

**BERRIEN COUNTY BOARD OF COMMISSIONERS**  
**Regular Meeting Minutes**  
**August 17, 2023**

**CALL MEETING TO ORDER:**

Chairperson R. McKinley Elliott called the Board of Commissioners' (BOC) regular meeting to order at 10:30 A.M. in the BOC's boardroom at the Berrien County Administration Center, 701 Main Street, St. Joseph, Michigan.

**INVOCATION:**

Commissioner Jim Curran gave the invocation.

**PLEDGE OF ALLEGIANCE:**

Commissioner Chokwe Pitchford led us in the Pledge of Allegiance to the United States of America.

**ROLL CALL:**

The Chair instructed the Clerk to take a roll call with the following results:

11 PRESENT: Rayonte Bell, Jim Curran, Robert Harrison, Jon Hinkelman, Michael Majerek, Alex Ott, Chokwe Pitchford, David Vollrath, Julie Wuerfel, Mamie Yarbrough and R. McKinley Elliott.

1 ABSENT: Teri Sue Freehling.

**APPROVAL OF THE MINUTES OF THE AUGUST 10, 2023 MEETING:**

Commissioner Pitchford moved and supported by Commissioner Ott, to approve the BOC regular meeting minutes of August 10, 2023. Motion carried and no nays.

**COMMUNICATION(S):**

County Clerk Sharon Tyler received and distributed to the Board of Commissioners (BOC) the following communications:

- An email letter from the Livingston County Board of Commissioners regarding a letter sent to the Area Agency on Aging 1-B (AAA), regarding their concerns with the discipline of DEI - Diversity, Equity and Inclusion, received on August 10, 2023.
- A resolution from Charlevoix County Board of Commissioners, opposing Michigan Legislature Bills SB 299, SB 300, HB 4479 and HB 4480, received on August 14, 2023.
- An email from Karen Cibulskis, NPL Deletions Coordinator and IC Reviewer of the Superfund and Emergency Management Division, U.S. EPA Region 5, issuing you a notice in the Federal Register finalizing the deletion of Radiation Operable unit cleanup at the Aircraft Components Superfund Site located in Benton Harbor, Michigan, received on August 16, 2023.

**PUBLIC COMMENTS REGARDING RESOLUTIONS – Public comments at this portion of the meeting must be related to resolutions listed on today's agenda only. Those speaking during public comments may do so no longer than two minutes and shall identify themselves by name (including last name) and city, township, or village. (Article III, 3.9 B-C). The public should refer to the resolution # that they are commenting on as a part of their comments:** None.

**AGENDA AMENDMENT:**

Chairperson Elliott discussed an Agenda Amendment, to remove the Closed Session from today's Agenda.

Commissioner Hinkelman moved and seconded by Commissioner Bell, to remove the Closed Session from today's Agenda.

Motion carried, no nays.

**CONSENT CALENDAR:**

Commissioner Vollrath moved and supported by Commissioner Pitchford, to approve today's Consent Calendar:

<u>Resolution(s) #</u>	<u>Description</u>
P2308008	Monthly Per Diems
F2308043	Approve Weekly Bills and Road Payables
B2308090	Requisition Approval Week 2

P2308267 Comprehensive Agreement Amendment #2  
F2308269 Renew Agreement with Asset Works for appraising inventory  
A2308270 MAT Program for opioid addicted inmates in Jail – One Year Trial  
A2308271 Accept TAP funded Red Arrow Hwy Linear Park

The Chair instructed the Clerk to take a roll call with the following results:

11 YEAS: Curran, Harrison, Hinkelman, Majerek, Ott, Pitchford, Vollrath, Wuerfel, Yarbrough, Bell and Elliott.

Motion carried, no nays.

**ADDED RESOLUTION(S):** None.

**BOARD APPOINTMENTS – Annette Christie:**

Chairperson Elliott spoke about the board appointments today.

**PHSC Recommendation:**

Commissioner Harrison stated the following recommendations from PHSC:

- Appoint Allen Edlefson to the Mental Health Authority to fill vacancy – Effective date: October 1, 2023. Term expires: March 31, 2026.
- Appoint Frank Samuel to the Workforce Development Board to fill vacancy – Term expires: December 31, 2026.
- Appoint John Fiore to the Workforce Development Board as a new appointee for Berrien County – Term expires: December 31, 2026.

**Motion**

Commissioner Harrison moved and seconded by Commissioner Pitchford, to approve the following board appointments:

- Appoint Allen Edlefson to the Mental Health Authority to fill vacancy – Effective date: October 1, 2023/ Term expires: March 31, 2026.
- Appoint Frank Samuel to the Workforce Development Board to fill vacancy – Term expires: December 31, 2026.
- Appoint John Fiore to the Workforce Development Board as a new appointee for Berrien County – Term expires: December 31, 2026.

Motion carried, no nays.

**COMMITTEE REPORT(S) – Finance, Personnel & Human Services and Administration Committees:**

The Personnel & Human Services (PHSC), Administration and Finance Committees presented their Committee Reports. Parent Committee minutes are available at [www.berriencounty.org](http://www.berriencounty.org). Discussion was held.

**COMMISSIONER REPORT(S):**

The Commissioners presented their outside committee reports. Discussion was held.

**ADMINISTRATOR REPORT:**

Administrator Brian Dissette gave his Administrator's Report. Discussion was held.

**GENERAL PUBLIC COMMENTS - Those speaking during public comments may do so no longer than two minutes and shall identify themselves by name (including last name) and city, township, or village. (Article III, 3.9 B-C):**

Adolf Pelzer, Hagar Township, spoke about the water fountains.

**OTHER BUSINESS:**

Chairperson Elliott acknowledged former Commissioner Don Meeks in the audience today.

Corporate Counsel Thaddeus Hackworth discussed and gave background information to the BOC about a superfund site located in Detroit, Michigan, that was formerly operated by Trex Properties LLC that is in contamination response activities. This is required from EGLE. EGLE states the estimated costs will approach 10 million dollars in total for all EGLE response activities. Corporate Counsel Hackworth discussed the federal

law on this matter. He stated we received a letter from Trex Properties, LLC's attorneys and they plan to file suit on all entities who contributed to the site for the cost clean up. They alleged that the Berrien County Road Commission contributed hazardous substances to the site thirty years ago and they are a responsible party. The owner of the property has offered an exchange of a payment of \$10,000 from the County, to release the County from all claims and liabilities. The County has reviewed the matter and recommends strongly that the County enters into an agreement. Discussion was held.

**Motion**

Commissioner Curran moved and seconded by Commissioner Vollrath, to authorize the County Administrator to execute a settlement agreement with Trex Properties LLC, following legal review and approval by Corporate Counsel.

The Chair instructed the Clerk to take a roll call with the following results:

11 YEAS: Harrison, Hinkelman, Majerek, Ott, Pitchford, Vollrath, Wuerfel, Yarbrough, Bell, Curran and Elliott.

Motion carried, no nays.

Administrator Dissette stated the BOC should have received an email from him regarding an invite from Whirlpool Corporation for a ribbon cutting ceremony on Friday, August 18, 2023 at 10:15 A.M. He requests the BOC to rsvp to him on their attendance.

**ANNOUNCEMENTS/REMINDERS:**

Chairperson Elliott announced the following:

- No meetings will be held Thursday, August 31, 2023 – 5th Thursday

**ADJOURNMENT:**

The meeting was adjourned at 11:15 A.M.

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R. McKinley Elliott, Chairperson

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Sharon J. Tyler, County Clerk

***Minutes are to be approved at the next BOC meeting.***