBA still needs another member. M. Englerth is to make a recommendation before the next meeting.

Household Hazardous Waste Collection will take place this Saturday, Sept. 14, from 9 a.m. to 1 p.m. at the Barry County Expo Center.

The Treasurer's office will be open from 9 a.m. to 12 noon on Saturday, Sept. 14, and from 9 a.m. to 5 p.m. on Monday, Sept. 16th for property tax payments. J. Jerkatis will be at the township hall on Monday, Sept. 16th to empty the out the drop box.

Discussion occurred regarding the copper tubing issue, leakage, and possible reasons for degradation of the pipes. Englerth is looking for a metallurgist.

ADJOURNMENT:

Motion by M. Cook to adjourn at 9:48 p.m. Approved by all.

Respectfully submitted:
Deb Mousseau
Recording Secretary 9-16-13

Date: _____
Approved draft 9-17-13:
Janice C. Lippert, Township Clerk
Final Approval of Minutes: Oct 10, 2013 as corrected

OLD/NEW BUSINESS

ADJOURNMENT

Page 6 of 6
YST Bd Trustees
9-12-13

9.12.13



Yankee Springs Township

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

DRAFT
Jerkatis
table
10.23.13
Lippert

RESOLUTION NO. Received 9.12.13

✓ Resolution for the formal adoption by YANKEE SPRINGS TOWNSHIP, government policy setting operational practice to be adhered to by township officials when undertaking work or projects in behalf of the Township.

Pursuant to the advisory of the BURNAM & FLOWER township insurance account executive Jeffery McCray (Attachments A & C), the following is offered for adoption as formal policy for any project work within the jurisdiction and on behalf of YANKEE SPRINGS TOWNSHIP, and the following procedures as a minimum shall be complied with by the township official administrating the work.

- 1.) For any work ^{change} beyond that which is commonly accepted as routine maintenance or repair, within the jurisdiction of or on behalf of YANKEE SPRINGS TOWNSHIP, a complete detailed written explanation, graphic if necessary, of what the objective is, when the work will take place, and who will be administrating the work on behalf of the township, and who will be actively involved in the work, shall be submitted to the Township Board of Trustees for review and approval.
- 2.) A complete roster of volunteers by name and address shall be compiled by the township official administrating any work for the township with volunteer workers, and said roster shall be turned over to the Township Clerk to be mentioned at and formally entered into the minutes of a regular meeting of the Township Board of Trustees, and filed in the township records.
- 3.) A volunteer waiver shall be reviewed with and shall be signed by anyone performing work for the township as a "volunteer", and all completed waiver forms shall be turned over to the Township Clerk to be filed in the township records.
- 4.) In the event an incident occurs in the course of project that, or may result in personal injury or loss of property, as soon as is practical the individual administrating the project on the behalf of the Township will compile a detailed and complete report of the incident and submit it to the Township Clerk to be filed in the township records.

The forgoing resolution offered by Board Member Jerkatis

and supported by Board Member _____

Upon Roll call vote, the following voted "AYE" _____

Upon Roll call vote, the following voted "Nay" _____

Janice C. Lippert, Clerk

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 of said Township at a Regular Scheduled Board Meeting of said Yankee Springs Township held on September 12, 2013, at which meeting a quorum was present, by roll call vote of said members as hereinbefore set forth; that said resolution was ordered to take immediate effect.

Janice C. Lippert, Clerk

- Attachment "A", Email communication From Jeffery McCray July 18, 2013
- Attachment "B", Sample Hold Harmless Waiver form #1 - John K. Lohrstorfer
- Attachment "C", Hold Harmless Waiver Agreement explanation, Pgs 31 & 32
- Attachment "D", Sample Hold Harmless Waiver form #2 - John K. Lohrstorfer

attachment
to 9.12.13
minutes/JL