



Minutes

**YPSILANTI COMMUNITY UTILITIES AUTHORITY
BOARD OF COMMISSIONERS MEETING
Wednesday, September 27, 2023 – 3:00 p.m.
YCUA Administration Building
2777 State Road
Ypsilanti, MI 48198-9112**

Members Present: Larry J. Doe, Gloria C. Peterson, Jon R. Ichesco, and David Ostrowski

Members Absent: Michael Bodary

1. **CALL TO ORDER:** Ms. Peterson called the meeting to order at 3:00 p.m. stating Mr. Bodary has an excused absence, and she would chair today's meeting.
2. **MINUTES OF THE PREVIOUS MEETING:** Motion by Doe to receive and file the minutes of the August 23, 2023, meeting as presented. Support by Ichesco. In favor: Ostrowski, Ichesco, Doe, and Peterson. Opposed: None. (Motion carried.)
3. **NEW BUSINESS:**
 - A. **Request to Approve - YCUA Resolution No. 23-8 re: Retirement for Shaun Holland** – Luther Blackburn

Motion by Ichesco to approve YCUA Resolution No. 23-8 re: Retirement for Shaun Holland. Support by Doe.

Mr. Blackburn advised the Board that Mr. Holland is a Meter Service Tech at the YCUA Service Center and has requested retirement as of October 1, 2023. Mr. Blackburn stated Mr. Holland has completed eighteen years and ten months of service at the Authority. Mr. Blackburn stated Mr. Holland has been an invaluable member of the YCUA team. YCUA Water and Meter Supervisor Sean Knapp then spoke in detail, commending Mr. Holland for his service.

Mr. Ostrowski motioned to amend the resolution to remove Chair Mr. Bodary from signature approval and to instead have Vice Chair Ms. Peterson sign the resolution. Support by Doe.

Ms. Peterson conducted a roll call vote with Mr. Doe, Mr. Ichesco, Mr. Ostrowski, and herself voting in favor of passing the amended Resolution 23-8.

Ms. Peterson commented that the Board congratulates Mr. Holland and hopes he enjoys his retirement.

B. Request to Approve – Change Order of Auditor’s Engagement in the amount of \$4,000 Annually (GL#592-596-812.000) – Dwayne Harrigan

Mr. Harrigan advised this is a change to the annual contract with Rehmann Robson for the single audit. Mr. Harrigan stated the basic contract is not changing but this change is driven by the scope and increase in work now required for the single audit which is required when the Authority receives \$750,000.00 or more in federal funding. Mr. Harrigan advised the Authority has received over \$750,000.00 in the past two years and it is anticipating this for the current fiscal year also. Mr. Harrigan recommended approval of the Change Order of Auditor’s Expense.

Motion by Doe to approve Change Order of Auditor’s Engagement in the amount of \$4,000 Annually. Support by Ostrowski.

Mr. Peterson inquired for a discussion of the change order. There was none. In favor: Doe, Ostrowski, Ichesco, and Peterson. Opposed: None. (Motion carried.)

C. Fund Balance Report – Dwayne Harrigan

Informational only; no motion from the Board required.

D. Financial Report – Authority Net Assets – Dwayne Harrigan

Informational only; no motion from the Board required.

E. Usage Report – Consumption Report – Luther Blackburn

Mr. Blackburn advised the Board that the August month-to-month comparison shows that water sales are down 14.3% and sewer sales are up 18%. He indicated that the year-to-date comparison shows that water sales are down 1.3% and sewer sales are down 7.2%. Mr. Blackburn explained that it has been fairly cool and wet August and the numbers are reflective of those conditions.

Informational only; no motion from the Board required.

F. Attorney’s Report – Matthew T. Jane

Mr. Jane advised the Board that he has nothing to report.

Informational only; no motion from the Board required.

G. Human Resources Report – Debra Kinde

There was no Human Resources Report for the month.

H. Executive Director’s Report – Luther Blackburn

Mr. Blackburn advised the Board that he has nothing to report

4. **OLD BUSINESS:** There was no Old Business for the month.
5. **OTHER BUSINESS:** There was no Other Business for the month.
6. **STATEMENTS AND CHECKS:** Motion by Ichesco to pay the current month’s bills in the amount of \$6,077,229.59. Support by Doe. In favor: Doe, Ichesco, Ostrowski and Peterson. Opposed: None. (Motion carried.)
7. **PUBLIC COMMENTS:**

Ms. Peterson invited the public to come forward for public comments and direct any questions to the Director, Mr. Blackburn.

Ten public comments were given. The concerns raised were as follows: sewer water in my home was not my fault, everything has been lost including appliances and personal mementos of deceased spouse, something needs to be done and somebody needs to be held responsible, water company’s insurance says they are not responsible, this has happened twice in the past five years, the Washtenaw Road Commission and the Township say it is YCUA’s issue, FEMA needs to come in, we need answers to why the insurance company is denying claims, YCUA should give back in good faith, YCUA won’t pay because they deny it is their problem because it is too expensive, assistance is needed now and also a future plan to fix the problems, consideration of my appeal of the denial and of the 45 day limit for filing, neighbors are trying to help each other, feeling disrespected because the adjustor never came to my house, received a letter in 2019 stating YCUA won’t help in future sewer backups, renter’s insurance isn’t covering my basement flood, YCUA needs to fix the pipes if they are broken, YCUA staff on scene said it was a pump failure, monetary value can’t be put on my possessions, asking the Board to step up, and when will the money come back into our neighborhood. These concerns were raised by township residents in the West Willow neighborhood. Another Township resident expressed a comment on YCUA reinstating water shut offs as the pandemic is over.

Ms. Peterson stated that she heard the residents and acknowledges they are taxpayers with a right to voice their opinion concerning their property. Ms. Peterson requested the Executive Director respond to the public comments.

Mr. Blackburn stated everyone who reported a sanitary sewer backup received a hand delivered packet with information on managing and responding to a sanitary sewer backup which included information on cleaning, who is responsible, what the law is, and a claim form. Mr. Blackburn stated YCUA is only responsible for the sanitary sewer system which includes sewage from sinks, toilets, and showers. Mr. Blackburn stated curb drains outside

that should drain water off of the street are not the responsibility of YCUA. Mr. Blackburn advised the sanitary system and the storm water system are separate systems with YCUA having no responsibility for the storm water system. Mr. Blackburn advised the Water Resource Commission and the Washtenaw County Road Commission are responsible for the storm water in the affected neighborhood.

Mr. Blackburn stated this flooding is an issue bigger than YCUA and it is a regional issue being caused by the unprecedented weather events which are getting worse. Mr. Blackburn stated the systems were never designed to move the amount of water coming in such a short period of time. Mr. Blackburn stated that as the street flooding gets worse, the water inundates the manholes entering into our sanitary sewer system which was not designed for the storm water.

Mr. Blackburn stated 2019 was the worst flooding seen in that neighborhood (West Willow) and at that time YCUA committed to a \$3,500,000.00 project that is currently in progress. Mr. Blackburn advised the work is currently in progress with the State St Station demolished and a new station being built with three temporary pumps operating right now. Mr. Blackburn stated the temporary pumps had an issue on August 24th that YCUA is fully aware of. Mr. Blackburn stated regardless of the pump operation, there would have been significant flooding in the neighborhood due to street flooding and inundation of storm water into the sanitary sewer system.

Mr. Blackburn stated the law holds municipalities libel in very limited circumstances. Mr. Blackburn stated under the law, if the inundation of storm water exceeds the design standards of the system, it is not considered a defect in the system and if there is not a defect in the system, the municipality is not libel.

Ms. Peterson stated residents have been calling her as a Township Trustee also and that she understands some residents have clear water backing up and some residents have sewage backing up.

Mr. Blackburn stated that YCUA has used Michigan Municipal League (MML) for insurance for a long time and MML has nothing to do with the policy changes the Authority adopted in 2019. Mr. Blackburn stated to the best of his knowledge prior to 2019 the Authority had no policy and adhered to the law to the best of the Authority's ability. In 2019, the Authority adopted a policy in compliance with Public Act 222 of 2001 to be consistent with state law.

Ms. Peterson stated Ypsilanti Township called Washtenaw County to have FEMA contacted to declare a disaster. Ms. Peterson stated that at the resident meeting, it was advised residents should contact their insurance company, then YCUA, and then the Township. Ms. Peterson stated Ms. Stumbo (Ypsilanti Township Supervisor) would need to be contacted to learn the outcome of contacting FEMA.

Mr. Blackburn advised the forty five day limit to apply for a claim was a Board policy. Mr. Jane then confirmed that the forty five day limit is part of the Public Act 222 law.

Mr. Blackburn advised that he would be available after the meeting to further discuss with residents.

8. **ADJOURNMENT:** Motion by Doe to adjourn the meeting at 4:03 p.m. Support by Ostrowski. In favor: Doe, Ichesco, Ostrowski and Peterson. Opposed: None. (Motion carried.)

Respectfully submitted,

Michael Bodary, Chair