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STATE OF MICHIGAN
COUNTY OF OTTAWA

IN RE: SLEEPY HOLLOW DRAIN
BOARD OF DETERMINATION

Proceedings commenced at 10:00 a.m., on Thursday,
December 14, 2017, at the Holland Charter Township, 353 North
120th, Holland, Michigan, held before Marjorie A. Covey,
CSR-2616, Certified Shorthand Reporter and Notary Public.

APPEARANCES:

- Mr. Joe Bush, Ottawa County Water Resources Commissioner
- Ms. Jennifer Vandenberg, Secretary to Water Resources Comm.

- Mr. Bill Cargo, Board Chairman
- Mr. Ken Souter, Secretary
- Mr. Rich VanderKlok, Board Member

- Mr. Don Komejan, Manager, Holland Charter Township

- Mr. Ken Bosma, P.E., Engineer, Prein & Newhof
- Mr. Lucas Timmer, P.E., Engineer, Prein & Newhof

- Mr. Jerry Olman, Ottawa County Road Commission

1 Holland, Michigan

2 December 14, 2017 - 10:00 a.m.

3 PROCEEDINGS

4 WATER RESOURCES COMM. JOE BUSH: All right. Well
5 good morning, every one. Welcome to the Holland Charter
6 Township for the Sleepy Hollow Board of Determination. You
7 guys are probably wondering what in the heck is this about so
8 I'll give a brief update on that.

9 My name is Joe Bush. I'm the Ottawa County Water
10 Resources Commissioner also known as drain commissioner. I
11 changed the name when I got elected in 2013 to water
12 resources because what I do is a lot more than just clean
13 drains or maintain drains. So if you ever want to know all
14 we do, you can go to MIOttawa.org to my website under Water
15 Resources Commissioner. There is a link there and you can
16 look at everything we do in my department.

17 This is one of the things we do is have a Board of
18 Public hearing for public testimony, and talk about drains,
19 as far as this one is considered an orphan drain. An orphan
20 is nobody owns it, road commission, township, county,
21 developer, who has been long gone, nobody owns this
22 particular drain district or this drain, the storm sewer
23 itself.

24 So if they don't own it, we're here today, for this
25 board, who I appoint, they are appointed through me, through

1 the Michigan Drain Code, which is state law, to determine
2 whether this is necessary or not to be a county drain. And
3 the engineering firm will go through that process.

4 But I'll give a brief highlight of what the
5 importance is, why I appoint these three gentlemen that have
6 no affiliation with this, with Holland Township as far as
7 properties in this drain district, or they don't live there,
8 or they don't have any affiliation with the process except
9 vote for it, in favor or not in favor of having it be in the
10 county drain.

11 Prior to about 1997 we had a lot of orphans drains,
12 Holland Township has been petitioning me. That's another
13 part of the Drain Code. I get a petition from the township
14 to my department, we hold a public hearing, I appoint men to
15 have a BOD. So that's kind of the process.

16 The township had about 90 orphan drains that were
17 never established. Anything in today's time, everything is
18 established with the developer in the township as a county
19 drain.

20 I have over a thousand county drains, not just
21 subdivisions, we got open and closed road side ditches. Some
22 of those are county drains. We have about 3 to 400 retention
23 detention basins that I maintain.

24 So in that process, there is a petition either by
25 the people or the township. And the township has a process,

1 they want to get all of these established in time, so there
2 is somebody to call when you have either flooding or you have
3 a road problem or some kind of problem in that drain
4 infrastructure.

5 Right now you call somebody and they're going to
6 say, that's an orphan. In the past the road commissioner,
7 who is here today, they probably fixed those manhole issues
8 or the catch basin that had a hole in it where a concrete
9 pipe separated in the past. Either the township or the road
10 commission fixed those. So that's why we're here today.

11 And why at 10 o'clock is because I tried to hold
12 them at night too, we get more people usually in the daytime
13 than at night. People are angry no matter what time I do
14 them, but I do them so at least in the daytime it gives the
15 opportunity because at night I get less people. At least
16 that's been past practice.

17 Everything is court recorded today, word for word.
18 That's not in the Drain Code, but I do that for the people
19 who are here, or people who came on can't make it so they can
20 read what happened on transcript. And it's usually about
21 four to six weeks after the BOD, it will be on my website at
22 MIottawa.org under Water Resources.

23 You'll see a link where it says Meetings. And you
24 can go to that and it will be highlighted and you can click
25 on it and read word for word from the court reporter.

1 I think that's important for me, for the township
2 and for the people who live there, or who might move in later
3 down the road, they can go back and read those transcripts
4 and they can read what happened at the BOD and why we had it,
5 that's part of the process. Just not that we want to do this
6 for fun.

7 Today I don't know of any major issues in Sleepy
8 Hollow. Usually it's called 'driven' to have these, but this
9 one here is one of those orphans that I don't hear much about
10 it. So that's why we hold a public hearing too to make sure
11 if there is issues, be sure to state your name, address, and
12 the issue that there is so the court reporter can hear you,
13 and this is the time to bring it up so we can look at those,
14 if this board determines it to be necessary.

15 So I'll do introductions. Again I'm Joe Bush, then
16 we got -- we'll start with the engineering firm. We have
17 Prein & Newhof, Lucas Timmer and Ken Bosma. We have the guy
18 from the road commission who makes, the drainage coordinator,
19 from the road commission, Jerry Olman. We have your township
20 manager from Holland Township, Don Komejan. And then my
21 secretary who you probably talked to on the phone, she does
22 all my legal stuff is Jen.

23 And then from right to left, again these three
24 gentlemen have no affiliation with this whatsoever of the
25 drain district or properties in this drain district. We have

1 Rich -- and usually I pick these men from either townships,
2 Farm Bureau, these are either farmers or they're from the
3 road commission, retired. They don't currently work there.
4 Because they understand Drain Code, they understand drainage,
5 and they understand how the process works.

6 So that way when I pick a board, I'll make sure
7 they got background in what they're doing. I don't just pick
8 anybody. I have a selected number of these gentlemen that I
9 appoint. Because I do want them to make the best decision
10 they can.

11 I'm neutral. I don't say this is a drain or not,
12 these three gentlemen do that.

13 Once I give them the oath they'll elect a chair and
14 secretary, and then they'll hold the meeting. And if there
15 is any questions, you can forward those to them, these folks,
16 and then I can answer them, or the engineer.

17 But Rich is from Georgetown Township, he sits on
18 the board. And then in the center we have Bill Cargo. He is
19 Grand Haven Township's manager, been on a lot of these
20 boards, done them for many, many years and does a good job.
21 And Ken Souter is from Port Sheldon. He worked with the Road
22 Commission in the engineering department so he understands
23 the process very well.

24 We have Margie, and she's my court reporter. She's
25 been doing this for us for quite awhile. And again, make

1 sure you speak loudly when you come up, and talk to the board
2 so she can get your name and address. And again you can look
3 at these later.

4 So once I give these gentlemen the oath, it will
5 be -- they run the meeting and we'll go from there.

6 Gentlemen?

7 Do each of you solemnly swear to faithfully perform
8 and discharge the duties imposed upon you as members of the
9 Board of Determination appointed by the Water Resources
10 Commissioner of Ottawa County to determine the necessity of
11 drainage improvements in a certain drain to be known and
12 designated as the Sleepy Hollow Drain in the township of
13 Holland in said county as required by law, gentlemen?

14 BOARD MEMBER BILL CARGO: I do.

15 BOARD MEMBER KEN SOUTER: I do.

16 BOARD MEMBER RICH VANDERKLOK: I do.

17 WATER RESOURCES COMM. JOE BUSH: Thank you.

18 BOARD MEMBER BILL CARGO: Well to start with we
19 need to have the election of the chairperson and the
20 secretary.

21 So first of all do I have a motion to elect a
22 chairperson?

23 BOARD MEMBER KEN SOUTER: I nominate Bill Cargo for
24 chairman.

25 BOARD MEMBER BILL CARGO: There has been a

1 nomination, is there a second?

2 BOARD MEMBER RICH VANDERKLOK: I'll second that.

3 BOARD MEMBER BILL CARGO: Okay. Ken has made the
4 motion, and Rich has seconded it that I became the
5 chairperson of this.

6 All in favor, say aye.

7 BOARD MEMBER RICH VANDERKLOK: Aye.

8 BOARD MEMBER BILL CARGO: Aye.

9 BOARD MEMBER KEN SOUTER: Aye.

10 CHAIRMAN BILL CARGO: So I am appointed as the
11 chairperson.

12 Next we actually have to have a secretary to sign
13 anything that comes out of this meeting. And so I will make
14 a motion that Ken Souter be appointed as the secretary for
15 this board of review. Is there --

16 BOARD MEMBER RICH VANDERKLOK: I will second that.

17 CHAIRMAN BILL CARGO: That is supported by Rich,
18 all in favor say aye.

19 BOARD MEMBER RICH VANDERKLOK: Aye.

20 CHAIRMAN BILL CARGO: Aye.

21 BOARD MEMBER KEN SOUTER: Aye.

22 CHAIRMAN BILL CARGO: All said aye, and we have our
23 official board now seated.

24 The other thing is we normally have rules of
25 comment. Typically you can summarize anything, even War and

1 Peace within three minutes. So we're going to have a motion
2 that public comments are limited to three minutes for this
3 public hearing.

4 So do I have a motion to limit public comments to
5 three minutes per person?

6 BOARD MEMBER RICH VANDERKLOK: So moved.

7 SECRETARY KEN SOUTER: Seconded.

8 CHAIRMAN BILL CARGO: Motion by Rich, supported by
9 Ken.

10 And all in favor, say aye.

11 BOARD MEMBER RICH VANDERKLOK: Aye.

12 CHAIRMAN BILL CARGO: Aye.

13 SECRETARY KEN SOUTER: Aye.

14 CHAIRMAN BILL CARGO: All said aye.

15 Okay. We're going to start with just getting some
16 comments, we have the township supervisor here, Don, from
17 Holland Charter Township.

18 Don, do you have anything that you would like to
19 state prior to this meeting beginning?

20 TOWNSHIP MANAGER DON KOMEJAN: Nothing extensive.
21 Mr. Bush started this with a little bit of an overview.

22 Our township board has adopted a policy that deals
23 with really a proactive process and intention to bring these
24 private orphan drains into the authority of the county as
25 established drain districts.

1 The intent of that is to bring legal and procedural
2 process to maintenance and improvements as needed.

3 So from that standpoint, the formation, cost that
4 could be involved in the process of establishing a drain will
5 be funded by the township at large. And going forward, if
6 there are improvement projects, it is normally usual that the
7 township would be a participating agency in the funding
8 allocation as well.

9 CHAIRMAN BILL CARGO: And, Don, if I understand it
10 correctly, under state law, the township or the county can't
11 spend any public monies on a private drain system, which is
12 why they're trying to bring it into the public sector. So if
13 a problem does occur, if maintenance does occur, cleaning a
14 catch basin and so forth, they can legally appropriate money
15 for that purpose.

16 TOWNSHIP MANAGER DON KOMEJAN: Very true.

17 CHAIRMAN BILL CARGO: I understand that.

18 With that said we have the engineering firm of
19 Prein & Newhof here with both Ken and Lucas.

20 Is Lucas going to give an overview of this?

21 Lucas, can you give us an overview of this drain
22 and a little bit of its history?

23 ENGINEER LUCAS TIMMER: My name is Lucas Timmer.
24 I'm an engineer with Prein & Newhof in Holland.

25 Today we're talking about the Sleepy Hollow Drain.

1 As both Don and Joe has stated, this existing storm
2 water drain system is an orphan system and it's lacking local
3 and county governmental jurisdiction and administrative,
4 procedural and funding mechanisms to address current and
5 future needs for maintenance and improvements.

6 There are several of these orphan drain system in
7 the township. And the reason why some of these are orphan
8 systems is because prior to the mid '90s these storm systems
9 were not established as county drains as a part of the plat
10 process.

11 Since the mid '90s these storm water systems, in
12 these plats have been established as county drains under
13 Section 433.

14 This system was petitioned by Holland Charter
15 Township on November 2, under Chapter 4 of the County Drain
16 Code. Chapter 4 relates to the establishment of county
17 drains.

18 And as stated, the Board of Determination is a
19 requirement of part of the Michigan Drain Code.

20 There is one plat that's a part of the Sleepy
21 Hollow Drain, and that's the Sleepy Hollow Drain Plat which
22 was setup in 1994.

23 So this is the drainage district boundary. It
24 looks a little bit like a seahorse. And this drainage
25 district boundary essentially is a water shed. So the people

1 in this drainage district boundary contribute runoff to the
2 storm water drain system.

3 This drainage district boundary is delineated by
4 looking at county GIS data. On the county GIS data we have
5 contour information. So that's how we're able to determine
6 where high spots and low spots are within the drainage
7 district and can determine how runoff gets into the storm
8 drain system.

9 In addition, we review record plans of the sanitary
10 storm and water system that were installed as part of this
11 plat development, and that helps us determine where high
12 spots are located as well.

13 This is an aerial showing the county drain. And as
14 you can see, we use that as well as a part in determining
15 where the drainage district should go.

16 And this blue line here is the storm water system.
17 So you can see it starts down by Mason Street, and then goes
18 up to the north side of the plat. And then deposits into the
19 Tulip Intercounty Drain which is the creek on the north side
20 of your plat.

21 So the next step is we are here today to hear
22 public testimony. We currently aren't aware of any major
23 issues with this storm water system, so we'd like you guys to
24 provide any input that you know of about this system, if you
25 know there are any outstanding issues.

1 The board then will determine the necessity of this
2 petition based on the public health, welfare and convenience.
3 After your testimony, if it's deemed necessary, then this
4 orphan system will become a county drain.

5 If you guys bring up any significant issues about
6 the drain that need to be addressed, then there may be a
7 project that will occur to fix some of the problems with the
8 storm system.

9 Otherwise, we're not anticipating any work to be
10 done on this storm system at this time.

11 In the future, a petition will be necessary if
12 there are any issues a few years from now, or a decade from
13 now that you guys notice. This petition can be filed by you
14 in the drainage district or by the township. And the Water
15 Resources Commissioner can spend \$5,000 per maintenance mile
16 of drain, and that does not require a petition beforehand.

17 If the project is more than \$5,000 per maintenance
18 mile of drain, then it does require a petition for work to
19 occur.

20 As mentioned, the assessment for any work on this
21 drain will be split up between Ottawa County, the Ottawa
22 County Water Resource Commissioner, the road commission, the
23 Holland Charter Township, and then the property owners in the
24 drainage district boundary.

25 CHAIRMAN BILL CARGO: Okay. With that said, also

1 we have a representative of the road commission here.

2 Are there any comments that you have, Jerry, for
3 this?

4 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: As far
5 as any issues along this drain, I'm not aware of any. But as
6 far as the road commission goes, their standpoint is we're in
7 favor of taking this orphan system and putting it into the
8 county road system --

9 CHAIRMAN BILL CARGO: Okay.

10 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: Or, I'm
11 sorry, the water resources commission system.

12 CHAIRMAN BILL CARGO: And just for the court
13 reporter record, could you give your name and title just so
14 they understand where you're at with the road commission?

15 OTTAWA COUNTY ROAD COMMISSION JERRY OLMAN: Jerry
16 Ohlman, O-L-M-A-N, at the road commission, environmental
17 coordinator.

18 CHAIRMAN BILL CARGO: Thank you.

19 At this point we're going to open it up for public
20 testimony. I would simply request that you would give your
21 name and your address.

22 If we could bring up on the screen where, just so
23 they can point out where they live, the approximate area
24 where they live. If you don't want to, you don't have to.
25 We do need you to give your name and address.

1 So we're going to start in the -- in the second
2 row, the gentleman with the striped short, would you have any
3 questions or comments?

4 UNKNOWN SPEAKER: No comment.

5 CHAIRMAN BILL CARGO: Next?

6 UNKNOWN SPEAKER: Not yet.

7 CHAIRMAN BILL CARGO: Okay. Third row back with
8 the baseball cap?

9 UNKNOWN SPEAKER: I'd like to know --

10 CHAIRMAN BILL CARGO: Name and address please?

11 MR. WILLIAM PORTER: William Porter, address 688
12 Sleepy Hollow.

13 CHAIRMAN BILL CARGO: Okay.

14 MR. WILLIAM PORTER: Does this have any bearing on
15 the sanitary sewer or the waterlines or anything? I think
16 they're all buried in the same trench.

17 CHAIRMAN BILL CARGO: Well they're not all buried
18 in the same trench. There has to be a certain amount of
19 separation. There is a county profile that separates the
20 sanitary sewer, the water and everything else.

21 But, no, it does not have any bearing on those
22 aspects of the infrastructure. This is simply for storm
23 sewer only.

24 MR. WILLIAM PORTER: For storm sewer only.

25 CHAIRMAN BILL CARGO: Yes.

1 MR. WILLIAM PORTER: Thank you.

2 CHAIRMAN BILL CARGO: The gentleman next to him on
3 the left?

4 MR. ROB McINERNEY: Yes, Rob McInerney, 634 Sleepy
5 Hollow Lane.

6 We do know there is one area where we've had some
7 sink holes, at least one, maybe two. We wanted to make sure
8 we could --

9 CHAIRMAN BILL CARGO: Could you identify on the map
10 where those have occurred?

11 MR. ROB McINERNEY: I think one is at the corner of
12 Sleepy Hollow and TerryTown, where it goes right in this area
13 here (indicating).

14 And was the other --

15 UNKNOWN SPEAKER: The other one is down the road a
16 little ways.

17 MR. ROB McINERNEY: Down in this area here
18 somewhere there was a couple of sinkholes.

19 CHAIRMAN BILL CARGO: Okay.

20 MR. ROB McINERNEY: They have been filled, I
21 believe by the road commission has filled them. And I think
22 this is the second time they filled this one or maybe the
23 third time. It has been multiple times, it was repaired, I
24 think they put some concrete in there.

25 So we just wanted that to be on the record.

1 CHAIRMAN BILL CARGO: Thank you. And I'm going to
2 go back on my right-hand side to the back row?

3 MR. ANTHONY SCATURRO: Anthony Scaturro, 569 Sleepy
4 Hollow.

5 We just appreciate all the help you can give. We
6 live in the dead center of Sleepy Hollow and TerryTown, what
7 would be the southwest corner, and nothing to do with the
8 drainage system but we just have significant flooding due to
9 the way they graded the property. So any help you could give
10 us would be helpful.

11 CHAIRMAN BILL CARGO: I'd encourage you to speak
12 with Joe at the end of the meeting and let him know your
13 problems, or the engineer, Ken or Lucas, and let them know
14 what's going on.

15 MR. ANTHONY SCATURRO: Thank you.

16 CHAIRMAN BILL CARGO: Next?

17 And then the far back?

18 UNKNOWN SPEAKER: I'm good.

19 CHAIRMAN BILL CARGO: I'm going to go to my left,
20 the very back row. Do you have any comments or questions?

21 MR. JOHN DEKIEVIT: My name is John Dekievit and I
22 live at 691 Sleepy Hollow.

23 And one time in the past we had a really bad rain
24 storm, I mean real bad. Water came down that pipe so strong
25 it knocked off two manhole covers.

1 CHAIRMAN BILL CARGO: Okay.

2 MR. JOHN DEKIEVIT: And I noticed that when it
3 rains like that and the street floods and our backyard
4 floods, little kids put their boots on and their bikes and
5 they head out to play. And it just happens.

6 And I wondered if they could put in our backyard --
7 we have, I live right here (indicating), and there is manhole
8 covers back here. And I know that they can put a bar in the
9 cement down there, and a rod that comes up to keep that cover
10 from ever coming off.

11 Because what happened is that cover blew off, it
12 was actually covered with sod, and I noticed the air pressure
13 coming out of it. And then the water filled up in our
14 backyard and it covered over that manhole cover, and it was
15 just five or ten feet out.

16 CHAIRMAN BILL CARGO: Okay.

17 MR. JOHN DEKIEVIT: And there is water still coming
18 down that pipe. And the kids came into the back to see all
19 the flooding, and I could easily see a kid stepping into that
20 hole and down the pipe he would go with the water flow.

21 So I was simply wondering -- and I had called in
22 the past about it and that's when I learned it was an orphan
23 drain, if we could put a bar in there and bolt that down so
24 it doesn't come off.

25 CHAIRMAN BILL CARGO: That's a possible maintenance

1 issue. I will refer you again to talk to Joe at the end of
2 the meeting.

3 MR. JOHN DEKIEVIT: Okay.

4 CHAIRMAN BILL CARGO: We can't make determinations
5 to tell them what to do with regard to maintenance; but if
6 you have a maintenance and a safety concern, the first thing
7 you can do is get it on the record like you have, because if
8 it is a safety concern and ignored, it creates a liability on
9 the part of the county. And I know they don't like to have
10 those.

11 So express that to him again after the meeting.

12 MR. JOHN DEKIEVIT: All right.

13 CHAIRMAN BILL CARGO: And the gentleman next to
14 him?

15 UNKNOWN SPEAKER: I'm good.

16 CHAIRMAN BILL CARGO: And in the Michigan State?
17 Go Green, right?

18 MR. MIKE DEKAM: My name is Mike Dekam, and I live
19 at 611 Sand Hollow Drive which is right here (indicating).

20 CHAIRMAN BILL CARGO: Okay.

21 MR. MIKE DEKAM: My question is what is the
22 projected or estimated life expectancy of the current drain,
23 the way it is right now? Does anybody know?

24 CHAIRMAN BILL CARGO: It's really difficult to say
25 that. There are drains that can last for many decades.

1 So there is no significant problems they're aware
2 of with this drain. They do normal maintenance. Typically
3 you have to clear out gravel from the catch basin and you may
4 have to jet out gravel or sand that's in the pipe itself to
5 allow the flow to occur. That's done normally as part of
6 normal maintenance.

7 So we hope these will continue. They're made out
8 of cement typically, and they tend to last many decades.

9 Is that a fair summary, Ken?

10 ENGINEER KEN BOSMA: Yes.

11 CHAIRMAN BILL CARGO: He's the engineer so he knows
12 it better than I do.

13 MR. MIKE DEKAM: But none of this maintenance has
14 occurred during its --

15 CHAIRMAN BILL CARGO: It probably has occurred.
16 What has occurred is there may have been maintenance that
17 occurred, the road commission could have been in there
18 sucking the gravel out of the sumps at the bottom of the
19 catch basins.

20 Technically because it's not a public drain, they
21 probably shouldn't have extended monies on them. But there
22 was an assumption that some of these drains were public, when
23 in fact they had never been accepted into the drain system.

24 MR. MIKE DEKAM: Okay. My final question or
25 comment or concern is there is a township trustee who resides

1 here (indicating), just barely within the boundary.

2 And I'm wondering is he -- is his property
3 protected currently under the existing drain? Or might this
4 be a ploy to get him some drain protection at the expense of
5 all of this?

6 CHAIRMAN BILL CARGO: I can guarantee it's not a
7 ploy for a couple reasons. They are doing orphan drains,
8 they probably have close to 40 or 50 orphan drains or more.

9 TOWNSHIP MANAGER DON KOMEJAN: More like 90.

10 CHAIRMAN BILL CARGO: And this is probably the 40th
11 or 50th they've done, maybe more. So it's not a ploy for a
12 trustee. They have no input into this other than to petition
13 the county.

14 And many townships across Ottawa County are doing
15 the same thing to bring these orphan drains into the system
16 so if problems occur, there is a mechanism to maintain or fix
17 them.

18 MR. MIKE DEKAM: All right. Lucas, do you know if
19 this properly is currently in this --

20 ENGINEER LUCAS TIMMER: This property is in the
21 drainage district boundary, which is a watershed, so that
22 property contributes runoff to the storm system.

23 See the catch basins right here on this corner?

24 MR. MIKE DEKAM: Yes.

25 ENGINEER LUCAS TIMMER: Their runoff runs down the

1 road and into the catch basins. So that's why they're
2 included.

3 MR. MIKE DEKAM: This is the proposed one we're
4 looking at?

5 ENGINEER LUCAS TIMMER: That's correct.

6 MR. MIKE DEKAM: Do you have one of these that show
7 the current?

8 CHAIRMAN BILL CARGO: There is no current. The
9 proposed is what's highlighted, that's the proposed district
10 because it's not ever been accepted.

11 So all the infrastructure is there, but there is
12 nothing that's being proposed for this district other than
13 bringing it into the public.

14 MR. MIKE DEKAM: No, I'm asking is there a graphic
15 that shows the current orphan drain?

16 ENGINEER KEN BOSMA: Well what Mr. Cargo is trying
17 to suggest, is that there is no district because there is no
18 county drain. This is the first time there is a district
19 that has been proposed.

20 So if this is accepted as a county drain, this is
21 the district that would be accepted.

22 CHAIRMAN BILL CARGO: This is exactly what's being
23 defined, what showed up on the map.

24 MR. MIKE DEKAM: Okay.

25 ENGINEER KEN BOSMA: And it will go through -- if

1 they continue on, they will go through a process where they
2 say they can add or delete land. And that's why it's
3 proposed because if for some reason some property owner comes
4 in and says that's really not how it drains and we have to go
5 out there and take a look and make some adjustments. That's
6 where some of the tweaks are done. That's why it's labeled
7 as proposed.

8 MR. MIKE DEKAM: Thanks.

9 CHAIRMAN BILL CARGO: We've had two more people
10 that have entered the room and we're at the very end of the
11 public hearing. Do either one of you have comments on this?

12 UNKNOWN SPEAKER: No, thank you.

13 CHAIRMAN BILL CARGO: Okay. Well in that case, I'm
14 going to --

15 UNKNOWN SPEAKER: I do have a question.

16 CHAIRMAN BILL CARGO: Okay.

17 SECRETARY KEN SOUTER: Your name, sir?

18 CHAIRMAN BILL CARGO: Your name and address?

19 MR. THOMAS STAAL: My name is Tom Stall, 479 Sleepy
20 Hollow.

21 And we know that right now a subdivision is being
22 developed here, and logically this will probably be developed
23 some day (indicating). What impact do those properties have,
24 and probably interconnected to this drain or not?

25 CHAIRMAN BILL CARGO: I doubt they'll be

1 interconnected. They may be discharging into similar areas,
2 but right now that would have to be a decision of the drain
3 commissioner. The drain commissioner reviews every
4 subdivision plat, ever condominium plat, ever apartment plat,
5 every retail, to make sure that the storm water can be either
6 discharged or contained on the property itself.

7 So both of those hypotheticals are very likely,
8 they will have their own drainage district and they'll have
9 to deal with their own storm water.

10 Is that a fair summary, Joe?

11 WATER RESOURCES COMM. JOE BUSH: That's correct.
12 And Ken will probably be the one reviewing it.

13 ENGINEER KEN BOSMA: That may be correct. To the
14 south there is a development going in there already and
15 what's happening there is they will have a pond in their
16 development, but it will discharge out to the west here,
17 which will come out towards here and head this way
18 (indicating).

19 MR. TOM STAAL: Okay.

20 CHAIRMAN BILL CARGO: And last chance, any other
21 questions before we close the public comment portion of this
22 hearing?

23 Seeing none, I'm going to close the public comment
24 section of this hearing, and we need to have a conversation
25 among Rich and Ken and I.

1 Rich, I'll start with you, do you have any comments
2 or questions?

3 BOARD MEMBER RICH VANDERKLOK: Not really. I think
4 the explanation by the engineer has been helpful. And, no.

5 CHAIRMAN BILL CARGO: Okay. Ken?

6 SECRETARY KEN SOUTER: As you know, we've done a
7 lot of these, and I'm totally in support of the drain
8 commissioner taking them over.

9 I'm happy to hear that there is not anymore
10 problems than a couple of little sink holes that maybe there
11 is a joint bad or something like that that could be fixed.

12 I would, again, want the drain commissioner to take
13 a look at that manhole situation in the back. If it's
14 blowing off, we don't want some kid to fall into it.

15 So I would say, I would highly recommend, Joe, that
16 you take a look at that.

17 Other than that, it just makes the most sense in
18 the world for these drains to be under the drain
19 commissioner's jurisdiction. So if something does go wrong,
20 they can take care of it. I'm in favor of it.

21 CHAIRMAN BILL CARGO: And I tend to agree, this is
22 a drainage district that was assumed to be public for many
23 years and I'm sure public monies have already been spent on
24 it.

25 If we want to maintain this system, we know

1 everything eventually fails and has to be repaired or
2 maintained. It would be nice if the public dollars could be
3 spent to help with that process. So I'm also in favor of
4 establishing this as a county drain.

5 This said, I will make a motion that the drain is
6 necessary for public health, convenience and welfare.

7 SECRETARY KEN SOUTER: I'll second that.

8 BOARD MEMBER RICH VANDERKLOK: And I'm in favor.

9 CHAIRMAN BILL CARGO: So we have a motion and a
10 support on the floor. All in favor, say aye.

11 BOARD MEMBER RICK VANDERKLOK: Aye.

12 CHAIRMAN BILL CARGO: Aye.

13 SECRETARY KEN SOUTER: Aye.

14 CHAIRMAN BILL CARGO: And opposed?

15 We don't have any opposition.

16 That said, now that we have done that, we want to
17 make sure the township pays their fair share for any future
18 maintenance costs or any improvements that may be necessary.

19 So I'm also going to make a motion that the drain is
20 necessary for the protection of the public health in Holland
21 Charter Township, and a portion of any future costs shall be
22 apportioned to the municipality at large.

23 Do I have support for that?

24 BOARD MEMBER RICH VANDERKLOK: Support.

25 CHAIRMAN BILL CARGO: We have a motion and support

1 on the floor. All in favor, say aye.

2 BOARD MEMBER RICK VANDERKLOK: Aye.

3 CHAIRMAN BILL CARGO: Aye.

4 SECRETARY KEN SOUTER: Aye.

5 CHAIRMAN BILL CARGO: The other thing which was
6 brought up is that these boundaries may need to be adjusted
7 slightly. If we go out there and we find out that the
8 geography -- the GIS information is slightly off, or that we
9 missed a catch basin or something that's feeding into the
10 system, we would need to add that to this drainage district.

11 So that said, I will make a motion that the
12 drainage district boundary be adjusted as necessary and lands
13 be added and deleted as determined by the Water Resources
14 Commissioner as recommended by the engineer.

15 SECRETARY KEN SOUTER: I second that.

16 CHAIRMAN BILL CARGO: We have support of that.

17 And so, any questions or comments on that part of
18 the motion?

19 BOARD MEMBER RICH VANDERKLOK: No.

20 CHAIRMAN BILL CARGO: So all in favor, say aye.

21 BOARD MEMBER RICK VANDERKLOK: Aye.

22 CHAIRMAN BILL CARGO: Aye.

23 SECRETARY KEN SOUTER: Aye.

24 CHAIRMAN BILL CARGO: And that is basically the
25 entire purpose of this public hearing, was to look as to

1 whether it should be brought into the public sector. We have
2 made that determination, and so without objection, I will
3 close this public hearing.

4 This public hearing is closed at about 10:33.

5 (Board of Determination concluded at 10:33 a.m.)
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1 CERTIFICATION OF COURT REPORTER AND NOTARY PUBLIC

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STATE OF MICHIGAN)
) SS
COUNTY OF BARRY)

I certify that this transcript, consisting of 29 pages, is a complete, true and correct record of the Board of Determination held in this case on December 14, 2017.

DATE: December 22, 2017

MARJORIE A. COVEY, CSR-2616
141 East Michigan Avenue, Suite 206
Kalamazoo, MI 49007
1.800.878.8750

Notary Public Expires: October 14, 2021, Muskegon County, Michigan/Acting in the State of Michigan.

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