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| <p style="text-align: center;"> <b>YANKEE SPRINGS TOWNSHIP</b><br/> <b><u>Board of Trustees</u></b><br/><br/> <b>Special Meeting</b><br/> <b>3:00 PM</b><br/><br/> <b>Tuesday, February 7, 2017</b><br/> <b>Yankee Springs Township Hall</b><br/> <b>284 North Briggs Road, Middleville, Michigan 49333</b><br/><br/> <b>MINUTES</b> </p>  | <p> <b>FINAL MINUTES</b><br/> <b>Page 1 of 4 Special BOT</b><br/> <b>Meeting 3 p.m.</b><br/> <b>February 7, 2017</b><br/>         Approved 3/9/2017       </p> |
| <p>Meeting called to order at 3:00 p.m. by Supervisor Englerth.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p><u>Roll Call</u>: Present: Jansma, J. Lippert, Rottschafer, (via remote participation), VandenBerg, Englerth.</p> <p><u>Staff Present</u>: Larry Knowles, Frank Fiala</p> <p><u>YS Twp. Attorney</u>: Catherine Kaufman, also present</p> <p>Visitors: 0</p>   | <p> <b>PLEDGE</b><br/> <b>CALL TO ORDER</b><br/> <b>ROLL CALL</b> </p>   |
| <p><b>PURPOSE OF MEETING:</b></p> <p><b>Supervisor Englerth has called this Special Meeting regarding Complaint on a Planning Commission Member.</b></p> <p>C. Kaufman mentioned having adopted Planning Commission by-laws, and secondly, having the Michigan Planning Enabling Act in regards to removing a Planning Commissioner, conflict of interest and required notice for an employee's possible dismissal, suspension or discipline. A Planning Commissioner is a public official, not an employee.</p> <p>Discussion: Who should bring or issue the complaint, the Board or an individual?</p> <p>Discussion occurred as to what the actual complaint is. There is no written complaint.</p> <p><b>R. Rottschafer</b> felt this discussion shouldn't happen until S. VandenBerg puts in writing what his complaint is.</p> <p><b>S. VandenBerg</b> commented that it wasn't his job to make the complaint. He felt it should have been dealt with long before his election (to the Board). VandenBerg felt that after F. Fiala was questioned, the board should have</p> |  |

launched an investigation immediately, but according to VandenBerg, the board did not. VandenBerg commented that it was a board issue.

**C. Kaufman** commented that she got a phone call from C. Meyer, Attorney of VandenBerg, regarding a March 17, 2016 Planning Commission Meeting, involving a possible conflict of interest of Frank Fiala. C. Kaufman attended the meeting (3/17/16). Article 2.2 - Conflict of Interest – (Planning Commission By laws) was read by C. Kaufman. C. Kaufman commented on how she believed the issue was resolved that night with Mr. Fiala.

**Motion by Rottschafer with support from Lippert that the Board has dealt with this issue and is not pursuing it further.**

**Discussion occurred.**

**Rottschafer** commented that there was a motion on the floor with a second.

**VandenBerg** commented “You think it’s reasonable we sweep this under the rug.”

**C. Kaufman** asked for clarification on the motion, and whether Shane gets votes on this or not. C. Kaufman was not sure whose complaint it was. She wasn’t sure exactly where the genesis of the complaint was coming from.

**Englerth** acknowledged the motion on the floor and commented that he (Englerth) tried to professionally resolve the issue. Englerth’s goal was that the board professionally addresses this with consideration for everybody and move forward- not to come back...and confront it again or in court. Englerth commented that he tried his professional approach and it was not successful.

**Rottschafer** commented that he appreciated Englerth efforts.

**C. Kaufman** commented on amending the by-laws of the Planning Commission regarding ex parte contact (in the field). Kaufman went over ex parte contact – not having contact with people outside of the meeting (in the field). Kaufman commented that if contact is made (outside of the meeting – possibly at the site) the PC member needs to report to the PC what contact was made and what he (the PC member) said and what the person he/she came in contact with said as well. C. Kaufman also mentioned the statute called Standards of Conduct for Michigan Officials. Kaufman commented that this might be something addressed in an ethics policy.

Catherine **Kaufman** commented that Fiala needs to come back in and tell the PC that “I talked to so and so on such and such date so that the whole PC has all the

**MINUTES**  
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**February 7, 2017**

**Motion Made and Supported**

**Discussion**

same information when making their decision. I understand that it is not easy.

**S. Vandenberg and Fiala** agreed to sit down right now. Kaufman asked about Fiala's request to have Cathy (Strickland) sit down as well.

Vandenberg commented that Cathy (Strickland) knew nothing about the process that was going on right now.

**After much discussion, motion on the floor was withdrawn by Rottschafer.**

**Englerth** commented that out of respect to Shane and Frank and Catherine (the attorney) that they will have just the three of them meet privately and try to resolve this- unrecorded.

Meeting went into recess at: 3:45 p.m.      Meeting resumed at: 4:37 p.m.

**During recess, a private meeting took place with Shane Vandenberg, Frank Fiala, and Catherine Kaufman, Township Attorney.**

After the recess:

**C. Kaufman noted for the record that:** Shane Vandenberg and Frank Fiala decided that the issue/complaint is resolved. The resolution was (per C. Kaufman) that Frank Fiala would, and has agreed to, step down as Chairman of the Planning Commission, but would remain on the Planning Commission.

F. Fiala will assist the ZBA with procedures and perhaps be the liaison to the ZBA- if the PC members, so desire- between the Planning Commission and the ZBA. It was noted that both parties were in concurrence with this resolution.

**Shane Vandenberg** inquired as to what would happen if the Planning Commission all wants to vote Frank Fiala back in for chairman, C. Kaufman asked F. Fiala, if it came up again for re-appointment (to PC Chairman) at the one year appointment (next year's appointments), would he seek Chairmanship again.

Fiala commented that it would be addressed in the future.

**M. Englerth** asked that whatever the two, (Vandenberg and Fiala) resolved, and agreed among themselves, that the Board would accept and respect their position.

The Planning Commission has to acknowledge the change of their officers (per C. Kaufman).

**S. Vandenberg** commented to clarify on the Board's understanding that the

**Motion to Withdraw  
By Rottschafer**

**Recess**

**After Recess 4:37 p.m.**

consensus that he and Frank came to would be that Frank is going to make room for other people to take his job and do rotating.

It was noted by C. Kaufman that Frank can just say he does not accept the nomination. It was clarified that Frank is up for appointment right now, but he is not going to take the job of Chairman. "That was our resolution," noted Kaufman.

J. Lippert commented this action would take place ... "Next PC meeting," confirmed Fiala.( Next meeting is February 16<sup>th</sup>, 2017)

Discussion then occurred regarding timing of board appointments, and reappointments will be held February 13<sup>th</sup>, 2017

C. Kaufman felt there was a very forth right discussion (during recess) between the two parties and C. Kaufman feels very positive about the issue being resolved moving forward.

**ADJOURNMENT:**

Motion by Lippert with support from Jansma to adjourn the meeting at 4:47 p.m.

**ADJOURNMENT**

All ayes. MOTION CARRIED.

Respectfully submitted:

Deb Mousseau, Recording Secretary  
Clerk

Approved by: Janice Lippert, Township

Date: Circulate 2-16-17

Final Approval: March 9, 2017