

**SPECIAL MEETING MINUTES
CHARTER TOWNSHIP BOARD OF TRUSTEES
TUESDAY, OCTOBER 23, 2007**

A Special meeting of the Charter Township Board of Trustees was called to order at 7:03 p.m. by Supervisor Zurawski who then led the American Flag pledge. The meeting was held at the York Township Hall, 11560 Stony Creek Road, Milan, for the purpose of consulting with Township Attorneys regarding settlement strategy in connection with Brookside Acquisitions, LLC et al v. Charter Township of York, Washtenaw County Circuit Court File No. 05-1220-CZ and related MDEQ Permit No. MI00057984.

Roll Call of Board Members Present: Joe Zurawski, Sally Donahue, Jane Kartje, John Bulmer, Helen Neill, Mike Kipley, Wayne Meier. Absent: None.

Others Present: Township Attorneys Mark Reading, Reading, Etter & Lillich and Fred Lucas, Lucas Law, PC.

Short Public Comments (*three minutes or less*): None.

Moved by Donahue, Seconded by Neill to approve the October 23, 2007 Special Board meeting agenda of the Charter Township of York Board of Trustees, as presented. Discussion: none. Voice Vote: Aye: 7; Nay: 0; Absent: 0. Motion carried 7-0-0

AGENDA

For the Charter Township of York to consult with its attorneys regarding settlement strategy in connection with Brookside Acquisitions, LLC et al vs. Charter Township of York, Washtenaw County Circuit Court File No. 05-1220-CZ, and related MDEQ Permit No. MI00057984.

Attorney Mark Reading provided a letter requesting that the Board go into closed session to discuss pending litigation, as mentioned above.

MOVED BY BULMER to close the open session of the October 23, 2007 Special Meeting of the Charter Township of York Board of Trustees at 7:06 p.m. and go into closed session to discuss an opinion letter with Township Attorneys Reading and Lucas concerning settlement of pending litigation, Brookside Acquisitions, LLC v York Charter Township.

SECONDED BY MEIER. Discussion: none. ROLL CALL VOTE: BULMER, AYE; KARTJE, AYE; DONAHUE, AYE; ZURAWSKI, AYE; NEILL, AYE; KIPLEY, AYE; MEIER, AYE; NAY: NONE; ABSENT: NONE. MOTION CARRIED 7-0-0

MOVED BY DONAHUE to return from closed session of the October 23, 2007 Special Meeting of the Charter Township of York Board of Trustees at 7:20 p.m. and reopen the regular session. SECONDED BY NEILL. Discussion: None. ROLL CALL VOTE: KARTJE, AYE; ZURAWSKI, AYE; NEILL, AYE; KIPLEY, AYE; MEIER, AYE; BULMER, AYE; DONAHUE, AYE; NAY: NONE; ABSENT: NONE. MOTION CARRIED 7-0-0

Discussion held.

MOVED BY DONAHUE to authorize Supervisor Zurawski to sign an Agreement to dismiss Circuit Court Case No. 05-1220-CZ and hold in abeyance MDEQ Permit MI0057984, as presented; to be a part of this meeting's minutes.

SECONDED BY KARTJE. Discussion: Board thanked both attorneys for their work with this case; basically dismisses the Circuit Court case and puts the MDEQ Permit in abeyance until October 1, 2010; if Brookside decides to proceed, the challenge is renewed.

ROLL CALL VOTE: MEIER, AYE; KIPLEY, AYE; NEILL, AYE; ZURAWSKI, AYE; BULMER, AYE; KARTJE, AYE; DONAHUE, AYE; NAY: NONE; ABSENT: NONE. MOTION CARRIED 7-0-0

MOVED BY BULMER to authorize York Township Attorneys Mark Reading and Frederick Lucas to sign Stipulated Order Dismissing Case Without Prejudice and Without Costs, as presented; to be a part of this meeting's minutes.

SECONDED BY MEIER. Discussion: fine job by Township Attorneys recognized; goes in line with previous motion.

ROLL CALL VOTE: BULMER, AYE; KARTJE, AYE; DONAHUE, AYE; ZURAWSKI, AYE; NEILL, AYE; KIPLEY, AYE; MEIER, AYE; NAY: NONE; ABSENT: NONE. MOTION CARRIED 7-0-0

MOVED BY DONAHUE regarding NPDES No. MI00057984, to authorize York Township Attorney Mark Reading to sign a Stipulation and Order to Hold the Matter in Abeyance, as presented; to be a part of this meeting's minutes.

SECONDED BY BULMER. Discussion: they can't proceed with the MDEQ Permit, would have to file a new action in Circuit Court; Attorneys thanked for their due diligence and saving taxpayers' dollars.

ROLL CALL VOTE: MEIER, AYE; KIPLEY, AYE; NEILL, AYE; ZURAWSKI, AYE; DONAHUE, AYE; KARTJE, AYE; BULMER, AYE; NAY: NONE; ABSENT: NONE. MOTION CARRIED 7-0-0

PUBLIC COMMENTS (*five minutes or less*)

None.

ADJOURNMENT

Being no further business to come before the Board, Supervisor Zurawski adjourned the Special meeting at 7:46 p.m.

Helen Neill, Clerk

Joseph Zurawski, Supervisor

Approved