

**FRUITLAND TOWNSHIP  
REGULAR MEETING  
JANUARY 19, 2021 MINUTES**

**PRESENT** – Trustee Jeske, Trustee Lundell, Treasurer Pachman, Supervisor Marcinkowski, Clerk Fagan, Trustee Holman, Trustee Graham

**ALSO PRESENT** – (2) Two interested parties

**CALL TO ORDER** - Supervisor Marcinkowski called the January 19, 2021 Regular Meeting to order at 5:11 PM via Zoom and led the pledge of allegiance. All Township Board members are attending via virtual means. Supervisor Marcinkowski, Treasurer Pachman and Clerk Fagan report that they are attending virtually while at the Fruitland Township Hall. Trustee Holman, Trustee Graham and Trustee Lundell are attending virtually from their homes located in Fruitland Township. Trustee Jeske is attending virtually from Florida.

**AGENDA** - Motion by, Trustee Jeske second by Clerk Fagan, **ADOPTED**, to accept the amended January 19, 2021 Regular Township Board Meeting Agenda.  
*Upon Voice Vote: 7 AYES – motion carried*

**PUBLIC COMMENT** – There were none.

**ANNOUNCEMENTS/COMMUNICATIONS** – Clerk Fagan reported that there will be a Risk Limiting Audit for the November 3<sup>rd</sup> 2020 General Election that will take place at Fruitland Township Hall on Thursday, January 21, 2020. The Bureau of Elections would like this audit to be open to the public as a meeting, so Clerk Fagan and Deputy Clerk Dion will conduct the audit via Zoom, and a notice has been posted.

**CONSENT AGENDA** –

1. Minutes – December 14, 2020 Work Session & December 21, 2020 Regular Meeting Minutes
2. December 1 - 31, 2020 Revenues: \$155,287.62; Expenditures: (101) \$28,197.40; (130) Public Works \$191.18
3. 3<sup>rd</sup> Quarter Budget Amendments October 1, 2020 – December 31, 2020
4. Check Disbursement Report December 1, 2020 – December 31, 2020

Motion by Trustee Lundell, second by Trustee Graham, **ADOPTED**, to approve the Consent Agenda as presented, except for agenda item number 2.

Roll Call Vote: Trustee Holman **AYE**, Trustee Jeske **AYE**, Trustee Lundell **AYE**, Treasurer Pachman **AYE**, Trustee Graham **AYE**, Clerk Fagan **AYE**, Supervisor Marcinkowski **AYE** – **motion carried**

**UNFINISHED BUSINESS –**

1. Article R63 – Natural Area Conservation District Draft Ordinance – Hunting Language – Attorney Even is still drafting this. We are hoping to have it ready in time for the February work session.
2. Carlet Mitenbuler – Encroachment – Attorney Even still working on this.
3. Franchise Fees – James Pitney – Update – Supervisor Marcinkowski and Attorney Even are looking into the law and regulations on if this is required of Fruitland Township. Trustee Graham reported per MTA that lowering franchise fees does not get passed on to the residents and that the fees we collect should be used to maintain or enhance the right-of-ways. Supervisor Marcinkowski is concerned about the ethics of these fees being passed from the residents, through the companies and then paid to the Township.

Motion by Trustee Lundell, second by Trustee Jesek, **ADOPTED** to leave the current contracts as they are address the contracts when they are up for renewal.

*Upon Voice Vote: **6 AYES, 1 NAY – motion carried***

**NEW BUSINESS –**

1. Township business email – Trustee Graham

Motion by Trustee Graham, second by Clerk Fagan to adopt an email policy for Fruitland Township Board to use Fruitland Township email addresses for any/all Fruitland Township business.

*Upon Voice Vote: **4 AYES, 2 NAYS – motion carried***

2. Resolution 2021-1 Group Pension Plan – Clerk Fagan

Motion by Trustee Jeske, second by Trustee Lundell, **ADOPTED**, to adopt Resolution 2021-1 Group Pension Plan lowering the “Normal Retirement Age” from 65 to 55.

Roll Call Vote: Trustee Holman **AYE**, Trustee Jeske **AYE**, Trustee Lundell **AYE**, Treasurer Pachman **AYE**, Trustee Graham **AYE**, Clerk Fagan **AYE**, Supervisor Marcinkowski **AYE** – **motion carried**

3. Duck Lake Weir Inspection – Supervisor Marcinkowski shared the inspection report inspection with the Board. He reported that the weir was covered with four feet of sand and was unable to be inspected. Schulz will reinspect at no charge once the sand has cleared.

4. Bids for old Township Truck - One bid was received via the dropbox and opened by Supervisor Marcinkowski and Deputy Treasurer Mary on January 19, 2021 at 9:19 am. The bid is from Debra Straub in the amount of \$4,602, which is above the minimum bid.

Motion by Trustee Holman, seconded by Treasurer Pachman to accept the bid from Debra Straub in the amount of \$4,602.00.

Roll Call Vote: Trustee Holman **AYE**, Trustee Jeske **AYE**, Trustee Lundell **AYE**, Treasurer Pachman **AYE**, Trustee Graham **AYE**, Clerk Fagan **AYE**, Supervisor Marcinkowski **AYE** – **motion carried**

**BOARD COMMENTS/DISCUSSION** – Supervisor Marcinkowski reported that he received a subpoena from County of Muskegon regarding “tampering with a marine safety device” and it is being reviewed by Attorney Even. Supervisor Marcinkowski reported that a resident has asked for permission to remove a tree that is located on Fruitland Township property, but overhangs their property.

Trustee Jeske, seconded by Trustee Graham to allow the resident to remove the tree at their expense, using a licensed company, and keep any wood.

*Upon Voice Vote:* **7 AYES** – **motion carried**

Supervisor Marcinkowski mentioned a complaint of a truck and RVs that are in the road/right-of-way, which he forwarded to our Ordinance Enforcer and PINS officer. Supervisor Marcinkowski let the Board know that David Rice would like to do another presentation about the Duck Creek Natural Area and trails for the new board and he will work on scheduling that. Supervisor Marcinkowski spoke with the company that makes the UVC light discussed at the work session, and they do not do public testing, but will be sending additional information about previous studies. Trustee Holman asked about the work schedules of the Clerk, Supervisor, and Treasurer and it was discussed again that elected officials cannot be required to work certain hours, days, or times but must complete their duties and responsibilities.

#### **ADJOURNMENT**

Motion by Trustee Jeske, second by Trustee Holman, **ADOPTED**, to adjourn the January 19, 2021 Regular Meeting of the Township of Fruitland at 6:11PM.

*Upon Voice Vote:* **7 AYES** – **motion carried**

Respectfully Submitted,

Breann Fagan, Clerk  
Township of Fruitland