

Higgins Lake Utility Authority
Special Meeting Minutes
April 12, 2017

The meeting was called to order by Chairperson Hartman at 4:00 p.m.

The Pledge of Allegiance was recited.

Roll call: Present: Cook, English, Wood, Hartman, and Riley. Absent: None

Motion by English, second by Riley, **CARRIED** to approve the agenda. Yeas: All Nays: None

Public Comment: None

On the advice of the Authority's attorney who was in attendance via telephone, Hartman polled the board with regard to waiving the written notice requirement in the Bylaws to each board member for special meetings. Each member in attendance indicated they were willing to waive the notice.

Motion by Hartman, second by English, **CARRIED** to proceed with the meeting by waiving the written notice requirement per the by-laws. Roll call vote:

Member Cook	Yes
Member English	Yes
Member Wood	Yes
Member Hartman	Yes
Member Riley	Yes

Vote was unanimous. Motion Passed.

The attorney then addressed the proposed agreement with the State of Michigan for the hook up of the North State Park to the HLUA system. The Board attorney reported that he spoke with Lyon Township's counsel and was informed that Lyon Township was not in agreement with what Wade Trim produced and believed that the report had numerous flaws. Board attorney reported that the Lyon Township counsel was going to see if he could get some resolution before the 4 p.m. meeting. Board attorney indicated that no response was received.

Board attorney then inquired of Ed Nellist, Supervisor of Lyon Township, if he had any updated information and for the position of Lyon Township. Mr. Nellist confirmed that they did not agree with the Wade Trim report, and not had sufficient time to engage Wade Trim regarding its concerns. Mr. Nellist further indicated that Lyon Township did not support the prior proposal submitted by HLUA, and did not support the Wade Trim proposal. Mr. Nellist, upon questioning by Board attorney, indicated that at this time the only proposal that has been approved by Lyon Township was the proposal submitted by Lyon Township previously. Upon questioning by the Board attorney if the Lyon Township Resolution and proposal has been rescinded by Lyon Township, Mr. Nellist stated no.

Board attorney inquired to Mr. Nellist whether a request for another two weeks to evaluate the Wade Trim proposal would help in finding a resolution in this matter, and Mr. Nellist indicated that he did not believe any adjournment or additional time would change the position of Lyon Township as to the proper proposal and indicated that among the options available, he suggested HLUA approve and submit the Lyon Township proposal as it was the only proposal approved by his Board.

The Board attorney then informed the Board that it had the following options:

1. Re-submit the HLUA proposal to the State and risk a lawsuit from Lyon Township;
2. Request from the State a two week adjournment to continue talking.
3. Submit the Lyon Township prior proposal.

Because of the comments made by Mr. Nellist regarding the position of Lyon Township and that any adjournment would not change the overall position of Lyon Township, and because the State has provided a deadline for submission, Board attorney recommended the Board approve option 3 as the only viable option at this time.

Discussion was held by Board members indicating disappointment at the turn of events, but recognizing that the Board needed to take a position to move forward.

Motion by Cook, second by English, to approve submission to the State on behalf of HLUA the Lyon Township resolution, as written. Roll call vote was taken:

English: Yes
Cook: Yes
Riley: Yes
Wood: Yes
Hartman: Yes

Vote was unanimous. Motion passed.

Public Comment: None

Meeting adjourned 4:20pm

Respectfully submitted

Paul Tatro
Business Manager

Ron Wood
Secretary